

SALISBURY CITY COUNCIL

Report

Subject : Salisbury Markets – Part III of the Food Act 1984
Committee : Services Committee
Date : 6 April 2021
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1. Report Summary:

- 1.1. This report considers the powers currently enjoyed by the Council to operate Markets and recommends that the Council considers passing a resolution to utilise the provisions of Part III of the Food Act 1984 to add to these powers.

2. Background:

- 2.1. The Council has a proud markets history with the Original Charter of 1227 making provision for the holding of a Market on a Tuesday and the 1315 Charter granting a second Market to be held on a Saturday. Subsequently in 1361 a Decree was enacted to affirm the rights relating to the Tuesday and Saturday Markets.
- 2.2. The current markets offer within Salisbury extends far beyond the two Charter days with a range of different celebration and specialist events held on different days of the week. This has prompted consideration of the Council's powers to operate market type events outside of the Charter days.

3. Part III of the Food Act 1984:

- 3.1. Part III of the Food Act 1984 is the modern statutory framework for operating Markets and it provides the Council with powers, among others, to take the following action:
 - 3.1.1. Section 50: The powers to establish and acquire Markets
 - 3.1.2. Section 52: The powers to establish and acquire Markets
 - 3.1.3. Section 53: The powers to fix charges
 - 3.1.4. Section 54: Payment arrangements
 - 3.1.5. Section 55: Powers to recover charges
 - 3.1.6. Powers to make byelaws
- 3.2. It is important that the Council retains the use of the Charters. They are part of the cultural and historical fabric of the City. However, other than giving rights to hold Markets on a Tuesday and a Saturday, they do not have the same detailed powers that are available to the Council under Part III of the Food Act 1984.

4. Implementation:

- 4.1. It is therefore recommended to the Council that Part III of the Food Act 1984 is used alongside the Charters and provides a legal framework to enable the Council to hold market type events on days other than Tuesday and Saturday. In respect of all Markets, Part III gives statutory authority to fix hours, charges and recovery

arrangements. If appropriate, it can also provide the authority to introduce Byelaws that can cover all the Council's market activities.

- 4.2. If the Council decides to proceed with this recommendation there is no formal process to follow and no prior notice of the proposal is required to be given. All that is required is for the Council to resolve that from a future date its Markets will be governed by the current Charter provisions and supplemented, as appropriate, by the provisions of Part III Food Act 1984.

5. Recommendation:

It is recommended that the Committee:

- 5.1. Agree that from this day forward that its Markets will be governed by the current Charter provision and supplemented as appropriate, by the provisions of Part III of the Food Act 1984.

6. Wards Affected: All

7. Background Papers: Nil

8. Implications:

- 8.1. **Financial:** Nil in relation to this report
- 8.2. **Legal:** As shown in this report
- 8.3. **Personnel:** Nil in relation to this report
- 8.4. **Environmental Impact:** As shown in this report
- 8.5. **Equalities Impact Statement:** Nil in relation to this report.