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30<sup>TH</sup> SEPTEMBER 2008

CABINET

16<sup>TH</sup> 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 4<sup>th</sup> 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