Audit and Governance Committee

24 November 2025

Revised Terms of Reference for Dorchester Markets Informal Joint Panel

For Decision

Cabinet Member:
Cllr G Taylor, Health and Housing

Local Councillor(s): Cllrs S Jones; R Major: R Biggs; A Canning; L Fry

Senior Leadership Team:
S Crowe, Director of Public Health & Prevention

Report author and job title: Graham Duggan, Head of Regulatory Services
Email: graham.duggan@dorsetcouncil.gov.uk

Statutory Authority: Royal Charter, 22 September 1630

Report status: Public (the exemption paragraph is N/A)

1. Executive summary

1.1 The historic right to hold a market in Dorchester was confirmed by Royal Charter in 1630. Since February 1984, West Dorset District Council (later Dorset Council) and Dorchester Town Council has jointly managed the market. Management was initially through a Joint Committee. In 2001, day to day responsibility for the market was leased to Ensors, the current market operator. The Joint Committee was replaced with an Informal Joint Panel that oversaw this arrangement. Ensor's lease terminates on 2 April 2026, after which Dorchester Town Council will assume direct management under a concession agreement with Dorset Council. Minor amendments to the Panel's Terms of Reference are proposed to reflect this change.

2. Recommendation

2.1 Your Committee is asked to approve the revised Terms of Reference for Dorchester Markets Informal Joint Panel given in Appendix 1.

3. Reason for the recommendation

3.1 To ensure effective arrangements for the provision of Dorchester Markets and satisfactory governance arrangements between the parties.

4. Report

4.1 Dorchester's historic right to hold a market was confirmed by a 1630 Royal Charter. Following local government reorganisation in 1974, a dispute between West Dorset District Council and Dorchester Town Council arose over which authority held the market rights. On 24 February 1984, the parties into an agreement providing that the day-to-day operation of the market should be jointly managed ("the 1984 Agreement"). A Joint Committee was established to manage the market as per the terms of reference set out in Schedule 6 of the 1984 Agreement.

4.2 On 26 June 2001, a 25-year lease was granted to T. Ensor and Son (Dorchester) Limited ("Ensors") in order that they might administer the operation of the Markets on the Fairfield Market Site on Weymouth Avenue, Dorchester. The lease transferred many of the powers previously exercised by the Dorchester Markets Joint Committee to Ensors in order that could operate the Market as a business. This substantially reduced the powers and functions of the Dorchester Markets Joint Committee. It was agreed that the Dorchester Markets Joint Committee be dissolved and replaced with the Dorchester Markets Informal Joint Panel. The agreement was completed and dated 18 November 2010.

4.3 On the 1 April 2019, Dorset Council succeeded West Dorset District Council.

4.4 The lease to Ensors terminates on 2 April 2026. The Parties agree that the Town Council should take over the day-to-day management of the Dorchester Markets (Fairfield and Cornhill) subject to the terms and conditions of a Concession Agreement which is under draft and will be considered by the General Licensing Committee at a future meeting. The terms of reference for the continuing Informal Joint Panel require limited amendment to reflect this change of circumstance. The proposed terms of reference are attached as Appendix 1.

4.5 The proposed terms of reference are similar to those in existence for the Informal Joint Committee before the lease to Ensors was granted. They include some specific operational functions that had been transferred to Ensors to allow them to operate the Market. Also, the number of elected members sitting on the Panel has been reduced from fourteen to six to streamline governance arrangements.

4.6 The proposed terms of reference have been prepared by officers with oversight from a Working Group of the Informal Joint Panel consisting of Elected Members from both councils and Dorset Council Legal Services.

5. **Alternative options considered**

5.1 Dorchester Markets Informal Joint Panel has considered the options for the operation of the markets after the Ensors lease finishes. It is their considered opinion that the best option for the future prosperity of the markets, and both councils, is for Dorchester Town Council to take on operational responsibility through a Concession Agreement with Dorset Council.

6. **Legal Considerations**

6.1 The proposed governance arrangements are consistent with the original 1984 Agreement and subsequent legal instruments, including the lease and market protocols. The revised Terms of Reference provide a clear framework for joint oversight and operational responsibilities under the forthcoming concession agreement.

7. **Financial implications**

7.1 Under the proposal, financial management for the markets would transfer to Dorchester Town Council from Dorset Council. There is no anticipated financial impact from the proposal.

8. **Natural environment, climate & ecology implications**

8.1 The sale of goods within urban centres can reduce the need for travel and lessen carbon footprint.

9. **Well-being and health implications**

9.1 Thriving market environments can be a valuable community asset as a place to meet, eat, and greet. The sale of fresh, healthy foodstuffs at competitive prices can support people in managing their budgets.

10. **Other implications**

10.1 Economic impact – supporting small traders and adding vitality to the local area, increasing shopper footfall.

11. **Risk implications**

11.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

12. **Equalities**

12.1 There are no equality impacts.

13. Appendices

13.1 Appendix 1 – Revised Draft Terms of Reference for Dorchester Markets Informal Joint Panel.

14. Background papers

14.1 Current Terms of Reference for Dorchester Markets Informal Joint Panel
Draft Concession Agreement between Dorset Council and Dorchester Town Council for the operation of Dorchester Markets.

15. Report sign-off

15.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s).

APPENDIX 1

DRAFT TERMS OF REFERENCE FOR DORCHESTER MARKETS INFORMAL JOINT PANEL

(a) This Market Panel will conduct its functions subject to the Market Agreement dated [INSERT] between Dorchester Town Council, Dorset Council and the Dorchester Markets Trustees and any subsequent variation, renewal, or replacement of the agreement.

(b) The Market Panel shall be constituted as follows:

a. Three (3) elected members to be appointed by Dorchester Town Council.

b. Three (3) elected members to be appointed by Dorset Council of whom two (2) should preferably represent wards wholly or predominantly within the Dorchester Town Council area - provided that such appointments do not result in the appointee also being a member of Dorchester Town Council.

If a Dorset Council appointee subsequently becomes a member of Dorchester Town Council, they shall cease to be a member of the Market Panel. Dorset Council shall then consider appointing a replacement who is not a member of Dorchester Town Council.

If it is not possible to appoint two members from wards within the Dorchester Town Council area, Dorset Council may instead appoint members wards wholly or predominantly within a six and two third miles radius of the Fairfield Market reference point as shown on the plan annexed at Schedule 5 of the Concession Agreement. If that is not possible, appointments may be made from the wider Dorset Council area.

(c) Management duties of the Market Panel will be;

1. To ensure that the operator employs suitable and sufficient resources to deliver an appropriate market function.

2. To arrange the settlement of financial matters, review of rents, fees, tolls, and charges relating to the market operation, subject to the budget and other arrangements referred to in the 1984 Agreement relating to Dorchester Market.

3. To determination of the frequency of meetings and meeting arrangements for the Market Panel.

(d) Operational duties of the Market Panel will be;

1. To ensure effective day to day control and management of the markets and tolls at the sites and locations on which the same are existing or entitled at the 1 October 1978.

2. To determine and apply the hours of opening.

3. To ensure effective arrangements for the satisfactory layout of the markets including the arrangement of stalls.

4. To ensure that appropriate and satisfactory agreements and licences are in place for market tenants.

5. To ensure that adequate insurance is in place for Market days and operations.

(e) Duties of the Market Panel that will be exercised in conjunction with Dorchester Town Council and/or Dorset Council will be;

1. The grant or renewal of leases, tenancies, etc. relating to the operation of the Market on designated days for periods not exceeding 3 years.

2. Ensuring that Market structures and infrastructures are maintained in a good state of repair.

3. Matters affecting food hygiene, food safety and health and safety at work requirements (subject to the powers and duties of Dorset Council under the relevant statutes and at common law).

4. The temporary or permanent extension of days on which markets operate.

5. The arrangements for market vehicle parking and associated car parks on market days.

6. Oversight of the incurring of all items of expenditure and as to income, the fixing of all charges, subject to the provisions and procedures as provided in the Financial Regulations.

7. Complying with the requirements of financial and audit regulations and policies.

8. The making of byelaws and regulations governing the use of the market.

9. Prosecution under market byelaws and legal proceedings within the purview of the Market Panel subject to proper legal advice.

<u>END</u>