

NORTHALLERTON AND THIRSK MARKETS



November 2016

Market Trading Conditions, Pitch Allocation,
Calculation of Rents and Charging Policy

Contents

Market Trading Conditions

Section 1 Attendance at Markets 1

Pitch Allocation Policy

2 General 3
3 Regular Trader 4
4 Casual Trader 5
5 Use of Pitches 6
6 Conduct of Traders 10
7 Disposal of Refuse, Cleansing 11
8 Grievance Procedure 12
9 Infringement of Conditions 12

Calculation of Rents and Charging Policy

10 Calculation of Rents 14
11 Payment of Rents 15



Market Trading Conditions

Section 1 - Attendance at Markets

Market Traders are required to provide, erect and dismantle their own stalls.

Pitches reserved for a Regular Trader will be kept available until 8.30am on the day of the market. Thereafter vacant pitches will be allocated to Casual Traders in accordance with the council's Allocation Policy. In the event of delay, illness, vehicle breakdown or other reasonable cause which is notified to the Market Superintendent prior to 8.30am - a later start may be authorised at the discretion of the Market Superintendent.


All Traders on the markets must vacate their pitches no later than 5pm on the day of the market, except where authorised by the Market Superintendent.

In exceptional circumstances a Regular Trader may be granted compassionate leave at the absolute discretion of the council, for such period as it may deem to be appropriate for the circumstances.

If a Regular Trader fails to attend for three consecutive weeks without notifying the council or Market Superintendent of valid reasons for non-attendance, the pitch will be re-allocated.

No Trader may cease to sell their goods, or pack up their wares before 3.30pm on any market day, without the permission of the Market Superintendent.

All Traders who change the name under which they are trading must notify the council in writing of the new name.



Regular Traders may allow other persons to trade on their behalf with the consent of the council, subject to:

- requests to trade for two weeks or less being made direct to the Market Superintendent - for approval before the day of the first market at which the substitute Trader will attend
 - applications to trade between three and eight weeks being submitted in writing with two passport type photographs of the substitute Trader to the Market Superintendent - approval will be given at the discretion of the council in writing
 - applications over eight weeks must be submitted in writing and accompanied by two passport type photographs of the substitute Trader with written evidence of the substitute Trader's status as a bonafide employee of the regular Trader. Continued evidence of the substitute Trader's status may be required, at the council's discretion, and failure to provide it will result in the immediate dismissal of the substitute Trader from the Market. No other forms of association, eg family member, or 'business partner' will be acceptable - approval will be given at the discretion of the council in writing.
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- it being discovered that an attempt to make the substitute Trader the recognised Trader on the pitch, both the applicant and the substitute Trader will be prohibited from attending any or all of the council's markets.

Pitch Allocation Policy

Section 2 - General

All applicants must complete an application form and supply all necessary information, including passport photo ID, right to work, insurance and all necessary licences, registrations, etc, for selling goods or services offered by the Trader.

Regular Traders must give notice in writing to the council if they wish to leave the market - failure to do so will result in them being charged outstanding rent until the council receives notification in writing.



Section 3 - Regular Trader

- A regular trader is a trader who has been allocated a specific pitch on a market and is on the council's Regular Trader List.

Where a Regular Trader's pitch becomes available.

- It is firstly offered to any adjacent Regular Traders, with priority given to the adjacent Regular Trader who has lodged a written 'expression of interest' with the Market Superintendent to extend their pitch.
- If not taken by an adjacent trader it will be offered to any other Regular Trader who has previously lodged a formal interest to change their pitch with the Market Superintendent.
- If still not taken it will be offered to whichever Casual Trader has recorded the most previous attendances at that market in the last three months, initially on a four week trial basis, subject to a satisfactory trial period the trader will be allocated the pitch as a Regular Trader.
- If the allocation of a Regular pitch would in the opinion of the Market Superintendent, create a conflict with the adjacent Traders, then the pitch will be offered to the next casual trader.

Where a Regular Trader has occupied a pitch for ten years or more he/she may transfer his/her pitch rights to a member of his/her family or another person unless the council is of the opinion that it would be detrimental to the operation of the market.

Section 4 - Casual Trader

- A casual trader is a trader who has not been allocated a specific pitch on a market and who is on the council's Casual Trader List.

Pitches not allocated to a Regular Trader will be allocated at 8.30am on the day of the market to whichever Casual Trader has recorded the most previous attendances at the market in the last three months.

The council reserves the right to refuse admission to the market to Casual Traders who offer goods or services which, in the opinion of the Market Superintendent, upset the balance of trading already in existence for those types of goods.

Casual Traders who refuse to accept the offer of a casual pitch on any particular market day will be recorded as not having attended the market on that day.



Section 5 - Use of Pitches

All Regular Traders' vehicles must be removed from the carriageway by 9am. Casual Traders, who have been allocated a pitch not occupied by a Regular Trader after 8.30am, must remove their vehicles from the carriageway by 9.30am.

All Traders must maintain Public Liability Insurance minimum £5 million and, if appropriate, Employer's Liability Insurance minimum of £10 million and provide proof of the insurance cover when requested by the council.

The space between any pitch, walkways and the footpath must be kept clear at all times of any article or merchandise to prevent the footpath from being obstructed and access points between pitches must be kept clear at all times.

Vehicles, pitches and other articles used for display which occupy any pitch used, or intended to be used, for the sale of or in connection with the sale of goods must be approved by the Market Superintendent. Vehicles must be parked close to or immediately behind any pitches.

Vehicles, pitches and other articles used for display and sale of foodstuffs for human consumption shall comply with legislation governing the display and storage and transport of foodstuffs.

Traders selling foodstuffs shall comply with the terms of the current Food Hygiene (Markets Stalls and Delivery Vehicles) Regulations and Food Safety (General Food Hygiene) Regulations.



All Traders intending to sell homemade products prepared or cooked beforehand at the Trader's premises or house, must have had these premises assessed by an Environmental Health Officer to ascertain their suitability and cleanliness.

Every Trader shall be provided with and display an approved notice showing his/her trading name.

A Trader's name and address may be passed to complainants and as the requirements of the National Fraud Initiative other organisations (eg Police, Trading Standards) in accordance with the council's registration under the Data Protection Act 1984. Such information will only be provided upon receipt of a written request from a complainant or other organisation which has provided the council with its own name and address.


Radio broadcasts or recorded music shall not be played at any time except for the purposes of the sale of radios or similar apparatus or music which may be tested from time to time or at the request of the customer and then not operated for a prolonged period or at an excessive volume.

Awnings provided by Traders shall be maintained in a clean and tidy condition, and the erection of such awnings or shelters around vehicles and pitches etc, shall be subject to the approval of the Market Superintendent.

A Trader shall only sell the goods or services specified in their application to trade. No Trader may change the class of goods or services sold or sell additional goods or services without first applying in writing to the council. The council reserve the right to refuse any requests for changes in the nature of goods/services sold or requests to sell additional goods/services.

A Trader shall not permit any dogs, cats or other animals (other than guide dogs), whether domestic or otherwise, to come onto any pitch or any part of the market.





A Trader shall not conduct an auction at or on any pitch and must not use the method known as 'pitching' or 'load selling'. A Trader may not tout for custom unless he complies with all the provisions listed below.

- He/she is selling perishable goods.
- Touting is not directed at individual members of the public and does not commence before 3pm apart from when the Market Superintendent has decided that the Market will close early.
- The Trader remains within the confines of his/her pitch while engaged in touting.

A Trader shall not use the method of selling known as 'demonstrating'.

A Trader shall conduct his/her trading in such a way as to ensure so far as is reasonably practicable that any persons on the market, including members of the general public, are not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974.

No Trader shall be permitted to sell solvents, glues and butane gas lighters or butane gas lighter refills to anyone under the age of 16. Any Trader wishing to sell these items must display them within the area of their pitch in a location in which members of the public cannot gain direct access to them.



Section 6 - Conduct of Traders

Traders and their attendants are required to conduct themselves in an orderly manner and shall not do any act which may cause the public to congregate around the pitch in such a manner to cause an obstruction to the pavement or footpath.

The council does not accept responsibility for liability for injuries to any Trader, his/her employees or assistants, or to any customer as a result of the negligence or other act of a Trader at any of the council's markets.

Traders and their employees or assistants, will observe and carry out the instructions and directions of the Market Superintendent or other council officers.

Gratuities in any form are not permitted and must not be offered to any of the council's employees or Members.

No Trader shall sub-let his/her pitch to his/her associates or any other person.

All rents shall be paid promptly in accordance with the council's Calculation of Rents and Charging Policy.

A right to occupy a regular pitch may be terminated if a Trader commits an act of bankruptcy or, being a company, goes into liquidation.

Section 7 - Disposal of Refuse, Cleansing

Traders are responsible for ensuring their individual pitches and the areas around are maintained in a clean and tidy condition and all litter and refuse produced by the trader is removed by the end of the days trading.

Traders shall co-operate with the council for the easier cleansing and sweeping of the market area.

Public litter bins on the market area must not be utilised for the disposal of Traders' refuse.

At Northallerton market an additional charge is made to cover the cost of removing refuse from the market. Refuse will be collected from designated areas and it is the stallholder's responsibility to place appropriate refuse in these areas and to keep the individual pitches in a clean and tidy condition. This charge will be levied as a unit charge per Trader at a standard rate. A higher rate will, however, be applied to those Traders who are deemed to produce relatively large amounts of refuse.





Section 8 - Grievance Procedure

Grievances by Traders in respect of any matters affecting the market must be brought to the attention of the Market Superintendent in the first instance, who may deal with it himself or pass it directly on to the council's Technical Officer (Markets).

If a grievance is not resolved by the Market Superintendent then a Trader may put it in writing to the Technical Officer (Markets).


A Trader may appeal to the council's Corporate Facilities Manager against a decision of the Technical Officer (Markets) - an appeal must be submitted in writing within seven days.



Section 9 - Infringement of Conditions

Any infringement of the Market Trading Conditions may result in the issue of a 'First Warning' form by the Market Superintendent. A record will be kept by the Superintendent and the warning will remain in force for a period of twelve months from the date of issue. After this time it ceases to be valid, and may not be considered in any subsequent disciplinary action which may be taken against the Trader.

A further infringement of any of the Market Trading Conditions will result in a warning letter from the council's Technical Officer (Markets).



If there is a further infringement the Market Superintendent may suspend the Trader immediately. The suspension will be confirmed in writing within seven days together with details of the length of suspension. Rent will be payable by the Trader for the period of any suspension and/or during any withdrawal of the Trader's Regular Pitch Allocation.

The Market Superintendent can suspend a Trader at any time whether or not a first or second warning is in place, from trading immediately at any of the council's markets or withdraw their Regular Pitch allocation on any, or all, of the council's markets when:

- a Trader knowingly contravenes the Trading Conditions and in the opinion of the Market Superintendent, an immediate suspension is appropriate because of the seriousness of the breach
- a Trader places the health or safety of any person on the market at risk
- a Trader creates any disturbance or commits any act which is considered to be seriously detrimental to the safe and orderly operation of the market or to bring the market into disrepute
- a Trader's rent payments are in arrears at any of the council's markets, except in periods of authorised absence for holidays or sickness.

A Trader who is suspended from the market or has his/her Regular Pitch allocation withdrawn may appeal against the decision. This must be in writing, within seven days from the date of the decision, to the council's Director of Economy and Planning.

Markets - Calculation of Rents and Charging Policy

Section 10 - Calculation of Rents

Market rents will be calculated based on the linear metre frontage of the stall, this applies to all types of stalls including mobile units. Traders using mobile units will be charged at the appropriate Frontage Rate based on the linear frontage occupied by their unit. A minimum pitch size of 4.00m will be applied to all traders.



Section 11 - Payment of Rents

All rents for Regular Traders shall be paid by one of the following methods:

- by cash or cheque paid either weekly or monthly in advance before 12 noon on the day of the market to the Market Superintendent
- by Direct Debit monthly in advance - invoices are issued on the 1st of the month however the payment is not taken until the 16th of the month
- by quarterly account in advance, in accordance with the Council's Sundry Debtor system.


An additional charge of £10 will be levied on any Trader whose cheque for payment is not honoured by the Bank.

The holder of any Regular Pitch must produce evidence of payment in the form of a receipt each week at the request of the Market Superintendent or other council officers.

The Market charges levied shall be such sums as may be laid down from time to time by the council. Any changes in Market charges will be communicated to all Regular Traders.

Any outstanding charges levied in the absence of Traders will be paid on the first day of return to the market.

All rents for hiring of pitches to Casual Traders attending the markets are to be paid to the Market Superintendent in cash on the day of the market and a receipt will be obtained.



No refunds of rents will normally be payable to Regular Traders for non-attendance at any market except:

- in exceptional circumstances at the discretion of the council's Corporate Facilities Manager.

Where a Regular Trader is absent due to illness which is verified by a Doctor's Certificate the rent paid by the absent Trader for any period will be reimbursed at the end of each calendar month by the council or credited against any future rent payments. It is the absent Trader's responsibility to ensure that the Doctor's Certificate is provided within seven days of the first absence and for any subsequent Certificates, within seven days of the expiry date of the previous Certificate. Failure to provide a Doctor's Certificate within these time limits will result in the full rent being payable for the appropriate period. The rent-free period due to illness shall not exceed three months. Thereafter the Trader will be liable for the rent on the pitch unless it has been let to a Casual Trader, when the income will be offset against the rent due. Hambleton District Council reserves the right to contact Doctor's Surgeries in order to obtain confirmation of Doctor's Certificates.

Traders who have been granted compassionate leave will not be required to pay the appropriate pitch rents for the days on which they are absent and any rent already paid will be refunded at the end of each calendar month or credited against any future rent payments. Proof to be provided in advance upon the Traders return to the market.

Regular Traders may be absent from the market on one nominated day per year for holiday purposes and not pay rent.



Notes





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This information is available in alternative formats and languages