

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 1st September 2011.

PART I: Interpretation

In these Market Rules unless the context otherwise requires

- “Charter” means the granting of a weekly market in a specific town.
- “The Council” means Huntingdonshire District Council whose principal office is at Pathfinder House, St Mary’s Street, Huntingdon, Cambridgeshire PE29 3TN.
- “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 Head of Operations in the day to day administration of the market and enforcement of market rules or such persons nominated by the Head of Operations 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 5.30 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 the approval of the Market Supervisor 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).

PART II: Rules

1. Any prospective trader will start as a casual trader. As a minimum, the Market Supervisor will require details of name, address and telephone number plus proof of public liability insurance. The Council reserves the right to require proof of a traders eligibility to work in the UK.
2.
 - (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. Payment for casual trading must be made to the market supervisor before noon on the day of trading.

The Council reserves the right to suspend the Permit for any trader who is in arrear on fees, or to revoke the Permit for serious or repeated arrears.
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 trader requiring electricity will be charged for it at the set rate as part of their invoice for rent. Casual traders must pay for it on the day.
5. Any trading on the street which has not been permitted under these Market Rules is known as ‘street trading’ for which a licence is required. This can be applied for from the Council’s Licensing Section.

6. A Permit Holder 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.
7. 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.
8. A Permit Holder 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.
9. 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.
10. 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.
11. 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 Health and Safety legislation to their employers and the members of the public.
12. 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.
13. 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.
14. Only Permit Holders 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.
15. 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. Any such information may be used to control and administer the Council's markets and to manage, monitor, improve and promote Council services.

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 lawful 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 may use the information provided to it 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.

16. 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.
17. When for any emergency reason a Permit Holder is unable to comply with Rule 16 (above) they shall so inform the Market Supervisor at least one working day before the Market is held.
18. When for any reason a Permit Holder is unable to comply with Rule 17 (above) they shall inform the Market Supervisor as early as possible on the Market Day.
19. 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.). The pitch shall be vacated and left in a clean and tidy state no later than 5.30 p.m.
20. 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 hold an 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.
21. 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 Permit Holder 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.
22. 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 3 p.m. into the market area. Parking

permits will be issued to allow free parking in specifically designated areas only as directed by the Market Supervisor.

23. 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 entitled to call for and inspect such policy of insurance and the receipt of the current premium.
24. Notwithstanding Rule 23 (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.
25. 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 as required by law or by Environmental Health or Trading Standards Officers. Where open high risk food is prepared, stored and sold, adequate hand washing facilities must be provided.
 - (b) maintain standards of hygiene and cleanliness as required by law, Environmental Health Officers, Trading Standards Officers or the market Supervisor. Should any food trader be found to be non compliant with the law they will be required to immediately leave the market and will not be permitted to return until they can demonstrate full compliance to the satisfaction of Environmental Health staff.
 - (c) seek and comply with the requirements and advice of the Council's Environmental Health Officer who can be contacted at the Council's offices at Pathfinder House, St Mary's Street, Huntingdon, Cambs PE29 3TN
26. 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.
27. 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.
28. 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.
29. If a Permit Holder is unable to attend a market on medical grounds, credit of market fees will be made after the first week and up to a maximum of 9 consecutive weeks in a 12 month period. This will be subject to the provision of satisfactory evidence such as a medical certificate or Doctors letter. 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.
30. 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.

31. 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.
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. Permit Holders not complying with these Market Rules may have their Permit to trade suspended or revoked by the Market Supervisor. If a market trader or their representative behaves in a manner which may be deemed in breach of the law, or which is of an antisocial nature, their permit to trade may be suspended. Likewise, any behaviour which could bring the market or Huntingdonshire District Council into disrepute may result in suspension. For serious offences, suspension can be immediate and may be permanent. For serious offences, suspension can be immediate. The Market Supervisor's decision on this in 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
36. Any complaint with regard to these Market Rules must be made in writing to the Head of Operations, Eastfield House, Latham Road Huntingdon PE29 6YG.
37. Any appeals can be made in writing to Managing Director Community, Partnership and Projects Huntingdonshire District Council, Pathfinder House, St Mary's Street Huntingdon PE29 3TN

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 16th October 2008

Amended 1st September 2011



Malcolm Sharp
Managing Director Community, Partnership and Projects