

CHESHIRE EAST COUNCIL

Cabinet Member for Environment

Date of Meeting:	1 st July 2013
Report of:	Streetscape and Bereavement Services Manager
Subject/Title:	Request for Permission under the Congleton Market Charter to hold a market in Biddulph
Portfolio Holder:	Councillor David Topping

1.0 Report Summary

- 1.1 A request has been made by Staffordshire Moorlands District Council for permission to hold an artisan market in Biddulph on the first Friday of the month. The permission requested would be under the Congleton Market Charter.
- 1.2 The Portfolio Holder is requested to consider granting permission.

2.0 Recommendation

- 2.1 That permission be given under the Council's Congleton Market Charter for Staffordshire Moorlands District Council to hold a market in the town of Biddulph on the first Friday of each month for a period of two years, from 1st August 2013 and that this permission be reviewed at the end of that period.

3.0 Reasons for Recommendation

- 3.1 The decision above has been requested by Staffordshire Moorlands Borough Council. The Council does not itself hold a market in Congleton. Citi Markets, which does hold a market in Congleton on Tuesdays and Saturdays, in premises owned by the Council, does not object to the granting of permission, but have asked for a review to take place after one or two years.

4.0 Wards Affected

- 4.1 Congleton West and Congleton East

5.0 Local Ward Members

- 5.1 Councillors David Topping and David Brown

6.0 Policy Implications

- 6.1 The policy implications of this decision relate to the economic well-being of Congleton Town Centre and the vitality of the market held in Congleton. It is

considered that an artisan market in Biddulph on the first Friday of the month would not affect the vitality of Congleton town centre or of Congleton Market. Citi Markets have not objected to the proposal.

7.0 Financial Implications

7.1 There are no financial implications in respect of this decision.

8.0 Legal Implications

8.1 Market Rights can be created in a number of ways i.e:

- (i) a franchise can exist by grant from the Crown (or by presumption of a lost grant from the Crown resulting from long uninterrupted use);
- (ii) The right to hold a market may be conferred by statute, e.g. by local act
- (iii) A market may be established under section 50 of the Food Act 1984

8.2 The creation of market rights confers on the holder the right to hold a market, and subject to the specific provision of the grant or statute, a power to charge tolls in connection with that market and the common law right to maintain an action for disturbance against anyone setting up a rival market within six and two-third miles of the market area.

9.0 Risk Management

9.1 It is suggested that in order to manage any risk, that this permission be given on a temporary basis, e.g. two years and be subject to review after that time.

10.0 Background and Options

10.1 The Calendar of Charter Rolls date 1257 to 1300 shows that a Charter to hold a market on a Saturday in Congleton was granted to the Earl of Lincoln. Cheshire East Borough Council, as the administrative authority for the area, now have the right to the Charter rights. This means that anyone who wants to set up a market within 6 2/3rds miles of Congleton town would need to seek the council's permission. This is likely to relate only to holding a market on Saturdays, but this is not certain.

10.2 In August 2006, Congleton Borough Council granted permission to Staffordshire Moorlands District Council to hold a market in Biddulph on Fridays. Several markets were held but it did not become established. Staffordshire Moorlands District Council are again seeking permission to recommence an artisan market on the first Friday of each month.

10.3 Citi Markets, which holds a market in Congleton town centre on Tuesdays and Saturdays, has been approached. This company hold the market on Council property. They have no objection to a market being held in Biddulph on a Friday, but asked for a review after one or two years. The Town Council, ward councillors and the Town Centre Manager, have also been approached, with no objections being made.

11.0 Access to Information

- 11.1 The background papers relating to this report can be inspected by contacting Fiona Crane, solicitor, on 10270 685847 or e-mail:
fiona.crane@cheshireeast.gov.uk

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