



Our Ref: PDS/DOW0025/0015
Your Ref:
Date: 3 November 2020

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Mrs Elaine Oliver
The Clerk
Downham Market Town Council
15 Paradise Road
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Dear Elaine

Reorganisation of Weekly Market at Downham Market

I thought it might be helpful if I were to remind you of the legal process that we have put in place regarding the termination of the old market trading licences and the introduction of the new licensing system, in case you are asked.

The old licences were terminable upon the council giving not less than 28 days' notice in writing. The council instructed me to issue notices of termination. Those notices were dated 9 October and were either hand delivered to individual licence holders or posted to them by recorded delivery. The latest date on which the notices could have been received was Tuesday 13 October meaning that the licences all come to an end on or before Monday 9 November. Technically, depending on whether individual notices were hand delivered or posted, they would come to an end on different days but, I think, it is better to play it safe and treat all licences as coming to an end on 9 November.

That means that after 9 November 2020 no one has a valid licence to trade unless and until issued with a new licence. The council alone has the right to operate markets and the council alone has the authority to authorise individual traders to trade. I must make it clear; individuals may not trade without a licence issued by the council and should not be permitted to continue trading without such a licence.

I appreciate that some of the existing licence holders have suggested that they do not accept that you are entitled to terminate their existing licences and that they intend to continue to trade. They are wrong and you must stop them as you would otherwise be complicit in permitting unlicensed and unlawful trading to take place in which case the council would lay itself open to criticism.

The situation is, of course, more complicated because of the new lockdown provisions. However, lockdown changes nothing from a legal licensing perspective. You have terminated all the old licences. They no longer exist and the only basis for allowing an individual to trade is provided the individual has applied for and been granted one of the new licences.

With best wishes

Yours sincerely

Paul Sheerin
Partner
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