

MDC MARKET RIGHTS FACTSHEET

This might not be applicable to you, but we advise you to read this to check whether or not you need to obtain Market Rights Authorisation from Mendip District Council. You should note that Market Rights Authorisation is separate from, and in addition to, any other licence or authorisation that you may or may not require for your event or market.

1. Background to MDC's Market Rights

The sole right to establish markets of any kind within the boundaries of the District of Mendip is vested by law to Mendip District Council under the Food Act 1984. The Council currently operates weekly markets in Frome, Glastonbury, Shepton Mallet and Wells; and owns the Market Charter to the following markets:

- **Frome** - under the Frome Markets Act 1874 and a conveyance made in 1891 between the Earl of Cork and Orkney and the Frome Local Board. This Charter was issued by King Henry VII and dates back to 1494.
- **Shepton Mallet** - under a Charter dated 1318 issued by King Edward II.
- **Wells** - under a Charter issued by King John and dating back to 1290.

Market Charters can be enforced by their owners under common law, this is reinforced by case law. Although Glastonbury is a very ancient market, it does not have a Charter, but it is operated by the District Council in exactly the same way as its other Charter Markets.

Any person or organisation who establishes and operates a market within the boundaries of the Mendip District and within a radius of six and two third miles (as the crow flies) from any of the District Council's legally constituted markets without the consent of the District Council is committing an unlawful act and may be subject to action at law.

Under the laws highlighted above, the Council has the authority to either prevent rival markets from taking place altogether (and seek financial damages for disturbance to the Council's markets), or to licence them for a financial consideration.

Mendip District Council enforces its market rights across the whole of the district, this means that it previously informed all events and markets of its market rights. This applied to events and markets with free public access and or where there could be stalls or pitches to sell goods. The Council would risk losing its full market rights if it did not attempt to manage events and markets in its area.

Whilst endeavouring to enforce its market rights, the Council is aware of the impact this might have on the local community and charitable groups and so is keen to ensure that market rights are permitted in certain circumstances. This means that the Council permits market rights for events where there is no charge or a minimum charge providing that they do not include any commercial stalls operating for profit or that they do not take place in direct competition to the Council's own markets either in terms of what they sell or on the day they operate.

2. Authorisation Criteria:

(a) Car Boots

Grade A – Car Boot Sales - charity or community

- Less than 10 stalls
- No more than six events per year
- All selling second hand goods
- Event to fully benefit charity or local community project (evidence required)
- Can be held on the same day as local stall market
- No fee payable

Grade B – Car Boot Sales - charity or community

- Less than 50 stalls
- All selling second hand goods
- No more than six event per year
- Event to fully benefit charity or local community project (evidence required)
- Can be on the same day as the local stall market
- No fee payable

Grade C – Car Boot Sales - commercial

- Less than 50 stalls
- All selling second hand goods
- Event has a commercial profit element
- Fee of £2.50 per stall, with a minimum of £35

Grade D - Car Boot Sales - commercial

- More than 50 stalls
- All selling second hand goods
- Event has a commercial profit element
- Fee of £2.50 per stall, with a minimum of £115

(b) Stall Markets

Grade A – Markets – charity or community

- Up to 50 charitable stalls - plus -
- Up to 12 commercial stalls
- Event to fully benefit charity or community event
- No more than one event per year
- Can be on the same day as the local MDC stall market
- Fee by negotiation

Grade B – Markets - commercial

- Less than 12 commercial stalls
- **Must not** be on the same day as the local MDC Stall Market
- Fee of £35 payable

Grade C – Markets - commercial

- More than 12 commercial stalls
- Event can benefit either charity or commercial profit
- **Must not** be on the same day as the local MDC Stall Market
- Fee of £2.50 per stall payable, with a minimum of £115

If you are charging for entry there is no fee.

3. Land Ownership & Insurance

If you intend to hold your market or event on Council land, then you will need the Council's permission. *If the event is being planned to take place on Council-owned land*, then we would like to see proof of public liability insurance cover of £5 million minimum. *If the event takes place on privately owned land*, we recommend the organisers have adequate public liability insurance, however we do not wish to see proof.

4. For More Information

Please contact Stuart Beeton (Markets Officer) on 07590965426