

HUNTINGDONSHIRE DISTRICT COUNCIL

MARKET RULES

These Market Rules shall apply to markets (except Bank Holiday Markets) controlled by Huntingdonshire District Council in its district and shall come into operation on 3rd of September 2016.

DEFINITIONS

In these Market Rules, unless the context otherwise requires:

- “Charter”** the granting of a weekly market in a specific town.
- “The Council”** 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 has 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.
- “Markets Officer”** 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 Markets Officer.
- “Loading and Unloading”** means the process of getting goods and equipment in and out of the traders’ vehicles and setting up or taking down the stall or pitch.
- “Trading Hours”** means the period of time between 8am and 4pm (or such other period or periods as may be defined by the Council and notified to the Traders).
- “Market Licence”** means the authority of the Council, which shall be personal to the Trader, to sell permitted commodities on a specified market from a pitch, subject to these Market Rules and such other conditions as may be included in the Market Licence.
- “Trader”** means an individual or business that the Council have authorised to trade on a specified market.
- “Regular Trader”** means a Trader who has been granted a Market Licence to trade on a specified market after a qualifying period of trading as a Casual Trader, and who makes payment via Direct Debit.

“Casual Trader”	means a Trader who has been granted temporary use of a pitch to trade by the Council.
“Permitted Commodities”	means those goods and commodities for which the Trader has the approval of the Markets Officer to sell during the Trading Hours.
“Pitch”	a 10ft wide area (normally marked by studs) of land from which the Trader is authorised to sell Permitted Commodities during the Trading Hours on any given day. The pitch will not be specific to the Trader.
“Stall”	the structure, trailer or other device upon which the permitted commodities are displayed for sale.
“Market Area”	the area as defined in the Charter where trading is allowed

RULES

1. Prospective Traders

- 1.1 Any prospective Trader must complete the online application form with the details requested. By submitting such form, the trader agrees to abide by these rules. In addition, before setting up any stall or trading, the Trader must show proof of and permit the photography of public liability insurance, National Insurance Number (card or government-headed paper) and, if requested, eligibility to work in the UK.

2. Balanced Market and Market Layout

- 2.1 The Markets Officer is responsible for the layout of the market and ensuring a balance of commodities in order to make the market attractive to customers.

- 2.2 New applications for trading will be assessed against the current balance at the market. Prospective Traders will only be granted permission to trade if there is space within the current market layout and the commodities they wish to sell are not over-represented at the market. The Markets Officer’s decision in this respect is final.

The aim of the layout and balance of commodities is to enhance the vibrancy and sustainability of the market, not to create exclusivity for Market Traders.

The Markets Officer will review the mix of the markets on an ongoing basis to keep up to speed with moving trends.

- 2.3 Traders who cannot be immediately accommodated will be put on a waiting list maintained by the Markets Officer, who will determine when space is available. This will be based on the balance of commodities and the layout of the market.

3. **Casual Traders**

- 3.1 If space is available, a prospective Trader will be granted permission to start to trade as a Casual Trader. A Casual Trader will be granted the temporary use of a vacant pitch. The maximum time a trader can attend a market as a Casual Trader is 12 weeks. This can be extended at the Markets Officer's discretion, such as if no suitable permanent position can be offered or to coincide with the next rent invoice period.

4. **Regular Traders**

- 4.1 A Regular Trader will first have traded as a Casual Trader for a qualifying period of at least four weeks and then may be offered the option to become a Regular Trader. A Regular Trader will be issued a Market Licence. Regular Trader status will start at the beginning of the next quarter. To become, and maintain being a Regular Trader, you must, with the exception of medically certified illness, market closures or annual holidays (up to four weeks), trade every week. In total, Traders shall trade a total of 42 weeks in a 12 month period, excluding Bank Holidays, with the year beginning on 1 April.

- 4.2 Traders' licences. Traders will be required to update their personal information via the on line process when reasonably requested to do so by HDC.

5. **Allocation of Pitch**

- 5.1 Use of a pitch or specific location in the market area for trading does not confer the right to trade in that pitch or location at every market. There is no guarantee of which pitch or area any Trader, regular or casual, will be allocated at each market. The Markets Officer reserves the right to move traders to a different pitch or area of within the market area. Where possible notice will be given, but in exceptional circumstances this could be immediate.

Traders are not allowed to move (including for a temporary period) or extend their pitch without first receiving permission to do so.

6. **Payment of Market Fees**

- 6.1 **Regular Traders:** Regular Traders will be charged market fees by quarterly invoice in April, July, October and January, to be dispatched normally no later than two weeks before the beginning of the quarter to which it applies.

- 6.2 Payments must be made by monthly Direct Debit.

- 6.3 At the discretion of Huntingdonshire District Council, Regular Traders who pay by Direct Debit and are up to date with their payments will receive two weeks' free rent whilst they vacate their pitch due to their holiday. The Trader must give a minimum of two weeks' notice.

All rebates will be taken off their next quarterly invoice.

6.4 The Council will suspend any Trader who is in arrears of market fees for the previous month. Suspension may be permanent for serious or repeated arrears.
Any Direct Debit request returned by the bank as unpaid will incur a £25 fee towards the administration time for adjusting the account. This will be shown on the next invoice.

6.5 **Casual Traders:** Casual Traders must make payment to the Markets Officer by debit or credit card before setting up.

7. **Market Fees Review**

7.1 The Council reserves the right to review market fees when required and alter the charges. All Traders will be notified at least four weeks before any changes are implemented. Casual Traders will pay the casual rate for their first pitch. Any additional pitches will be charged at the normal rate.

7.2 **Sub-letting and Selling-on a Pitch**

- a) The Market Licence Holder shall not assign or sub-let his or her Market Licence, stall or pitch or any part thereof or sell it to another person. Any attempt not to comply with this will be challenged. The Council reserves the right to insist the Trader named on the licence must be in attendance on a weekly basis.
- b) However, if the Trader has been trading for at least five years they can request that a replacement Trader can apply for a licence to trade from their pitch.
- c) The third party must supply a written undertaking that they will run the stall in the same manner, and keep to the same products listed on the licence.
- d) The Council can change the requirements of the licence applied for by the replacement Trader or refuse such application at their discretion. There will be a fee of £150 payable by the existing Trader. This fee must be paid before the new Trader takes over any such pitch. **NO REPLACEMENT TRADER CAN TRADE ON THE MARKET BEFORE THE LICENCE IS APPROVED.**

8. **Electricity**

8.1 Any trader requiring electricity must inform the Markets Officer in their application form. If approved and space is available, they will be allowed to connect to an approved electrical outlet in the Market Area at the discretion of the Markets Officer. It is the Trader's responsibility to make sure all electric cables and appliances conform to required legislation or regulations. Any cables or electrical appliances that are deemed unsafe by the Markets Officer must be removed immediately.

8.2 The Markets Officer may suspend use of electricity to any trader. Any damage caused by Traders to the market's electrical supply equipment will be charged for.

8.3 All electrical charges will be levied at the current rate as part of a Trader's

invoice for rent. Casual Traders must pay on the day. The Council reserves the right to alter the charges; all Traders will be notified before any changes are implemented. If you connect to the Council supply at any time during the operating day of the market, and for any period of the day, you will be charged for the whole day.

9. **Street Trading**

- 9.1 Only 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. Any trading on the street which has not been permitted under these Market Rules is known as 'street trading' for which a separate licence is required. This can be applied for from the Council's [Licensing Section](#).

10. **Stalls**

- 10.1 Stalls must be supplied by the Trader and it is their responsibility for their erection and dismantling. All stalls must reach the expected standards of safety and appearance required by the Council.
- 10.2 If, in the opinion of the Markets Officer, any part or parts of the stall are deemed to be unsafe it will be the responsibility of the Trader to remove the item(s) and make safe.
- 10.3 If the Trader continues to trade without removing the unsafe item(s) or equipment they will be suspended immediately and asked to leave the market. They will only be allowed to return to the market when they have satisfied the Markets Officer that they have made their stall safe.
- 10.4 The Trader shall not affix their stall to, or place any of their goods or produce on, any item of street furniture or public memorial.
- 10.5 All gazebos and pop ups must have a leg thickness of at least 30mm and must be sufficiently weighted, regardless of the weather.

11. **Pitches**

- 11.1 The Trader shall not place or display goods or trail cables beyond the boundaries of their pitch or upon their stall in such a manner that may cause an obstruction or danger to pedestrians and people visiting the market.

If any pitch is free or unclaimed, Traders cannot use this space without seeking permission first. The Council reserves the right to sell such space at the market rent achievable for the time of year.

12. **Permitted Commodities**

- 12.1 The Trader shall not deal in, sell or display goods other than those permitted commodities for the stall. The Markets Officer has the authority to stop a Trader selling goods that he or she regards as unsuitable. The Markets Officer's decision on this is final.

13. **Prohibited and Restricted Items**

- 13.1 A Trader is not permitted to collect money or sell articles for the benefit of charitable or other purposes from a stall or pitch unless the relevant licence has been obtained from the Council's Licensing Section.
- 13.2 Lottery tickets shall not be sold from a stall or pitch.
- 13.3 Drugs paraphernalia and legal highs shall not be sold from a stall or pitch.
- 13.4 Medicines shall not be sold from a stall or pitch.
- 13.5 Weapons, firearms and imitation firearms shall not be sold from a stall or pitch.

13.5.1 Knives – Only small modelling/pen/Stanley knives are to be sold on HDC markets, all of which must be suitably packaged to prevent quick access.

- 13.6 A 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.
- 13.7 E-cigarette traders must have full insurance cover including product liability protection.

14. **Compliance With Legislation**

- 14.1 Any Trader found contravening any trading standards or consumer protection legislation must remove the said goods and will be reported to Trading Standards. They may, at the discretion of the Markets Officer, be suspended from trading on that day and until relevant authority has been obtained to sell those goods.
- 14.2 The Trader must comply with their responsibilities under all relevant regulations and legislation to their employees and to members of the public and in particular the *Consumer Rights Act 2015*. Any trader found selling counterfeit goods will have their trading licence removed.

The law states that when you sell any goods to a customer they must be yours to sell. The goods must be of satisfactory quality and be fit for the purpose the consumer has made known. The goods must also meet the description they have been given and match any sample or model the consumer has seen. Should the goods you have supplied not meet consumer's rights, there is a clear method to follow. The consumer now has a short-term right to reject, this means they are entitled to a full refund within the first 30 days if the goods are faulty. The consumers are eligible for a full repair or replacement of a product after 30 days from purchase and they may have a price reduction or final right to reject made available to them after one attempt to repair or replace.

- 14.3 Should a complaint be made by a consumer against a Trader's product, and no satisfactory outcome can be found between the two parties, the

Markets Officer, having taken advice, will make a decision. If he or she agrees with the consumer a refund must be offered.

Should the Trader still disagree and the Markets Officer feels the market is being brought into disrepute, the Trader will be asked to leave the market.

15. **Auction, Pitching or Touting**

15.1 The Trader shall not sell any goods or allow them to be sold by auction, pitching or touting without the Markets Officer's permission.

15.2 Amplifiers, or other noise-making devices or motors or generators can only be used after consultation with the Markets Officer. If the Markets Officer agrees to their use and they have been kept in good repair and condition, they shall only be allowed to an extent which shall cause no nuisance or annoyance to other stallholders, the occupants of nearby premises or members of the public.

16. **Market Application Forms**

16.1 The Trader shall complete the online form detailing such information as the Council may require and promptly thereafter shall notify the Markets Officer in 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.

16.2 **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.

17. **Waste Disposal**

17.1 Traders must either:

a) 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

b) Pay for a Council wheeled bin to deposit refuse or waste for disposal

or recycling as appropriate. Should, for operational reasons, the Council replace the wheeled bin for refuse sacks, all such charges will still apply.

- 17.2 At the end of the trading hours the Trader shall remove all goods and approved fittings from their pitch and leave the site clean and tidy. The Council may charge the Trader (other than those items left for authorised collection) for clearing away any waste or removing items left on the market, surrounding area or any area such where rubbish may have blown to.

18. **Loading and Unloading**

- 18.1 Loading and unloading in connection with a stall shall cause as little inconvenience to the public or other Traders as possible.
- 18.2 The Market must be cleared by 17.30hrs unless previous permission is obtained from the Markets Officer.

19. **Loading and Unloading Times - Regular Traders**

- 19.1 Unloading must be completed between the hours of 06.00 and 08.45hrs. Loading must be completed between the hours of 15.00 and 17.30hrs on the St Ives Market and 16.00 and 17.30hrs on the Huntingdon Market. The Markets Officer shall have the discretion to vary loading times dependent on the conditions and circumstances on site.
- 19.2 Regular Traders shall occupy/setup their stall or pitch subject to any variation made by The Markets Officer after 06.00hrs and before 08.00hrs, on each Market Day.

Trailers: It is your responsibility to get your trailer into position without disturbing other Traders. Other Traders should not be expected to delay their set up waiting for you. If you can arrive on your pitch without disturbing fellow Traders, remove your vehicle straight away and it is agreed with the Markets Officer, the time of arrival will be relaxed to 8.20am for occupation. In return the Trader must agree to let the Markets Officer know when they are not attending.

20. **Loading and Unloading Times - Casual Traders**

- 20.1 Casual Traders will be directed to their pitches by the Markets Officer Supervisor on the market day. No prior unloading or setting up of stalls is allowed without agreement of the Markets Officer.
- 20.2 Unloading must be completed between the hours of 07.00 and 09.00hrs. Loading times must be completed between 15.00 and 17.30hrs on the St Ives Market and 16.00 and 17.30hrs on the Huntingdon Market. The Markets Officer shall have the discretion to vary loading times dependent on the conditions and circumstances on site.

21. **Re-allocation of Unoccupied Pitches**

- 21.1 When a Regular Trader is unable to occupy their pitch by 8.00am they shall inform the Markets Officer as early as possible on the Market Day. Any pitch not occupied by 8.00am (trailer 8.20am) may be re-let to another Trader (Regular or Casual) at the discretion of the Markets Officer.

22. **Departure Time from Pitch**

- 22.1 All Traders are required to trade up to the agreed time. If a Trader sells out of stock the Trader shall still be required to leave their structure in place until the agreed time of closing.

23. **Market Closure in Exceptional Circumstances**

- 23.1 **Weather Change on the Day:** The Markets Officer can close the market down in exceptional circumstances and Traders must vacate their pitch as soon as is reasonably possible. **Note: Most Trader insurance is invalid if the market is closed. NO Trader will be allowed to stand.**

If the decision is made to close the market before 12.00 noon, a full refund of pitch fees will be given. Refunds will be shown on your next invoice.

Market closure in advance due to weather forecast: If a weather warning is issued the Markets Officer must act upon it. If speeds or gusts of wind are predicted to reach force 8 or above (39 to 46 mph) (as shown on the Met Office website), the market will be closed or made a no-structure event. This decision will normally be made at 10pm on the night before the Scheduled market.

All traders will be updated by text. It is your responsibility to keep the market officer up-to-date with your mobile number.

If the decision is made at 10pm to close the market, this decision will stand even if the weather changes drastically for the better in the early morning.

To protect the integrity of the market, a Market Officer will be in early attendance on the morning in question. A trader who, having been explained the situation, attempts to trade will be permanently barred from the market.

Our preferred option, subject to no rain of course, will be to make the event a no-structure event. However, please note that this decision can, and sometimes must, be overruled at any time.

If you cannot trade on a no-structure day, a refund will be given if requested in writing.

If the market is cancelled, a full refund will be credited on your next invoice. No request will be necessary.

23.2 **Making best of the market layout in bad weather.**

If requested to do so on the day before predicted bad weather, traders may be asked to send a confirmation text by 7am on the market day that they still plan to attend.

Failure to do this may result in the loss of their usual pitch for that day.

24. **Market Trader Vehicles**

- 24.1 Market Traders' vehicles shall not remain on the market area or its immediate approaches after 9.00am except where the Markets Officer has authorised a contrary arrangement. No vehicle shall return before 3pm at the earliest or at a later time requested by the Markets Officer.

25. **Parking Permits**

- 25.1 One parking permit per Regular Trader will be issued to allow free parking in specifically designated areas of Council car parks on the day of the market as directed by the Markets Officer. The parking permit must be displayed clearly on the windscreen in the vehicle at all times when it is parked in the car park otherwise a penalty notice will be issued in accordance with the car parking orders. Any other vehicles parked must be paid for in accordance with the rules of the car park.

Traders who require two commercial vehicles to bring their stock to market will be issued an additional permit.

26. **Public Liability Insurance**

- 26.1 All Traders, Casual and Regular, 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, representative or agents and shall hold a valid insurance policy for public liability for claims up to £5 million. The Markets Officer shall be entitled to call for and inspect such policy of insurance and the receipt of the current premium. Traders will not be allowed to trade if they cannot provide proof of insurance.

Public Liability Insurance: Most membership insurance policies are personal to you to use for business purposes.

In the case of a limited company or limited liability partnerships, **every** director of the business must be a member of the insurance scheme. You will need to provide this proof to the Markets Officer.

27 **Health and Safety at Work etc Act 1974**

All traders are duty bound by law to follow this Act.

Failure to do so will result in suspension or permanent removal from the market. For your guidance the Act is written below. However, it is your responsibility to check and use the latest addition available.

Section 3 - General duties of employers and self-employed to persons other than their employees.

1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

(2) It shall be the duty of every self-employed person who conducts an undertaking of a prescribed description to conduct the undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health or safety.

(2A) A description of undertaking included in regulations under subsection (2) may be framed by reference to—

(a) the type of activities carried out by the undertaking, where those activities are carried out or any other feature of the undertaking;

(b) whether persons who may be affected by the conduct of the undertaking, other than the self-employed person (or his employees), may thereby be exposed to risks to their health or safety.)

(3) In such cases as may be prescribed, it shall be the duty of every employer and every self-employed person, in the prescribed circumstances and in the prescribed manner, to give to persons (not being his employees) who may be affected by the way in which he conducts his undertaking the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their health or safety.

28. Food Traders

28.1 Any Trader selling food for human consumption shall:

- Supply all requested information in the requested format.
- Receive confirmation from the Council's Environmental Health Service that they are happy for the applicant to trade, subject to the provision of relevant information and documents to the Markets Officer before trading commences.
- Provide appropriate cover to the roof, sides and back of stalls from which food is to be sold and provide such other facilities and equipment as required by law or by Environmental Health or Trading Standards Officers. All food Traders must have adequate hand washing facilities. Gel, hand wipes or use of public toilets is not sufficient.
- Ensure that food handlers are supervised and provided with food hygiene instruction and/or training which is appropriate to

their duties and to the nature and type of the business.

- Maintain standards of hygiene and cleanliness as required by law, Environmental Health Officers, Trading Standards Officers, the Food Standards Agency (to a minimum of 4 stars) or the Markets Officer. 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. No refund on Market Fees will be given.
- Sneeze guards must be used on all stalls selling unwrapped prepared foods.
- 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

29. **Non-Attendance**

- 29.1 If, without notifying the Council, a Regular Trader fails to attend a Market on four consecutive weeks then his or her regular trading status will be revoked and they will revert to a Casual Trader.
- 29.2 If, without notifying the Council, a Regular Trader fails to attend a market on six occasions (excluding markets closed by the Council) in a twelve month period the Regular Trading status will be revoked and they will revert to a Casual Trader.
- 29.3 If a Regular Trader is unable to attend a market on medical grounds, credit of market fees will be made after the first two weeks. These can be claimed up to a maximum of nine consecutive weeks in a twelve month period. This will be subject to the provision of satisfactory evidence such as a medical certificate or Doctor's letter. During this time, the Council reserves the right to temporarily allow casual trading in place of the Regular Trader. At the end of nine weeks, the situation will be re-assessed and after notice the Regular Trader may have to revert to a Casual Trader.

30. **Notice Period**

- 30.1 A Regular Trader shall give four weeks' written notice of their intent to cease trading before the end of the invoiced period. No refunds will be given in regards to such notice for the current rent invoiced.

31. **Compliance with Market Rules**

- 31.1 Traders shall comply with all reasonable directions of the Markets Officer.
- 31.2 Traders must sign such form to say he or she has read, understands and intends to comply with these Market Rules.

31.3 Traders not complying with these Market Rules may be suspended from trading by the Markets Officer.

32. Trader Behaviour

32.1 If a Trader or their employees or representatives behave in a manner which may be deemed in breach of the law, an anti-social nature or an un co-operative/non communitive manner they may be suspended from trading. 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. The Markets Officer's decision on this is final.

33. Standard of Dress

33.1 The Markets Officer shall ensure that an appropriate standard of dress is adhered to by the Traders and their staff at all times. Shirts are to be worn at all times and shorts or skirts are to be respectable.

34. Amendments to the Rules

34.1 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 Traders will be advised in writing.

35. Complaints

35.1 Any complaints with regard to these Market Rules must be made in writing to the Business Development Manager, Eastfield House, Latham Road Huntingdon PE29 6YG.

35.2 Any appeals can be made in writing to Head of Operations, 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
1 September 2011
1 April 2015

1 January 2017
26 April 2017
1 July 2017
14 November 2017
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18 February 2019

Oliver Morley – Director Corporate Services