

## REPORT TITLE: Proposed Changes to Cambridge General Market Terms and Conditions

**To:** Councillor Rosy Moore, Executive Councillor for Climate Action and Environment

**Committee:** Environment and Community Scrutiny Committee 20th March 2025

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**Wards affected:** All

<b>1.</b>	<b>Recommendations</b>
1.1	<p>The Executive Councillor for Climate Action and Environment is recommended to:</p> <ul style="list-style-type: none"> <li>a) Note the approach taken to engage with Market Traders and their representatives on proposed changes to their terms and conditions (Section 7 of this report), and the findings from this exercise (Section 5.4)</li> <li>b) Approve the introduction of these new General Market Terms and Conditions.</li> </ul>
<b>2.</b>	<b>Purpose and reason for the report</b>

2.1	<p>This report provides details of the proposed changes to Cambridge General Market (General Market) Terms and Conditions, the engagement exercise undertaken with existing traders and its findings, and subsequent recommendations for Scrutiny Committee and Executive Councillor review and approval.</p> <p>This decision is needed to bring the General Market Terms and Conditions for Cambridge (currently known as Regulations) in line with current industry standards - as recommended by the National Association of British Market Authorities (NABMA) - and enable the Council to continue to operate clean, safe, attractive, and vibrant markets meeting its corporate objectives and the needs of customers.</p> <p>The General Market Terms and Conditions are relevant to the day-to-day operation of Cambridge Markets and provide clarity on market powers so that there is a reference point for any action the Council may wish to take in respect of protecting and supporting its current and future markets.</p>
<b>3.</b>	<b>Alternative options considered</b>
3.1	<p>The current market regulations have been in place since 2011 and were last reviewed and amended in 2018. In considering these further changes the Council has sought advice from NABMA, who consider it best practice that market operators regularly review and update the rights and responsibilities of the provider of a service and those of the beneficiaries/ users of that service, to ensure that they are in line with current industry standards.</p> <p>Officers have also identified the need to introduce revised policies for Cambridge markets that align with Council wide corporate objectives, such</p>

	<p>as reducing the amount of waste produced, thereby reducing their emissions and impact on the environment.</p> <p>There is therefore a need to agree terms that enable the Council to operate successful, modern, well-functioning markets over 7-days, and that supports and protects Market Traders and their trading interests into the future.</p> <p>Given that changes will directly impact upon Traders, an engagement exercise with them and their representatives has been undertaken. This has offered the opportunity for Traders to raise questions and have meaningful dialogue from the outset, helping foster collaborative and strong working relationships between them and the Council.</p>
<p><b>4.</b></p>	<p><b>Status Quo/ Do Nothing Option</b></p>
<p>4.1</p>	<p>It is important that there is clarity in the relationship between the Council and its Traders since, in the past, difficulties have arisen due to the unclear nature of letting arrangements. Following a thorough review, the Council wishes to make the proposed new terms and conditions the future basis for the Council's relationship with its Market Traders.</p> <p>NABMA recommend that there is a clear and robust means for either party giving notice to the other for bringing licences to an end. The introduction of a notice period in the proposed terms and conditions will allow the market management team to deal promptly with core business issues such as an unforeseen change in circumstances, changes to services offered or in product lines, contraventions of terms and conditions, breaches of health and safety, and poor conduct, which might all impact the Council and public.</p>

Similarly, Market Traders may wish to bring their tenure to an end, perhaps for commercial reasons, or for retirement.

To the extent that these proposed changes are necessary to keep pace with changes in which markets have operated over the last 7 years; doing nothing and continuing with the status quo is not considered a practicable option. The Council is however mindful of the potential impacts upon Traders and has sought to mitigate these wherever possible. For example, and given the environment within which each party operates, and the consequent risks involved, the Council is proposing that Market Traders only need to give 28 days' notice of them wishing to cancel a licence, with the Council in turn giving a minimum 3 months' notice should it wish to cancel any licence.

Further essential changes are needed, and proposed, including:

- making provision for the Council to move Traders to different locations within a market when the need arises. This will ensure, for example, that space available can be utilised in the most effective manner, that essential cleansing, repair and upgrading works can be undertaken, and that markets can be organised in an efficient, effective, flexible and attractive way for customers
- the introduction of a requirement to register all electrical appliances in use by Traders, to help reduce energy consumption, carbon emissions, and improve electrical health and safety
- the introduction of increased Trader responsibility for the management of their generated waste; including reduction, re-use and recycling, and personal disposal

	<ul style="list-style-type: none"> <li>the introduction of a fire safety procedure and mandatory risk assessments, placing greater emphasis on and awareness of health and safety</li> </ul> <p>Therefore, continuing with the current situation would be detrimental to the market's operational efficiency and the Council's ability to manage risks. Revising the Council's contractual relationship with Traders through these changes will enable more flexible working practices to adapt the market offer, particularly on quieter trading days. Placing greater emphasis on the necessity for Traders to demonstrate how they meet food safety, hygiene and health and safety requirements; and are moving towards reducing waste and improving recycling, will all be positive steps forward.</p> <p>The fundamental aim is to ensure that Council managed markets are more sustainable, are as clean and safe as possible, are visually appealing for both traders and the general public; and are operated to the best of industry standards and requirements.</p>
5.	<p><b>Background, Key Issues and Market Powers - Statutory Legal Framework</b></p>
5.1	<p>The City Council Environment and Community Scrutiny Committee met in March 2024 to review and agree legislative changes to the Market Powers in Cambridge, along with proposals to engage Market Traders over changes for consideration regarding their trading relationship with the Council. The Council's Market Powers sets out the legislative context for Cambridge Markets and these were approved following Scrutiny Committee, and Executive Councillor, consideration last year.</p> <p>The Council was advised by NABMA that its markets would benefit from being operated under the provisions of the City of Cambridge Act, 1985 and Part III of the Food Act 1984, as Part III of the Food Act is the current</p>

	<p>statutory framework for all modern markets; and its provisions are wider than those contained in Part 11, section 50 of the Food Act 1984. We began operating under these new provisions in March 2024.</p> <p>The Council now wishes to further strengthen its contractual relationship with market traders, moving away from an outdated regulatory environment based upon byelaws. The introduction of new terms and conditions of trading, setting out the rights and responsibilities of each party and which include updated health and safety requirements and improvements in waste management, will help the Council deliver on its statutory and corporate responsibilities and objectives.</p> <p>The March 2024 report to Environment and Community Scrutiny Committee also included a commitment to develop a Balance of Trade policy, and to revisit market licencing regulations; both of which are planned to follow during 2025/ 26.</p>
5.2	<p>The current Market Regulations align with the existing historical market byelaws. Byelaws are local laws made by a council under an enabling power contained in a public general act or a local act, requiring something to be done or not done in a specified area. There is some duplication with the existing market licencing arrangements, and other provisions are included that are no longer relevant to current needs. The Council was advised by NABMA that byelaws should no longer form the basis of managing markets and should instead move to Part III of the Food Act (adopted March 2024).</p>
5.3	<p>The Council recognises the important contribution that its markets make to the character of the city and the local economy. Markets can deliver economic growth and regeneration, and they offer an opportunity for small</p>

	<p>businesses to get started for a relatively modest financial outlay. The Council therefore aims to help increase city centre vitality through the creation of a market trading environment that complements the surrounding area and its retail offer, is sensitive to the needs of all users of the city; and provides a diversity of choice for consumers. It seeks to encourage and stimulate investment from the trading community and to create a quality and sustainable offer to residents and visitors.</p>
5.4	<b>Stakeholder Engagement</b>
	<p>The proposed updated traders' Terms and Conditions are attached as <b>Appendix A</b>.</p> <p>An engagement exercise took place between 10 January and 7 February 2025 asking Market Traders and their representatives to review the changes proposed, to understand their impact, and respond in a format convenient to them. The preparation of a 'Key Changes' document enabled Traders to better understand what was proposed, and is included at <b>Appendix B</b>.</p> <p>Respondents were able to do so via an online feedback form, face-to-face drop-in sessions and specific meetings with Traders and their representatives. All feedback received was welcomed, helpful and has been considered, assessed, and where practicable, amendments suggested to inform a recommendation to Scrutiny Committee and the Executive Councillor.</p> <p>Whilst the number of responses received were low (10); the following areas were identified in more than one response:</p>

	<ul style="list-style-type: none"> <li>● the adoption of a notice period for licence termination</li> <li>● waste generation and removal</li> <li>● adverse weather warnings and their categorisation</li> </ul> <p>The full, anonymised, responses to the engagement exercise are available at <b>Appendix C</b>.</p>
5.5	<p><b>Market Square Renovation Plans</b></p>
	<p>The recommendations in this report are designed to enhance the day-to-day operation of Cambridge’s markets while ensuring they are fit for the future. As part of broader strategic planning, the Council’s updated proposals for Cambridge’s Civic Quarter—including the Guildhall, Corn Exchange, Market Square, and surrounding public spaces—underscore the need for modern market terms and conditions that align with evolving business, community, and visitor needs. As this work progresses, clear and future-proofed market policies will be essential to support investment, maintain commercial viability, and enhance the role of Cambridge’s markets in the city’s long-term vision.</p>
6.	<p><b>Corporate Plan</b></p>
6.1	<p>The introduction of revised terms and conditions will help ensure that the Council is able to manage its market operations in accordance with its corporate plan priority aims and objectives:</p> <p><b>Corporate Plan priority – ‘Leading Cambridge’s response to the climate and biodiversity emergencies and creating a net zero council by 2030’.</b></p>



	<p>These proposed changes seek to help lower the market’s carbon footprint by reducing energy usage, waste generated, increasing sustainability and encouraging re-use and recycling wherever possible. Removal of the waste compactor will improve the cleanliness and aesthetics of the market and surrounding area, improve health and safety and be compliant with the non-compacting protocol introduced by 3C Shared Waste Partnership.</p> <p><b>Corporate Plan priority – ‘Tackling poverty and inequality and helping people in the greatest need’.</b></p> <p>The proposed changes will help ensure that good quality, low priced food and other produce is available to Cambridge consumers, and that the market continues to provide opportunity for small businesses and start-ups to become established in a conducive, supportive environment at modest cost.</p>
7.	<p><b>Consultation, Engagement and Communication Considerations</b></p>
7.1	<p><b>Objectives</b></p> <p>In scoping and preparation of the recent engagement exercise a range of outputs were identified, with the overall aims being:</p> <ul style="list-style-type: none"> <li>• To raise awareness of this and other related work that the Council is undertaking, offering the opportunity for Market Traders to raise questions and have meaningful dialogue from the outset</li> <li>• To fully and properly engage Market Traders and their representatives, working collaboratively to review the impact of the proposed changes to operating terms and conditions</li> </ul>

- To foster and build strengthened working relationships between the Council and Market Traders throughout this period of change, and for the future
- To manage expectations around scope for further change

### **Engagement**

Engagement with stakeholders on the proposed changes was launched on 10 January 2025 for 28 days and ended on 7 February 2025. All 132 General Market Traders were informed in advance via an article included in the Market Traders weekly newsletter; distributed electronically and by hard copy on the Market Traders site notice board.

The following documents were delivered to all Market Traders by email, and for those indicating they did not have an electronic contact; the documents were provided in hard copy and hand delivered:

- A covering letter providing context and information on forthcoming broader market policy changes (Market Licensing and Balance of Trade), and an explanation of the engagement and ways to respond
- The proposed revised General Market Terms and Conditions
- A 'Key Changes' document highlighting changes between the proposed General Market Terms and Conditions and the current Regulations, the rationale for the change, its perceived impact and the Council's response

Responses were able to be submitted via an online Microsoft Forms link and/ or two drop-in face-to-face sessions at the Guildhall between 3pm and 6pm on Friday 17 January 2025 and Monday 27 January 2025.

During the engagement period, daily verbal in-person reminders were provided by the Council's Market Management team in conversation with traders, as well as prompts in the fortnightly Trader newsletters sent electronically, and as displayed on the Trader's site notice board. This was to encourage feedback through the identified channels.

### **Stakeholders**

Stakeholders invited to take part and feedback on any aspect of the proposed General Market Terms and Conditions or contribute ideas for new inclusions were:

- All Market Traders trading on the General Market holding Market Licences
- NABMA Legal and Policy advisors
- National Market Trader Federation, Trader Representatives
- Market Management staff
- Cambridge Market Traders' Association (CMTA) Representatives

### **Responses and Feedback**

10 responses were received via completion of the online form, the face-to-face drop-in sessions, a meeting with CMTA representatives, and via email. This feedback, and the Council's response to the points made, were captured and shared with all stakeholders subsequently. This document is included at **Appendix B** of this report.

### **Economic and Social Impact Assessment work**

The Council is separately, in conjunction with South Cambridgeshire District Council, undertaking an assessment of the role played by various markets

and the economic and social impacts they have on the environment around them. Delivered by external consultants Place Partnership, it ran between 25 November 2024 and 2 February 2025. The findings from this work will help inform and support the development of a Balance of Trade policy for Cambridge markets in 2025.

### **Balance of Trade Policy**

A Balance of Trade policy would aim to ensure the long-term vitality and viability of a market through the creation of a strategic vision based on consultation and informed insight. It assists the Market Management team by providing tools for delivering that vision including recommended Trader mix. However, it is important that a Balance of Trade policy does not restrict competition or local entrepreneurs but is regularly reviewed and evolves in-line with changing customer demands and retail behaviour.

Given that the changes proposed to the General Market Terms and Conditions are regulatory and industry best practice led, the scope for amendment considering feedback is minimal. However, because of comments received and the other associated work currently being undertaken, officers will explore whether, at implementation stage, adaptations may be worthwhile.

<b>8.</b>	<b>Anticipated Outcomes, Benefits or Impact</b>
8.1	As a result of implementing the changes to the General Market Terms and Conditions the City Council will:

- Improve operational management of the market
- Align with industry best practice in operating modern and vibrant markets
- Have a clear reference document that provides a comprehensive statement of the rights and responsibilities of the City Council and the Market Traders that all parties adhere to and act on, that aligns to health and safety requirements, sustainability and waste disposal policies, as well as supporting and protecting both the Council and Market Traders
- Be able to deal promptly with core business issues such as changes of product lines, contraventions of terms and conditions, breaches of health and safety and poor conduct which might otherwise put the Council at risk
- Be able to move Traders to different locations within a market to enable markets to be organised in a more flexible and attractive way for customers - such as creating 'fuller' markets on quieter trading days
- Be able to introduce the registration of electrical appliances to help reduce carbon emissions and energy consumption and ensure health and safety requirements are met
- Be able to place increased responsibilities on Traders for waste management reduction and disposal, with the aim of reducing waste and increasing recycling in Cambridge in line with the Council's key priorities
- Introduce fire safety procedures and mandatory risk assessments, placing greater emphasis and increasing awareness of health and safety amongst Market Traders
- Support the implementation of any future redevelopment plans for the Market Square which might require it and Traders to temporarily relocate

The effects of these proposed changes have been carefully considered. The key changes document and the Council's responses to the engagement feedback received, set out for Market Traders what is intended to change

	and why. These documents are included within the Appendices of this report.
<b>9</b>	<b>Implications and Relevant Risks</b>
	<b>a) Relevant risks</b>
9.1	The City Council has regulatory and legal obligations in relation to its management of markets, to maintain high standards and ensure awareness of health and safety requirements by licencees. In seeking to enact these changes it is ensuring that industry best practice is met; lessening risk for the Council, its Traders and market users/ visitors. Such strengthening of formal arrangements will enable the market management team to deal promptly with contraventions of terms and conditions which might otherwise heighten risk.
	<b>b) Financial Implications</b>
9.2	Revenue costs arising from these proposed changes, including the receipt of advice on their scope and format, and of the engagement exercise undertaken, are being met from City Services operational budgets.  Rationalising and reducing the collection of generated waste will bring ongoing revenue savings for the Council.  Where space on the market and let pitches can be used more flexibly, effectively and efficiently, market occupancy and takings may well increase resulting in increased income for the Council and traders.
	<b>c) Legal Implications</b>
9.3	These changes proposed should help ensure that the Council's legal and

	<p>regulatory obligations are fully met.</p> <p>One challenge was received to the recent engagement exercise suggesting that the Council was not acting lawfully in what it is proposing. This was referred for consideration to the 3C Shared Legal Service; and advice was received. Officers have made changes to the proposed new General Market Terms and Conditions and are now confident that the advice received is fully complied with. Details of the feedback and response made are available in <b>Appendix B and C.</b></p>
	<p><b>d) Staffing Implications</b></p>
9.4	<p>Staffing costs arising from these proposed changes, including the engagement exercise undertaken, are being met from City Services operational budgets.</p>
	<p><b>e) Equalities and Socio-Economic Implications</b></p>
9.5	<p>An Equalities Impact Assessment has been prepared for these proposed changes and is attached at <b>Appendix C.</b></p> <p>Whilst specific equalities data is not routinely collected as part of day-to-day market operation, some information on demographics is available and which will be considered at the point of implementation of the proposed changes. Thereafter, ongoing monitoring and evaluation will be essential to identify any emerging issues and to refine strategies for promoting equality.</p>

	<p>The Council is also seeking to introduce new conditions to advise Market Traders of the need to be familiar with the Equality Act<sup>1</sup>, as it relates to their business and trading. For example:</p> <ul style="list-style-type: none"> <li>● If any Trader has a ‘protected characteristic’, as defined under the Equality Act, and notifies the Council of the nature of the protected characteristic and its impact on their ability to trade in accordance with the revised General Market Terms and Conditions, the Council will consider making the necessary reasonable adjustments to the implementation of the General Market Terms and Conditions to enable that Trader to be able to trade</li> <li>● Traders must comply with the terms and spirit of the Equality Act 2010 and not discriminate against those with protected characteristics as defined under that Act</li> </ul> <p>The proposed revised General Market Terms and Conditions now include greater clarity over expected behaviour and conduct on the market and emphasise how dignity and respect should be observed at all times. Use of discriminating language or other behaviour on the grounds of age, gender reassignment, race, sexual orientation, disability, sex religion or belief; or against another Trader, Council employee/ contractor or other visitor to the Market will be taken most seriously and may lead to revocation of a market licence.</p>
	<p><b>f) Net Zero Carbon, Climate Change and Environmental implications</b></p>
<p>9.6</p>	<p>A Medium Positive rating has been assigned to this project using the Council’s adopted Climate Change Assessment tool, which considered all</p>

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<sup>1</sup> The Public Sector Equality Duty is not limited to advice and for our purposes market traders need to comply with the Equality Act.



	<p>aspects of carbon emissions and sustainability in the operational management of Cambridge Market.</p> <p>A review of waste generated, and management options is currently being conducted in conjunction with the Council's wider litter strategy and officers will be discussing with Market Traders all possible ways to reduce waste and re-use/ recycle packaging and materials moving forward.</p> <p>The market electricity infrastructure is being upgraded, with Traders encouraged to use highly efficient and registered equipment, and the impact of these will be carefully monitored.</p> <p>Further and longer-term efficiencies in market operations will be difficult to achieve within the market's current format; but are a key driver for the Civic Quarter refurbishment project objectives.</p>
	<p><b>g) Procurement Implications</b></p>
9.7	<p>None identified.</p>
	<p><b>h) Community Safety Implications</b></p>
9.8	<p>None specifically identified related to proposed changes to Market Traders Terms and Conditions.</p> <p>However, some works have been undertaken in the Market Square in the last year, following advice received from the police, to reduce the incidence and fear of crime and increase the community feeling of safety:</p>

	<ul style="list-style-type: none"> <li>• Solid partitions on market stalls have been replaced by tarpaulins to separate plots, which are either removed or rolled up (above head height) overnight. This is to increase sight line visibility and surveillance across the site and remove potential hiding places, reduce vulnerability, and increase public safety</li> <li>• Lighting on the Market Square has been improved with the addition of new string lights now attached beneath market stall canopies</li> <li>• Additional, two CCTV help call points have been installed and are now operational. This will allow people to have immediate contact with the CCTV office if the need arises, who can then monitor the caller whilst in the area and alert emergency services when/ if required</li> <li>• Further fixed CCTV cameras, providing better visibility beneath market stall canopies, will be installed once current operational restrictions have been overcome</li> </ul>
<b>10.</b>	<b>Background Documents</b>
10.1	<p>The following background documents have been used in the preparation of this report, and are available for reference in accordance with the Local Government (Access to Information) Act 1985:</p> <p>Cambridge Market Status and Powers Committee Report, March 2024</p> <p><a href="#">Agenda for Environment and Community Scrutiny Committee on Thursday, 21st March, 2024, 6.00 pm - Cambridge Council</a></p>
<b>11.</b>	<b>Appendices</b>
11.1	Appendix A - Proposed revised Cambridge General Market Terms and Conditions

	<p>Appendix B - Key Changes document</p> <p>Appendix C – Engagement feedback received</p> <p>Appendix D – Equalities Impact Assessment</p>
	<p>To inspect the background papers or if you have a query on the report, please contact Mr Alistair Wilson, Strategic Delivery Manager, 01223 458514, <a href="mailto:alistair.wilson@cambridge.gov.uk">alistair.wilson@cambridge.gov.uk</a></p>

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