

A meeting of the **CABINET** will be held in **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 16 OCTOBER 2008** at **11:30 AM** and you are requested to attend for the transaction of the following business:-

APOLOGIES


Contact
(01480)

1. MINUTES (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting of the Cabinet held on 24th September 2008.

Mrs H Taylor

2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 overleaf.

3. IMPROVING LOCAL ACCOUNTABILITY CONSULTATION CHANGES TO OVERVIEW AND SCRUTINY POWERS
(Pages 3 - 10)

To consider a report by the Head of Administration proposing changes to Overview and Scrutiny powers.

R Reeves
388003

4. ALCOHOL DISORDER ZONES (Pages 11 - 14)

To consider a report by the Head of Administration regarding Alcohol Disorder Zones.

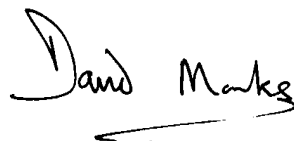
R Reeves
388003

5. MARKET RULES (Pages 15 - 22)

To consider a report by the Head of Operations on a revision of the market rules for the Council's markets.

R Ward
388635

Dated this 8 day of October 2008



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Mrs H Taylor, Senior Democratic Services Officer, Tel No. 01480 388008/e-mail Helen.Taylor@huntsdc.gov.uk /e-mail: if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Cabinet.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the car park adjacent to the Methodist Church on the High Street (opposite Prima's Italian Restaurant).

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Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the CABINET held in the Cabinet Room, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 24 September 2008.

PRESENT: Councillor L M Simpson – Vice-Chairman.
Councillors P L E Bucknell, K J Churchill, A Hansard, C R Hyams, Mrs D C Reynolds and T V Rogers.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors I C Bates and D B Dew.

66. MINUTES

The Minutes of the meeting of the Cabinet held on 4th September 2008 were approved as a correct record and signed by the Chairman.

67. MEMBERS' INTERESTS

Councillor K J Churchill declared a personal interest in Minute No 69 as a governor of Longsands College, St Neots.

68. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information relating to the financial or business affairs of any particular person.

69. CREATIVE ENTERPRISE CENTRE, ST NEOTS

Further to Minute No. 06/25 the Cabinet considered a joint report by the Heads of Policy and Strategic Services and of Legal and Estates (a copy of which is appended in the Minute Book) regarding proposed management arrangements for the new Creative Enterprise Centre at Longsands College in St Neots.

Having been advised of the outcome of the tendering exercise and the rationale behind the proposed variation in terms, the Cabinet

RESOLVED

- a) that the Head of Legal and Estates, after consultation with the Executive Member for Resources and Policy, be authorised to agree final terms for the management of the new Creative Enterprise Centre in St Neots, based on the general principles set out in Section 3 of the report now submitted; and

- b) that the tender from NWES be approved for the reasons set out in the report now submitted.

Chairman

**IMPROVING LOCAL ACCOUNTABILITY CONSULTATION
CHANGES TO OVERVIEW AND SCRUTINY POWERS**

(Report by Head of Administration)

1. Introduction

- 1.1 At the Panels' meetings in February, a report was considered on changes to overview and scrutiny introduced by the Local Government and Public Involvement in Health Act 2007 and a consultation paper on the Councillor 'call for action' and local petitions. The Panels were advised that further information would be submitted to them on the implementation of the legislation as this became available.
- 1.2 The Department for Communities and Local Government (CLG) has now issued a further consultation paper on the changes, in the light of the publication of the recent White Paper 'Communities in Control'. The consultation asks a number of questions, in response to which suggested answers are contained in the attached annex. The Panels' and Cabinet's views are sought on the changes proposed and the attached response.

2. Communities in Control White Paper

- 2.1 The White Paper builds on the changes introduced in the 2007 Act and contains the following proposals for overview and scrutiny –
- Encouraging more creative involvement of the public, for example by holding deliberative events
 - Moving meetings into the community and considering webcasting
 - Greater public involvement in suggesting and selecting topics for review
 - Making information more readily available and accessible on websites and at council offices
 - Further enhancing the powers of overview and scrutiny committees to require information from partners on a broader range of issues
 - If necessary providing councils in two tier areas with a power to combine resources in 'area' scrutiny committees
 - Requiring some dedicated scrutiny resource in county and unitary councils.
- 2.2 Further proposals of relevance to overview and scrutiny are –
- Increasing the visibility of officers of local public bodies so that they are open to public scrutiny and questioning by local communities
 - A new right to petition to hold local officers to account
 - A new duty on Councils to respond to all petitions, including electronic petitions, relating to local authority functions or other public services where the Council shares delivery responsibilities.

3. Improving Local Accountability Consultation

- 3.1 CLG are planning a series of consultation papers to implement changes introduced by the 2007 Act and the White Paper. In addition to the improving

local accountability paper, the others are the making and enforcement of byelaws, a revised code of conduct for Members, on-line petitioning for mayors, time off entitlements for membership of Councils and other voluntary organisations, and a review of the code of recommended practice on local government publicity.

3.2 The particular issues on which views are sought in the current paper are –

- Developing and strengthening overview and scrutiny by implementing the provisions of the 2007 Act to enhance scrutiny powers in relation to Local Area Agreement partners and the delivery against targets and in particular regulations in respect of –
 - Overview and scrutiny committees requiring information from partner authorities
 - Publication of scrutiny reports, recommendations and responses
 - Establishment of joint county and district overview and scrutiny committees
 - Enhancing the powers of district overview and scrutiny committees
- How best to take forward the proposals in the White Paper to raise the profile of overview and scrutiny
- Increasing the visibility and accountability of local public officers
- Facilitating the work of councillors by enabling them to use information and communications technology to participate in meetings and vote remotely.

4. Other Proposals

4.1 Members may recall that the report in February also referred to the changes introduced in the Police and Justice Act 2006 which required every authority to have a crime and disorder committee to scrutinise the discharge of crime and disorder functions by other responsible authorities. Implementation of the proposals has been delayed pending the Flanagan report on policing and the publication of a Green Paper on the Police.

5. Conclusion

5.1 The Government is committed to raising the profile of overview and scrutiny as part of a series of measures to encourage greater community involvement in local decision making. Several of the initiatives have already been either tried or implemented by the Council but Members will be aware of the difficulty in engaging with the public other than in cases where a high profile issue has raised local concern.

5.2 The Panels and Cabinet will be updated as the anticipated regulations and guidance are issued.

6. Recommendation

- 6.1 Suggested responses to the questions posed in the consultation paper are made in the attached annex and it is

RECOMMENDED

that the Panels and Cabinet consider and endorse the responses for submission to CLG as part of the implementation process of the 2007 Act and the White Paper.

Background Papers:

Crime and Justice Act 2006

Local Government and Public Involvement in Health Act 2007

Communities in Control White Paper

Improving Local Accountability White Paper

Report to Overview & Scrutiny Panels in February 2008 on Local Petitions and Calls for Action

Contact Officer

Roy Reeves, Head of Administration

Tel: (01480) 388003

IMPROVING LOCAL ACCOUNTABILITY CONSULTATION CHANGES TO OVERVIEW AND SCRUTINY POWERS

Questions Raised and Suggested Answers

Question 1

This deals with the arrangements for overview and scrutiny committees to require information from partner authorities. This enables a district council committee to seek information from the county council as lead authority or any partner in an LAA that relates to a target connected with the district's area and functions. CLG propose limited regulation on the release and withholding of information. Release refers to information that relates to LAA targets and withholding concerns data protection, commercial confidentiality and information already in the public domain. No time limits are proposed for responses to requests nor how requests can be kept to manageable proportions which will be matters of local discretion. Comments are invited on the proposals.

Suggested Response

While local discretion and flexibility is welcomed, it is important that some mechanism is in place to ensure that partners do co-operate in providing information to the detail required and in a timely manner. Since Freedom of Information requests are time limited to 20 working days with an appeal to the Information Commissioner where a public authority fails to comply, it would not be unreasonable for the same sanctions to be applied in this case.

Question 2

The 2007 Act specifies the arrangements for the withholding of exempt and confidential information when overview and scrutiny reports are published and an authority responds. This does not include an executive and the question raised is whether there is agreement to the extension of the same principle to local authority executives.

Suggested Response

Agreed

Question 3

The 2007 Act enables the establishment of joint county and district overview and scrutiny committees. The consultation paper invites comments on the extension of existing overview and scrutiny powers to joint committees, while recognising the need for co-ordination to ensure that duplication does not arise in terms of the scrutiny of partners by a number of overview and scrutiny committees.

Members will be aware that joint scrutiny already exists in Cambridgeshire. In terms of health scrutiny, district councillors are co-opted to the relevant County scrutiny committee and a joint accountability committee has been formed to scrutinise the LAA board, Cambridgeshire Together. A separate report deals with those joint arrangements elsewhere on the agenda.

Suggested Response

The extension of scrutiny powers to joint committees is welcomed. The joint committee however should not be able to direct the work of scrutiny committees in individual authorities nor be able to exercise any veto over legitimate lines of enquiry into the achievement of LAA targets or the performance of partners. It should be a matter for local discretion as part of the agreed terms of reference between the local authorities concerned as to how the joint committee might co-ordinate scrutiny activities, respond to proposals by individual authorities for an area based study or suggest that a study is undertaken by an individual authority's scrutiny committee.

Question 4

Regulations are proposed to implement the provisions in the 2007 Act to give district scrutiny committees in two tier areas similar powers to lead councils, i.e. county councils. As such, they can make reports and recommendations to the county council on local improvement targets and the county must respond within 2 months. Other authorities will be required to have regard to such reports and recommendations. While it will be for a district committee to determine its programme of work, it should have regard to scrutiny work planned by the lead council and any joint committee. To minimise potential duplication, the requirements for a county council to respond and partner authorities to have regard to a report and recommendations will only apply to matters where a joint committee has not already reported. Comments are invited.

Suggested Response

The proposals to extend similar powers to district scrutiny committees are supported. While the need to avoid duplication is recognised, a timescale should be applied to the restriction preventing a district committee from scrutinising a subject already considered by a joint committee of say 2 years.

Question 5

This only applies to authorities of less than 85,000 population.

Question 6

CLG are proposing to introduce a power for county and district councils to combine scrutiny resources in area scrutiny committees if they wish to do so. Comments are invited on what issues should be considered as part of any new power.

Suggested response

While there is a role for an area committee in considering issues of county wide significance and in scrutinising LAA targets and performance, it should not circumvent the ability of district committees to scrutinise individual subjects relevant to that authority's area within the general power of promoting economic, social and environmental well-being. An area committee's co-ordinating responsibility should be limited to an advisory capacity only.

The primary role of an area committee should be to hold to account an LAA Board but it will be powerless to do so unless it has the ability to call in decisions of the Board. If an area committee cannot do so and it is impractical for scrutiny committees of individual authorities to exercise this function, a Board cannot be effectively held to account.

Question 7

CLG propose that county, unitary and borough councils are required to make provision for a dedicated scrutiny resource to support the overview and scrutiny

function. A similar requirement is not extended to district councils, presumably because of the resource implications for smaller authorities.

Suggested response

No comment.

Question 8

CLG want to introduce an appeals mechanism if petitioners are not satisfied with an authority's response to a petition. As overview and scrutiny committees are independent of the executive, CLG propose that they act as the appeals body with a remedy of triggering a debate at full council if they consider the response to be not sufficiently adequate. Comments are invited about the practicality of this approach.

Suggested response

The approach is unnecessarily bureaucratic. Authorities will have existing mechanisms for dealing with petitions. In the case of Huntingdonshire, petitions containing over 50 signatures are already presented to Council and those with over 10 signatures to a scrutiny panel. It should be a matter for the discretion of individual authorities to decide upon the most appropriate method to deal with a petition, as long as there is an assurance that this will be considered in a member forum.

Question 9

The White Paper seeks to achieve a consistency of approach in public services to formalise arrangements to require chairmen and chief executives to attend a public hearing in the community at regular intervals every three or four months to explain their actions and listen to the views and concerns of local people. The requirement to attend such meetings should form part of the job descriptions of the chairman and chief executive and the question raised is whether those responsible for the job descriptions should determine the precise arrangements for the attendance of those persons.

Suggested response

Regular meetings are unlikely to attract high attendances, even if they are co-ordinated so that several bodies are represented. If the area covered is too wide geographically, members of the public will be less likely to travel and to identify themselves with the bodies in question. The public tend to be more interested in local issues of topical significance such as a threatened hospital closure which does attract high attendances at public meetings. The result of the current proposal could be a plethora of poorly attended meetings but with leading figures present which would be an inefficient use of resources and time. If public bodies are to be held to account by the public, this would be best achieved through the strengthening of the scrutiny role of local authorities and the use of petitions to raise issues of concern.

If CLG intends to proceed with this proposal, it is preferable for the precise arrangements for public meetings and the determination as to who should attend to be dealt with by the public bodies themselves.

Question 10

The White Paper proposes a new right for people to petition to hold officers to account with senior officers working for a public body required to attend a public meeting. CLG therefore propose that the lead council in each LAA area should agree with partners a scheme for petitions to hold officers to account. The scheme should complement local petitions arrangements, set out the officers or category of officers to which it would apply, specify the petition criteria, the bodies affected and

how they will respond, and the arrangements for a hearing. Comments are invited on the proposal and the practical implications.

Suggested response

Officers implement rather than set policy. If representatives of public bodies are to be held to account in this way by the public, it is the decision makers who should be required to attend to respond to concerns. The opportunity to petition for a hearing is a much more tangible and meaningful way of ensuring public engagement than scheduled, poorly attended meetings. If the scheme is to cover the whole of an LAA area, there should be opportunities for some discretion to allow for local circumstances. The scheme also should enable issues that are local in nature to be dealt with through district scrutiny committees as opposed to the broader LAA area.

Question 11

Should the Government specify certain minimum standards for the scheme to hold public officers to account? These might include the timescale for the implementation of a scheme, which officers or category of officers should be required to attend and which local service providers should be involved. CLG suggest that officers should be restricted, in local government terms, to statutory officers and/or non-statutory officers as defined in legislation.

Suggested response

This is a subject that is best left to local discretion.

Question 12

CLG propose that a local authority and its partners should agree on which local service providers and agencies the scheme should apply to, subject to any statutory minimum requirements. Comments are invited as to whether the scope of the scheme should be agreed locally and whether this will be an effective means of empowering communities.

Suggested response

This is a subject that is best left to local discretion. There is little confidence that this will be an effective means of empowering communities and it is unlikely that it will prove popular, other than on those occasions when there is a local issue of concern.

Question 13

The report of the Councillors Commission recommended the introduction of virtual meetings with Members being able to take part and vote in meetings remotely. The Government intend to legislate to introduce the measure in the Community Empowerment, Housing and Economic Regeneration Bill. Authorities will be able to opt in to remote voting, the conditions being that at least one Member must be physically present at the meeting and members of the public present at the meeting must be able to witness what is happening. Comments are invited on the proposal.

Suggested response

While this may help overcome problems of time and distance, the practicalities should not be under-estimated and it should be at the discretion of individual authorities as to whether they choose to adopt this measure.

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**OVERVIEW & SCRUTINY PANEL
(SERVICE DELIVERY)
CABINET
LICENSING COMMITTEE**

7TH OCTOBER 2008

**16TH OCTOBER 2008
21ST OCTOBER 2008**

ALCOHOL DISORDER ZONES (Report by Head of Administration)

1. Introduction

- 1.1 The Cabinet has recently asked for further information on Alcohol Disorder Zones (ADZs), arising from a report submitted by the Overview and Scrutiny Panel (Service Delivery) on the introduction of an enhanced cleansing service on Sundays in the market towns in the District to counteract the after-effects of the night time economy in town centres. The Panel had recommended an investigation of the introduction of ADZs in the District in the long term.
- 1.2 The purpose of this report is to explain the circumstances in which ADZs can be introduced.

2. The Legislation

- 2.1 ADZs were introduced by the Violent Crime Reduction Act 2006 in response to problems in city and town centres as a result of excessive alcohol consumption. It was unrelated to but reflected growing concern about the implications of the Licensing Act 2003 on longer opening hours for licensed premises. The accompanying regulations only came into effect in June 2008 with guidance issued by the Home Office shortly beforehand.
- 2.2 The designation of an area as an ADZ is defined as a non-executive function. It is therefore a responsibility of Council as opposed to Cabinet. As ADZs are related exclusively to alcohol consumption, as will be explained later in this report, it seems appropriate for this to fall within the terms of reference of the Licensing Committee.

3. Implications of an ADZ

- 3.1 The designation of an area as an ADZ is a last resort. It is a course of action to be embarked upon by an authority, either of its own volition or at the request of the police, when all other measures possible under the various legislation to control the adverse effects of alcohol consumption has failed to resolve a problem.
- 3.2 Both authorities (and other agencies) have enforcement powers to deal with contravention of the legislation in individual premises, in public spaces and by members of the public. ADZs are appropriate where problems relating to alcohol consumption cannot easily be attributed to individual licensed premises and registered clubs. Where all other remedies have been attempted without success, an authority and the police can contemplate designating the area concerned as an ADZ.

- 3.3 It is important to note, especially in the context of the discussions at the Scrutiny Panel and Cabinet meetings, that ADZs are intended only to address high levels of alcohol related nuisance and annoyance to members of the public or disorder that is not attributable to a single premises. The decision to proceed has to be evidence based and demonstrate that the problems cannot be dealt with by other means. Evidence must include police incident, crime and custody data and CCTV incident logs but can be backed up by NHS Emergency Department data, licensing authority evidence, bus and taxi incident forms and feedback from the public. The latter in themselves are not sufficient.
- 3.4 If the authority is considering proceeding with an ADZ, there is an extensive consultation process that involves public notice in the press and to various bodies and licence holders inviting representations on the proposals. The response to any representations also must be published. If the authority intends to proceed, it must compile an action plan setting out preventative measures with voluntary charges to licence holders within the area designated. If those measures do not work within 8 weeks, the authority can proceed to designate an ADZ. This involves another round of public consultation. If an ADZ is designated, it must be reviewed every 3 months with public notice of any decision to continue, amend or lift a designation.

4. Measures and Charges

- 4.1 The measures that can be taken to address any alcohol related nuisance and annoyance are restricted to activities by Trading Standards Officers relating to the sale of alcohol to children, by Environmental Health Officers relating to noise nuisance from licensed premises, by Licensing Officers of the licensing authority and by police constables and community safety officers. A baseline level of service has to be calculated for a period preceding designation and an enhanced level after designation.
- 4.2 Costs can be recovered from licensed premises and registered clubs selling alcohol within the designated area for the delivery of the enhanced services plus the administrative cost of the ADZ process. In calculating individual charges, these must be scored on rateable values and hours of opening of premises with a facility for discounts and exemptions to be granted. Failure to pay the charge demanded by the licensing authority for the enhanced services can lead to the suspension of licences and certificates.

5. Conclusion

- 5.1 The measures described are appropriate only when all other measures have failed to deal with nuisance and annoyance to members of the public relating to alcohol consumption. They cannot be applied to other problems associated with late night entertainment such as hot food outlets or litter. They are therefore inappropriate in the case of an enhanced cleansing regime in town centres which was the subject of the investigation by the Overview and Scrutiny Panel (Service Delivery).
- 5.2 The situation in the town centres in the District will continue to be monitored in association with partner organisations and if it is felt that an ADZ would be appropriate, this will be brought to the attention of the Licensing Committee.

6. Recommendation

It is therefore

Recommended

that the position with regard to the new powers to designate alcohol disorder zones be noted.

Background Papers:

Violent Crime Reduction Act 2006

The Local Authorities (Alcohol Disorder Zones) Regulations 2008

Home Office Guidance on the Designation of Alcohol Disorder Zones.

Report by the Overview and Scrutiny Panel (Service Delivery) on Enhanced Cleansing Services Proposal for Market Towns.

Contact Person:

Roy Reeves, Head of Administration

Tel: (01480) 388014

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COMT

30TH SEPTEMBER 2008

CABINET

16TH OCTOBER 2008

MARKET RULES (Report by the Head of Operations)

1. PURPOSE OF REPORT

- 1.1 To seek approval of revised and updated Market Rules and delegate responsibility for future amendments to the rules to the Director of Environmental and Community Services, in consultation with the Executive Councillor for Operations and Countryside Services.

2. BACKGROUND

- 2.1 The Market Rules set out how the Council run markets are managed and what market traders are required to do in order to trade on a market.
- 2.2 In Huntingdonshire, the Council runs markets in three of the four market towns – Huntingdon (Wednesday and Saturday), St Ives (Monday and Friday) and Ramsey (Saturday). The market in St Neots is run by a private company who lease the charter rights for that town. The market rules referred to in this report only apply to the Council run markets indicated above. They do not apply to other markets run by the Council such as Farmers' Markets, Bank Holiday markets and 'one off' events, for which separate rules and conditions apply.
- 2.3 Markets can add to the vibrancy of a town centre and can increase footfall. However it is important that they are well managed and have strict rules to give adequate protection for consumers, ensure good conduct by market traders and minimise disruption in the town centre.
- 2.4 The current version of the market rules was approved by Council in 1998. The rules have now been revised and updated to ensure they are relevant and appropriate to current trading practices.

3. THE MARKET RULES


- 3.1 The market rules (attached at annex 1 to this report) set out detailed requirements that must be met by anyone wishing to trade on any of our markets. Existing traders have been consulted on these revised rules.

4. RECOMMENDATION

- 4.1 That Cabinet approve the new market rules and delegates responsibility for future amendments to these, and any other market rules, to the Director of Environmental and Community Services, in consultation with the Executive Councillor for Operational and Countryside Services.

BACKGROUND INFORMATION

Consultation letter to market traders

Contact Officer: Sonia Hansen, Streetscene Manager
 **01480 388630**

ANNEX 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MARKET RULES

These Market Rules shall apply to markets (except Bank Holiday Markets) controlled by the Huntingdonshire District Council in its district and shall come into operation on 4th September 2008.

PART I: Interpretation

In these Market Rules unless the context otherwise requires

“The Council” means the Huntingdonshire District Council whose principal office is at Pathfinder House, St Mary’s Street, Huntingdon, Cambridgeshire PE29 3TN.

“The Director of Community Environmental & Community Services” means the Council’s Director of Environmental & Services (or his / her nominee).

“Market Day” means the day (or days) of the week upon which the Council have approved the holding of a retail market. This may be by means of a Charter or by the Council appointing a market. The current Market Days are Monday and Friday for St Ives, Wednesday and Saturday for Huntingdon and Saturday for Ramsey.

“Market Supervisor” means the officer appointed by the Council to represent the Director of Environmental & Community Services in the day to day administration of the market and enforcement of market rules or such persons nominated by the Director of Environmental & community Services to deputise in the absence of the Market Supervisor.

“Normal Trading” means trading and ancillary activities in accordance with the Permit between 6.00 a.m. and 6.00 p.m. on Market Days.

“Permit” means the authority of the Council which shall be personal to the permit holder to sell permitted commodities on a specified market from a specified pitch, subject to these Market Rules and such other conditions as may be included in the permit.

“Permit Holder” means the person whom the Council have authorised to trade on a specified market. No sub-letting is allowed.

“Permitted Commodities” means	those goods and commodities for which the Permit Holder has authority to sell during the Trading Hours.
“Pitch” means	the area of land from which the Permit Holder is authorised to sell Permitted Commodities during the Trading Hours.
“Stall” means	the structure, vehicle or other device upon which the permitted commodities are displayed for sale.
“Trading Hours” means	the period of time between 8.00 a.m. and 4.00 p.m. (or such other period or periods as may be defined by the Council).
“Charter” means	the granting of a weekly market in a specific town.
“Permitted Commodities” means	Goods which have been determined by the Market Supervisor as suitable for selling on the market

PART II: Rules

1.
 - (a) Casual applicants to trade will be granted the temporary use of a vacant pitch subject to the Market Supervisor’s obligation to maintain a balanced market. The market supervisor’s decision in this respect is final and binding.
 - (b) A permanent trader will normally have traded on a casual basis and then been offered a suitable permanent pitch as agreed by the Market Supervisor.
 - (c) Traders who cannot be immediately accommodated will be put on the waiting list maintained by the Market Supervisor. Pitch allocation will be determined by the Market Supervisor and will be based on the need to maintain a balance of commodities within any individual market.

2. The Permit Holder shall be charged market fees by quarterly invoice to be dispatched normally no later than two weeks before the beginning of the quarter to which it applies.

 Payments shall be made in advance. Direct Debit is the preferred method and traders paying by Direct Debit will receive 2 weeks free trading per year. Casual Traders must pay on day of trading

3. The Permit Holder shall not assign or sub-let his or her stall or pitch or any part thereof or sell it to another person.

4. Any trading on the street which has not been permitted under these market rules is known as ‘street trading’ for which a license should be applied for from the Council’s Licensing Section.

5. A Market Trader is not permitted to collect money or sell articles for the benefit of charitable or other purposes from a stall or pitch unless a street collection permit under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 has been obtained from the Council’s Licensing Section.

6. Lottery tickets shall not be sold from a stall or pitch, irrespective of whether the promoter has registered as a small society lottery under the Gambling Act 2005 with the Council's Licensing Section.
7. A Market Trader shall not sell alcohol from a stall or pitch unless a premises licence has been obtained from the Council's Licensing Section or a Temporary Events Notice has been served on the Licensing Section in accordance with the Licensing Act 2003.
8. The Permit Holder shall not affix their stall to, or place any of their goods or produce on, any item of street furniture or public memorial.
9. The Permit Holder shall not deal in, sell or display goods other than those permitted commodities for the stall or pitch for which he or she shall holds a permit. The Market Supervisor has the authority to stop a Market Trader selling goods that he or she regards as unsuitable. The Market Supervisor's decision on this is final.
10. The Permit Holder shall not place or display goods beyond the boundaries of their pitch or upon their stall in such a manner as may cause an obstruction to the passage of, or a danger to persons visiting the market. Permit Holders must be aware of their responsibilities under the Health and Safety at Work Act to their employers and the members of the public.
11. The Permit Holder shall not occupy their pitch or stall before 6.00 a.m. unless special permission has been obtained in advance from the Market Supervisor.
12. The Permit Holder shall not sell any goods or allow them to be sold by auction, pitching or touting nor shall amplifiers, loudspeakers or other noise-making devices or motors or generators be used to an extent which shall cause nuisance or annoyance to other stallholders, the occupants of nearby premises or members of the public.
13. Only authorised traders are permitted to engage in business within the market areas as defined by the Charter or as may be determined by the Council in respect of other markets.
14. The Permit Holder shall complete and return to the Market Supervisor in legible writing an application form detailing such information as the Council may require and promptly thereafter shall notify the Market Supervisor in legible writing of any changes in such information or supply such further information as the Council may require.

Note - Huntingdonshire District Council is registered as Data Controller under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

The Council is responsible for ensuring the confidentiality of personal data that it holds. It also has a duty to protect the public funds it administers and to this end may use the information you have provided to us to prevent and detect fraud. This may include sharing the information for these purposes both within the Council and with other persons or bodies involved for example in administering or auditing public funds or for data matching.

If you have concerns about the processing of your personal data by Huntingdonshire District Council, you may contact the Council's Data Protection Officer at its offices at Pathfinder House St Mary's Street Huntingdon Cambridgeshire PE29 3TN or the Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

15. The Permit Holder shall occupy their stall or pitch after 6.00am and before 8.00 a.m. on each Market Day. Any stall or pitch not occupied by 8.00am may be re-let to another trader at the discretion of the Market Supervisor.
16. When for any emergency reason a Permit Holder is unable to comply with Rule 15 (above) they shall so inform the Market Supervisor at least one working day before the Market is held.
17. When for any reason a Permit Holder is unable to comply with Rule 16 (above) they shall inform the Market Supervisor as early as possible on the Market Day.
18. Except in exceptional circumstances the Permit Holder shall cause their stall or pitch to remain open for business throughout and to the end of the Trading Hours. (8.00 a.m. to 4.00 p.m.)
19. The Permit holder shall
 - i) Arrange for the removal and disposal of all waste generated by their trading activity at the end of the day, ensuring that the persons removing and disposing of it holds and appropriate Waste Carriers Licence which can be inspected by authorised Council officials or
 - ii) Pay for a Council wheeled bin to deposit refuse or waste for disposal or recycling as appropriate.
20. At the end of the trading hours the Permit Holder shall cause all goods or approved fittings to be removed from their pitch and the site to be left clean and tidy. The Council may charge the trader for clearing away any waste or items left on their pitch (other than those left in a Council Wheeled Bin) or for cleansing the area if it is left dirty.
21. The Permit Holder shall ensure that:
 - i) loading and unloading in connection with their stall or pitch shall cause as little inconvenience to the public or other permit holder as possible
 - ii) After 9.00 a.m., except where the Market Supervisor has authorised a contrary arrangement, no vehicle or vehicles shall remain on the market or its immediate approaches. No vehicle shall return before 4 p.m. into the market area.
 - iii) Parking Permits will be issued to allow free parking in specifically designated areas only as directed by the Market Supervisor.
22. The Permit Holder shall indemnify the Council against all costs, actions, claims and demands by any person or body arising from the exercise of their trading activities or those of their employees or agents and shall hold a valid insurance policy for public liability for claims up to £5 million and

the Market Supervisor shall be at liberty to call for and inspect such policy of insurance and the receipt of the current premium.

23. Notwithstanding Rule 22 (above) the Permit Holder shall not be liable for any loss, damage or injury which shall arise from the negligence or default of the Council's employees or staff.
24. The Permit Holder shall:
 - (a) provide appropriate cover to the roof, sides and back of stalls from which food is to be sold and provide such other facilities, equipment or material as required by law or by Environmental Health or Trading Standards Officers.
 - (b) maintain standards of hygiene and cleanliness as required by law, Environmental Health Officers, Trading Standards Officers or the market Supervisor.
 - (c) seek and comply with the requirements and advice of the Council's Head of Environmental & Community Health Services who may be contacted at the Council's offices at Pathfinder House, St Mary's Street, Huntingdon, Cambs PE29 3TN
 - (d) Hold a Food Hygiene Certificate, issued by the Council's Environmental Health Department when serving or preparing food.

N.B. An industry guide to good food hygiene practice entitled "Markets and Fairs Guide" is recommended (ISBN No 1/902423/0013 as amended).

25. The Market Supervisor shall ensure that an appropriate standard of dress is adhered to by the Permit Holder and their staff at all times. Shirts are to be worn at all times and shorts or skirts are to be respectable.
26. If without good reason a Permit Holder fails to attend a Market on four consecutive weeks without notifying the Council then his or her Permit(s) may be deemed to be revoked.
27. If without notifying the Council a Permit Holder fails to attend a market on eight occasions in a twelve month period the Permit may be deemed to be revoked.
28. If a Permit Holder cannot attend a market on medical grounds, on the provision of a medical certificate to the Market Supervisor, credit of market fees will be made after the first week and up to a maximum of 9 weeks. During this time, the Council reserves the right to temporarily let the Permit to another trader. At the end of 9 weeks, the situation will be reassessed and after notice to the Permit Holder the Council may permanently let the pitch to another trader.
29. A market trader shall give 4 weeks written notice of their intent to cease trading. Failure to do so will result in charging for the period.
30. The Council undertake not to increase stall and pitch charges without giving existing Permit Holders four weeks notice in writing of their intention to do so.

31. Any complaint with regard to these Market Rules must be made in writing to the Director of Environmental & Community Services.
32. Permit Holders shall comply with all reasonable directions of the Market Supervisor or any Bylaws relating to the Market .
33. It is a requirement of granting authority to trade that the Market Trader signs to say he or she has read, understands and intends to comply with these Market Rules.
34. Traders not complying with these Market Rules may have their Permit to trade suspended or revoked by the Market Supervisor. For serious offences, suspension can be immediate. The Market Supervisor's decision on this is respect is final.
35. The Council may add to or amend the Market Rules in the light of changing circumstances or for any other reason on the understanding that existing Permit Holders will be advised in writing in advance of any intended alterations.

HUNTINGDONSHIRE DISTRICT COUNCIL

MARKET RULES

(a list of Conditions with which Market Traders shall be required to comply in the exercise of their trading activities on WEEKLY MARKETS under the control of the Huntingdonshire District Council)

Approved by Cabinet on
On

Malcolm Sharp
Director of Environmental & Community Services