

TORPOINT TOWN COUNCIL



MARKETS POLICY

REVIEWED: - MARCH 2018

NEXT REVIEW: - MAY 2019

REVIEWED BY: - TORPOINT TOWN COUNCIL

NEXT REVIEW: - FINANCE AND PERSONNEL COMMITTEE

TORPOINT TOWN COUNCIL

Markets Policy

1. Introduction

- 1.1 Torpoint Town Council ("the Council") recognises the important contribution that markets make to the local economy and the character of the area. They will be an important Council service and contribute in a number of ways to the local community they serve.
- 1.2 The Council's markets (which are described in more detail in Section 4 of this markets policy) will represent an important investment by the Council in delivering economic regeneration and town centre vitality.
- 1.3 The Council is committed to maintaining a balance of markets within Torpoint and ensuring there is consistency in the way markets are operated. Accordingly, the Council has decided to implement a markets policy which sets out the basis upon which markets are held and the process by which applications for markets shall be considered ("the Markets Policy").
- 1.4 The Council recognises that there are many different types of market activities and, accordingly, the Markets Policy is intended to cater for each type. In particular, the Markets Policy distinguishes between commercial markets and those that are largely community-based with a strong charitable element. Section 5 of the Markets Policy deals with the different types of market activities and sets out the Council's approach when considering applications in respect of such markets.
- 1.5 During the process of formulating the Markets Policy the Council has consulted the following organisations:
 - Plymouth City Council – Markets Department
 - National Association of British Market Authorities (NABMA)
 - Torpoint and Rame Chamber of Commerce
 - Organisers of local established events

2. What is a market?

- 2.1 The Markets Policy is intended to apply to all market events held in Torpoint. Guidance notes are set out below indicating which activities the Council regards as being a 'market'. However, these notes are not intended to cover all potential eventualities and the Council reserves the right to apply additional requirements in appropriate circumstances.
 - i. The legal definition of a market is a 'concourse of buyers and sellers'.
 - ii. **A market shall be comprised of not less than five stalls, stands, vehicles (whether moveable or not) or pitches from which articles are sold and normally there shall be a range of different sellers.**
 - iii. A market may be held either outdoors or in a building.
 - iv. There shall be an operator of the market who shall be responsible for the organisation and delivery of the market event.

- v. A market operator means the person, body or organisation to which a market licence is granted by the Council.
 - vi. Markets include car boot sales, antique and craft markets, general markets, food markets, farmers' markets and charitable markets. However, this list is not exhaustive.
 - vii. A market may sometimes be held as part of a wider event. When this arises the market element (comprising of 5 or more stalls) of the event shall be subject to the Markets Policy. Where a premises licence for a wider event (which includes a market element) has been issued by the Council then a separate market licence may not be required. However, this requirement shall be determined on a case-by-case basis.
- 2.2 The Markets Policy differentiates between markets of a commercial nature and community-based markets which have a strong charitable element.
- i. A **commercial market** is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes.
 - ii. **Community-based markets** are organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event. The market must be operated on a non-profit making basis and the operator shall, if requested, supply relevant information as proof of this to the Council. While it is recognised and acknowledged that some traders may be selling goods for their own purposes, the Council shall expect there to be a strong charitable element in the way the event is organised.
- 2.3 This Markets Policy does not apply to street trading activities. Street trading is controlled by a different licensing process and relates to the granting of individual trading licences for identified streets.

3. Market Rights

- 3.1 The Council, by virtue of its statutory powers, enjoys market rights throughout Torpoint.
- 3.2 All markets held in Torpoint are licenced and operated in accordance with the provisions of Part III of the Food Act 1984.
- 3.3 The statutory powers afforded to the Council under the provisions of Part III of the Food Act 1984 enable the Council to:
- a) implement a markets policy within its area;
 - b) operate markets within Torpoint;
 - c) consider applications for other markets; and
 - d) determine whether such markets can be held by way of consent.

4. Council's Markets

- 4.1 The Council is reviewing the times dates and locations of the markets that will be operated but it is intended to operate the principal markets in the town centre area.
- 4.2 The Council has the power to establish new markets if it so wishes – as either regular or occasional events. Accordingly the market operation shall be updated as part of a periodic review of the Councils Markets Policy. The Council will operate any new markets under the provisions of Part III of the Food Act 1984.

5. Licensing Private Markets under the Council's Markets Policy

- 5.1 The Council's consent to a market, by the grant of a market licence, must be given prior to the event taking place. Any market that takes place without such a licence shall be in breach of the Markets Policy and may be subject to the enforcement action described in Section 8 below.
- 5.2 Markets shall only be licensed once an application for a markets licence has been approved (and signed by both the Council and the Market Operator) and the appropriate fee received by the Council.
- 5.3 Market licenses are issued to the market operator identified in the application ("the Market Operator") and are not transferrable.
- 5.4 The Council shall consider applications in respect of the following categories of market events:
 - i) Commercial markets; and
 - ii) Community-based markets with a strong charitable element.

i) Commercial markets

- 5.5 A commercial market is one which is operated for profit and where the traders are engaged in a business activity of selling goods for their own purposes. The Council shall consider applications in respect of commercial markets having regard to the following matters:
- 5.6 No market shall be authorised within 6 2/3 miles of an existing licensed market unless it can be demonstrated that the new market shall not undermine the existing market and not prejudice the overall market offer.
- 5.7 The applicant is required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.
- 5.8 The applicant is required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection by the Council upon request.
- 5.9 The applicant must ensure that all other necessary consents and licences have been obtained prior to the market taking place.
- 5.10 A fee must be paid in respect of any consent given by the Council, which shall be based on both the size of the market and the frequency with which the market is held. The fee must be paid before the market is held. Please refer to Appendix 2 for a list of the current fees.
- 5.11 In respect of any consent the Market Operator must have adequate insurances in place (including a **minimum of £5 million public liability insurance**) and ensure that all stallholders have their own adequate insurances in place, also including a minimum of £5 million public liability insurance.
 - a) All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.

- b) The Council shall look for the proposed market to complement existing retail activity in the local area and support the Council's objective of helping to create a thriving town centre that is attractive and welcoming.
- c) Following outline approval of an application a licensing agreement must be entered into between the Operator and the Council and such licensing agreement must be signed by both the Council and the Operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including the following:
 - i) Waste disposal arrangements
 - ii) Road closures and traffic management
 - iii) Noise and nuisance
 - iv) Health and safety issues
 - v) Power usage

The Council shall insist on any other requirements as are deemed appropriate

5.12 An example of licence agreement is given at Appendix 3.

ii) Community-Based Markets with a Strong Charitable Element

5.13 Community-based markets are normally organised by local communities or organisations with the intention of raising funds for a specific charity or celebrating a special event.

5.13.1 The Council shall consider applications in respect of community-based markets having regard to the following requirements:

- a) The markets must be operated on a non-profit making basis to assist a charity or community event and the Operator shall supply relevant information to the Council if so requested. While it is acknowledged that some traders shall be selling goods for their own purposes, the Council shall look for the event to have a strong charitable element in the way the event is organised.
- b) The applicant shall be required to provide a site plan showing the extent of the proposed market area and proposed layout of stalls.
 - The applicant shall be required to undertake a risk assessment in relation to the proposed operation of the market and make this available for inspection upon request.
- d) The applicant must ensure that all necessary consents (e.g. planning) have been obtained prior to markets taking place.
- e) Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.
- f) In respect of any consent the Market Operator must have adequate insurances (including a **minimum of £5 million public liability insurance**) and all stallholders should have a minimum of £5 million public liability insurance cover in place. Where individual stallholders do not have their own public liability insurance cover in place the insurance cover held by the Market Operator should cover the activities of these stallholders.

- g) All trading standards guidelines, health and safety requirements and any other relevant legislation must be adhered to.
- h) Following outline approval of an application a licensing agreement must be entered into between the Operator and the Council and such licensing agreement must be signed by both the Council and the Operator before the market takes place. The licence agreement will cover the issues set out in this section and all other matters the Council deems to be relevant including the following:
 - i. Waste disposal arrangements
 - ii. Road closures and traffic management
 - iii. Noise and nuisance
 - iv. Health and safety issues
 - v. Waste disposal arrangements
 - vi. Power usage

The Council will insist on any other requirements as are deemed appropriate.

- 5.14 Applications in respect of both commercial markets and community-based markets should be made to:

Responsible Financial Officer (RFO)
Torpoint Town Council,
1-3, Buller Road,
Torpoint
PL11 2LD

admin@torpointtowncouncil.gov.uk / 01752 814885

Process for determining market licence applications

- 5.15 An electronic version of the Council's Markets Policy, together with the relevant market licence application form, can be obtained from admin@torpointtowncouncil.gov.uk. A market licence application form can be found at Appendix 1. An example market licence agreement can be found at Appendix 3.
- 5.16 The Council will endeavour to deal with applications for a markets licence within a period of twenty working days from receipt of the application. Applicants are urged to submit an application as early as possible to ensure that the Council has adequate time to consider the relevant matters in an appropriate way. In considering the application the Council will require sufficient information to deal with all the issues set out in the criteria listed above and also covered on the application form. Failure to provide such information is likely to lead to a delay in the Council coming to a decision.
- 5.17 The authority to grant a market licence is held by the Responsible Financial Officer with this power being delegated under the Council's constitution and scheme of delegation.
- 5.18 All decisions to grant market licenses are made at the discretion of Torpoint Town Council.

Appeal process

- 5.19 If the Council decides to refuse an application for a market licence it will contact the applicant and set out the reasons for its decision.
- 5.20 There is no statutory right of appeal against refusal to issue a market licence, however, you may appeal against the decision.
- 5.21 Any appeal against a decision to refuse a market licence must be made in writing to the Council, setting out the reasons the applicant believes the refusal is unwarranted.
- 5.22 On receipt of an appeal request the decision to refuse the market will be reviewed and the applicant informed of the outcome.

Renewing a market licence

- 5.23 Market Operators should re-submit their application every 12 months if they wish to continue to operate a regular market. This must be done at least one month before their current market licence expires.
- 5.18 The Council will not send out reminders for renewals. It is up to the operator to renew their application on time.
- 5.19 Lapsed market licences will be dealt with as new applications.

6. Market Licence Fees

- 6.1 A licence fee is payable once an application for a market licence has received in principle approval from the Council. A licence agreement will not be drawn-up by the Council until the appropriate fee has been received.
- 6.2 The licence fee will be dependent on the type of market being held:
 - i) Commercial Markets - The licence fee for commercial markets will be based on the size of the market and the frequency of the market. Please see Appendix 2 for the current list of fees
 - ii) Community-based Markets - Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.
- 6.3. All fees are payable to Torpoint Town Council.

7. Other Approvals

- 7.1 It is important to emphasise that any approval given by the Council in accordance with this Market Policy shall not remove the requirement for any other relevant approvals, consents and licences to be obtained by the Market Operator.
- 7.2 Where the market is being held on private land the Market Operator must ensure that the prior approval of the relevant landowner is obtained.
- 7.3 The Market Operator shall be responsible for any temporary road closures and associated traffic management arrangements that may be required in order to facilitate the operation of the market. While both Cornwall Council and Torpoint Town Council have legal powers to

temporarily close roads and divert traffic in order to facilitate various types of event, applications for temporary road closures in relation to markets should, in the first instance, be addressed to Cornwall Council (see www.cornwall.gov.uk for more information).

- 7.4 The Market Operator should consult with the Council's Planning Department to ascertain whether planning consent is needed for the market to operate. Any market held in the same location for 14 or more days in a calendar year will require planning consent. Contact: planning@cornwall.gov.uk / 0300 1234 151
- 7.5 Attention is also drawn to the provisions of the Licensing Act 2003 in respect of any entertainment provided at the market or where a Temporary Events Notice might be required in respect of the sale of hot food or alcohol. Contact: 0300 1234 212
- 7.6 The Council may require evidence of these approvals being obtained prior to the granting of a market licence

8. Enforcement

- 8.1 The Council will monitor the application of its Markets Policy and any market event which is operated after the date of the adoption of this Markets Policy will be subject to the Council's requirements.
- 8.2 Any market which is not approved by the Council under Section 5 of its Markets Policy will be subject to legal action and the Council may seek an appropriate remedy in the courts to prevent the market being held and/or damages as appropriate.
- 8.3 Any market operator acting in contravention of any market licence granted by the Council will run the risk of the licence being terminated by the Council with immediate effect on such terms as the Council determines and, in such circumstances, the Council reserves the right to refuse any future applications for market licences submitted by the operator concerned or any person or organisation associated with the operator.
- 8.4 Any costs of, or associated with, enforcement action deemed necessary as a result of the Market Operator's failure to comply with the Market Policy will be recovered from the Market Operator.

9. Review

- 9.1 We will review this policy as necessary. We will continue to evaluate the policy and may update it at any time.



Appendix 1: Application for a Market Licence

Please read this information prior to completing the form below

Torpoint Town Council (the Council), by virtue of its statutory powers, enjoys market rights throughout the Parish of Torpoint and is in a position to license market events within the Parish. The Council has adopted a Markets Policy which sets out the process via which the granting of licences to hold markets within the Parish will be made and the criteria against which applications will be assessed. The current Markets Policy to view at <http://www.torpointtowncouncil.gov.uk/documents.php> or a hard copy available on request from the Responsible Financial officer (01752 814885). Please make sure that you have read the current Markets Policy and fully understand the Council's requirements in relation to markets before you submit an application.

A market is defined as being comprised of not less than five stalls, stands, vehicles, whether moveable or not or pitches from which articles are sold and normally there will be a range of different sellers. Car boot sales, antique and craft markets, general markets, food markets, farmers' markets, charitable markets and markets held as part of a bigger event all fall within the remit of the Markets Policy adopted by the Council. If you wish to operate a market within Allerdale it will be necessary to obtain a markets licence from the Council. To enable the Council to assess your application you must fully complete the application form below and provide any supplementary information and documentation that is required.

The Council operates markets within Torpoint under the provisions of Part III of the Food Act 1984. Under the terms of the Council's current Markets Policy no new commercial market will be authorised within 6^{2/3} miles of an existing licensed market unless it can be demonstrated that the new market will not undermine the existing market and not prejudice the Council's overall market offer.

You must submit the application form, together with all relevant supporting information, at least 20 working days in advance of the proposed market. You must not hold a market until you have confirmation that your application has been approved, a markets licence has been drawn-up and signed by both the Council and the operator and the fee required in respect of the markets licence has been received by the Council.

It is important that in addition to obtaining a markets licence you also secure any other relevant approvals / consents in respect of the holding of the market. This may include planning approval or other statutory operational requirements such as a licence to sell alcohol. It is also important that you have the approval of the owner of the land on which it is proposed to hold the market.

If you require any further information relating to the Council's requirements in respect of its markets policy and markets licences, please contact:

Responsible Financial Officer
Torpoint Town Council, 1-3, Buller Road, Torpoint PL11 2LD

Tel: **01752 814885** E-mail: admin@torpointtowncouncil.gov.uk



Application form for a Market Licence

Issued by Torpoint Town Council under the provisions of Part III of the Food Act 1984

Section 1: Your Details

The information provided in this section relates to the person submitting the application (the Markets Operator) the details of which will be used in any subsequent licence agreement.

Your full name

Name of your business or organisation (the Market Operator)

Type of organisation e.g. commercial business / charity

Your position within the organisation

Address including postcode

E-mail

Telephone Number

Section 2: Market Information

What type of market are you applying for? (Please tick only one box)

General Market

Car Boot Sale

Antique / Craft Fair

Food Market

Farmers' Market

Other (please specify)

What will be the name of the market?

Where is the market to be held? (Please be specific as possible and attach a site plan with the boundary of the proposed market area outlined in red and the proposed stall layout shown. Please also specify the current use of the site e.g. car-park, public highway, building etc.).

How many stalls, pitches, stands will there be?

Please provide details of the type of goods that will be sold and whether such goods will be new or used. Please also provide details of any food / drink items that will be sold.

Please provide details of any entertainment that will accompany the market.

When will the market be held?

How often will the market be held?

One-off

Please provide date

Daily

Weekly

Which day of the week?

Monthly

Which dates in the month?

Other

Please attach a list of dates

Please give the trading times of the market:

Will alcohol be on sale at the market? (Please tick)

Yes

No

Section 3: Operational Issues

Please provide details of the arrangements you will make to deal with the **waste** that will be generated by the market.

Please provide details of the arrangements that you will make to supply **power** (if required) to the market. Please note that any electricity generators used should be fit for purpose and comply with current best-practice guidelines in terms of noise and emission levels.

Please provide details of any **traffic management arrangements** associated with the market. Please include information on nearby **car parking provision** and any **road closures** required.

Section 4: Community based markets with a strong charitable element

Please complete this section only if the market will be held with the intention of raising funds for a specific charity or celebrating a special event.

Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived. While it is acknowledged that some traders will be selling goods for their own purposes, the Council will look for the event to have a strong charitable element.

Details of the charity / good cause / or special event being celebrated

Section 5: Applicant Checklist

Before submitting your application, please confirm that you have completed the following:

Obtained written approval from the land / building owner (if market is to be held on private land)

Obtained planning consent (if required) for the market

Completed a risk assessment in connection with the proposed operation of the market (you should include arrangements for vehicle movement, pedestrian safety, loading and unloading, traffic management, allocation of trading positions, use of cooking equipment, first aid and emergencies, food safety, provision of welfare facilities and erecting and dismantling of any equipment used in conjunction with the holding of the market).

Section 6: Licence Fees

A licence fee is payable once an application for a market licence has received in-principle approval from the Council. A licence agreement will not be drawn-up by the Council until the appropriate fee has been received. All fees should be made payable to Torpoint Town Council.

The licence fee will be dependent on the type of market being held. The licence fee for commercial markets will be based on the size of the market and the frequency of the market. Please see Appendix 2 of the Council's Market Policy for the current list of fees. Where the market is to be operated on a non-profit making basis to assist a charity or community event then the licence fee may be waived.

Section 7: Declaration & Additional Information

In addition to obtaining a markets licence the Markets Operator is responsible for obtaining all other relevant permissions / consents to enable the market to operate legally and safely. If you are unsure about any aspect of this application or related consents then please contact the Council for guidance before signing below.

The information that you have provided in support of your application for a markets licence will be kept private and confidential although the Council may use such information for the prevention and detection of fraud. The Council also reserve the right to share the information you have provided with other bodies when required by law, statutory requirement and in respect of crime prevention and detection.

In signing and submitting this application, you confirm that all the details you have provided are correct and you undertake to notify the Council of any changes to this information within five working days of such changes arising. The Council reserves the right to request additional information before a decision is taken on your application for a markets licence.

Please tick the following boxes to confirm that you have included the following documents with this application:

Site location plan showing the boundary of the market area and the proposed layout of the stalls / pitches

A copy of your public liability insurance certificate (£5 million minimum cover required)

Market licence applications will not be determined unless these documents have been supplied.

By signing this form you agree to operate the market in accordance with Torpoint Town Council's Markets Policy and agree to indemnify the Council against any loss or liability which may be incurred as a result of a market licence being granted.

Please sign to accept the above terms and conditions:

<p>Signed:</p> <p>Please print name:</p> <p>Name of Business or Organisation:</p> <p>Position within Organisation:</p> <p>Date:</p>

Completed applications, including all supporting documents, should be submitted to:

Responsible Financial officer
Torpoint Town Council
1-3, Buller Road,
Torpoint, Cornwall
PL11 2LD

Tel: **01752 814885** E-mail: admin@torpointtowncouncil.gov.uk

Appendix 2: Table of Market Licence fees for current financial year

2017/18 Financial Year

Number of stalls	Single Market (per day)	Additional amount per market – up to 12 markets per year	Additional amount per market – over 12 markets per year
5 to 15	£50	£30	£20
Additional cost per stall above 15	£3	£2	£1.50

Please note that market licences cannot be granted for a collection of 4 or fewer stalls. Street trading is covered by a different licensing process and relates to the granting of individual trading licences for identified streets. Further information about street trading activities and to apply for licences can be found at <http://www.cornwall.gov.uk>. Phone 0300 1234 100

Appendix 3: Template Licence Agreement



Market Licence Agreement

Issued by Torpoint Town Council under the provisions of Part III of the Food Act 1984

THIS 'AGREEMENT' is made the () day of () TWO THOUSAND AND () BETWEEN TORPOINT TOWN COUNCIL of 1-3, Buller Road, Torpoint, Cornwall PL11 2LD, (hereinafter called "**the Council**") and (**insert name**) of (**insert address**) (hereinafter called "**the Markets Operator**".)

DETAILS OF MARKET APPROVED BY THE COUNCIL UNDER THIS MARKETS LICENCE:

Name & location of Market

Date(s) of Market

Frequency of Market

Licence Fee

Licence Period (12 month maximum – licence must then be renewed)

Additional Information

Recitals:

- i. The Council has the powers to operate and regulate markets within the parish of Torpoint under the provisions of Part III of the Food Act 1984.
- ii. The Council has adopted a Markets Policy which covers the granting of licences to hold markets within the parish of Torpoint and this Agreement is governed by the requirements of the current Policy.
- iii. The Council has agreed to grant a markets licence to the Markets Operator subject to the terms set out in this Agreement.

Operator's Obligations:

The Markets Operator agrees to operate the approved market in accordance with the terms set out below:

1. The Markets Operator will hold the market in accordance with the approval given by the Council including the payment of all relevant fees prior to the market being held.
2. The Markets Operator will comply with the requirements of the markets licence as set out in this Agreement and the Council's Markets Policy.
3. The Markets Operator will at all times maintain in force a public liability policy or policies of insurance for the market providing single accident indemnity limits of not less than **Five Million Pounds** (£5,000,000) and will supply the Council with a copy of the policy or policies of insurance when making an application for a markets licence.
4. In respect of commercial markets the Markets Operator must ensure that all stallholders have their own adequate insurances in place including a minimum of five million pounds public liability insurance.

5. The Markets Operator will maintain records of all traders using the market and undertakes to make such records available for inspection by the Council upon request.
6. The Markets Operator must ensure that the market is operated in accordance with all statutory requirements and in compliance with all Acts of Parliament, bye-laws and regulations affecting the market area, road-closures / traffic management, public entertainment, the sale of goods /alcohol at the market or any business carried out in the market.
7. The Markets Operator must obtain all relevant approvals in respect of highways, planning and other legal and statutory requirements prior to the market being held and ensure that all information regarding such approvals is available for inspection by the Council upon request.
8. The Markets Operator undertakes not to cause any nuisance or annoyance to anyone affected by the holding of the market.
9. The Markets Operator undertakes to make adequate arrangements for the disposal of waste material and to leave the market site in a clean and tidy condition at the conclusion of the market.
10. The Markets Operator must provide suitably qualified persons and all equipment necessary to safely operate, administer and provide security to the market.
11. The Markets Operator shall be present, or arrange for a suitably qualified representative to be present on site at all times that the market is in operation.
12. The Markets Operator must ensure that all market stalls are maintained in a clean state and their structures kept in good condition.
13. The Markets Operator must ensure that all walkways and spaces between stalls shall be kept clear of stock, empty boxes and any other trip or slip hazards.
14. The Markets Operator must ensure that adequate access is maintained for the emergency services at all times.
15. The Markets Operator must ensure that any trader selling foodstuffs on a market shall comply with current Food Safety legislation including having appropriate hand-washing facilities.
16. The Markets Operator must ensure that all food traders are registered with their local food safety authority. Authorised Officers of the Council may carry out health and safety inspections of the market site, facilities, individual stalls and vehicles.
17. The Markets Operator must endeavour that any disturbance to nearby homes and businesses is kept to a minimum.
18. The Markets Operator must ensure that any electricity generators used are fit for purpose and comply with current best-practice guidelines in terms of noise and emission levels.

19. The Markets Operator shall not permit raffles or collections save with the knowledge and licence (if necessary) of the licensing department of the Council.
20. The Markets Operator is required to maintain a plan of the layout of the market and make such a plan available to the Council when applying for a markets licence.
21. The Markets Operator must maintain an adequate risk assessment plan covering all aspects of the operation of the market and must take steps to minimise identified risks wherever possible. The risk assessment plan must be made available for inspection by the Council upon request.
22. This Agreement may be rescinded if the Markets Operator commits any material breach of the obligations provided for under this Agreement or materially fails to perform any of the terms and conditions contained in the Agreement.
23. The Markets Operator shall not assign transfer sub-contract or licence the benefit of this Agreement without the prior written consent of the Council.
24. The Markets Operator is not and shall in no circumstances hold themselves out as being authorised to enter into any contract on behalf of the Council or in any other way to bind the Council to performance, variation, release or discharge of any obligation contained in this Agreement.
25. The Council shall be free to operate any other market on any day or at any location in accordance with its Market Rights and this Agreement does not grant the Markets Operator a right to operate any other market.
26. The Council shall not be liable for the deaths of or injury to any person or for damage to any property or for any losses claims demands actions proceedings damages costs or expenses or other liability incurred by the Markets Operator or any employee of the Markets Operator or any person or body authorised by the Markets Operator to be within the market area nor shall it be liable for any such loss suffered by a visitor or member of the public except where caused by the proven negligence of the Council.
27. The Markets Operator shall indemnify the Council against all actions proceedings costs claims demands damages charges and expenses whatsoever arising out of the discharge of this Agreement.
28. (i) Any notice required to be given by the Markets Operator under the provisions of this Agreement shall be sent to the Responsible Financial Officer, Torpoint Town Council, 1-3, Buller Road, Torpoint, Cornwall. PL11 2LD.

(ii) Any notice required to be given under the provisions of this Agreement to the Markets Operator shall be sent addressed to him or her at their last known address.

Declaration:

Failure to comply with any of the obligations as set out above may result in the consent to hold a market being withdrawn.

By signing this form you agree to operate the market in accordance with the Operator's obligations set out above and agree to indemnify the Council against any loss or liability which may be incurred as a result of a market licence being granted.

Signed on behalf of the Markets Operator: _____

Print Name: _____

Name of Business or Organisation: _____

Position: _____

Signed on behalf of the Council: _____

Print Name: _____

Position: _____