



Belfast City Council

Report to:	Development Committee
Subject:	A Draft Markets Rights Policy
Date:	13 October 2010
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Relevant Background Information

Members will recall that a decision was made by Committee in June 2010 to formulate a Markets policy for the council. This was initiated following requests from third parties to hold markets in Belfast. The requests were made to Council because BCC currently retains the sole right to hold and operate markets in the city under legislation dating back to 1845. This right is exercised principally through the markets operated at St George's, but also through externally contracted 'market style' events such as the Continental Market and events related to the Maritime Festival.

At the September 2010 Committee meeting an update paper was presented to Members on the progress made by Legal Services and the Development Department on the drafting of the Markets policy following consultation with relevant parties across council.

Work is now continuing to incorporate the results of this consultation and to incorporate additional detail, particularly regarding costs and fees. Council officers in Development have continued to update the relevant third parties on the current status of the policy.

Key Issues

The key elements of the draft policy will include a number of details on markets which are defined in the policy as being "either a franchise or statutory right to hold a concourse of buyers and sellers to dispose of commodities". For the purposes of the emerging policy the following would be considered to constitute a market: farmers' markets, car boot sales, specialty markets, and regular markets.

The policy will examine the following:

General principles

Including, among others, the suitability of proposed locations; type and size of the market; risk to safety; environmental impacts; and the contribution to wider corporate and city goals and objectives.

The procedural requirements for applicants

- Which will cover the applicant's evidence of having consulted with relevant stakeholders such as PSNI, DRD, Planning Services, the councils' own relevant statutory services, etc?
- That the applicant has a suitable business plan, environmental strategy, risk assessments, planning permission, etc.

Grounds for refusal

This will describe the circumstances under which an applicant can be refused. They would include evidence that the applicant has knowingly made false or incomplete claims; is deemed unsuitable to hold a licence (e.g., due to misconduct); or has not paid fees; etc.

Conditions of granting or revocation of a licence

This will cover specific issues around the location of a market and the number of days for which a licence is granted. A revocation is likely to be related to public order or health and safety issues.

Detail on general conditions and conditions for the specific types of markets

Farmers' markets, car boot sales, specialty markets and regular markets, each of which will have specific requirements.

Costs and Fees.

Financial Services are now incorporating substantial additional elements on the cost implications for council and recommendations on the proposed fee structure. There are a number of factors which need to be considered regarding the final fee structure. For example, the size, frequency and geographical location of any proposed market will have a bearing on its commercial value and this may be reflected in any fee. Similarly, there will be costs to the council in the management of any final market agreements that emerge from the policy.

It should be noted that due to additional work on the costs and fee structure and Legal Services Section's time commitments on the forthcoming Sprucefield enquiry, a final draft of the policy is now projected to be ready in November 2010.

It is proposed that during this extended period of development on the draft policy, an information session be organised for Members to brief them on the contents of the policy and the work to date.

Recommendations

It is recommended that the Committee agrees to the holding of an information session on the contents of the draft Markets policy pending its presentation to Committee in November.

Decision Tracking

Time Frame: November 2010.

Reporting Officer: Shirley McCay