



## MARKET RULES

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## 1. DEFINITIONS:

The "Council" means Ryedale District Council.

A "Permanent Trader" is a market trader who has been granted the privilege of using a particular trading position on a particular day at a particular market.

A "Casual Trader" is a market trader who attends a particular market with his/her goods, in the hope that they may be allocated a trading position for the day only.

The "Market Manager" is the Council's Streetscene Manager who has authority to enforce these market rules.

The "Market Supervisor" means the Council's duly authorised representative.

A "Pitch" is the permitted trading space paid for by a Market Trader.

A "Stall" is the structure from which goods are displayed and sold.

A "Trading Line" is the type of goods a Market Trader sells as agreed in their Trading Agreement.

"Misconduct" is any serious and persistent breaches of market rules, dishonesty, and deliberate acts of causing damage or injury bringing the Market into disrepute.

## 2. MARKET PROVISION:

**Pickering Market** is held every Monday in the Market Place.

A road closure order is in place which closes the market place between 10.00am and 4.00pm.

**Helmsley Market** is held every Friday in the Market Square.

(Except Good Friday, when trading is carried out on a casual basis the Thursday before)

One charity stall is provided free of charge subject to an advance booking through the Markets Admin Team.

The barriers used to prevent general vehicle access to the market place are removed at 5.00pm.

## **Both Markets**

- The market is self erect and Traders provide their own stall
- Trading will be between the hours of 9.00am and 4.00pm, where practical
- All permanent pitches must be claimed by 8.30am unless prior notification has been received
- Casual pitches will be allocated from 8.30am
- No stall holder may leave a market before 4.00pm without consent from the Market Supervisor
- The Market is managed by the Council's Market Manager, assisted by the Council's Market Supervisor

### **3. MARKET RENTS**

- Daily rents for use of all Market areas shall be in accordance with the scale of fees and charges applicable at the time
- Rents for permanent traders will be invoiced annually in advance with various payment methods
- Rents for casual traders will be collected on the day by the Market Supervisor
- Statements will be sent to all permanent traders on a quarterly basis
- Rents will be reviewed annually with new tolls being applied from 1 April each year
- Rents for the current financial year are published in the Council's annual schedule of fees and charges
- Pitches are charged on a single 10ft x 4ft basis

### **4. RENT ARREARS**

- Permanent Traders who accrue significant rent arrears may lose their permanent trading privileges.
- 'Significant' is defined as 4 weeks
- A Trader will receive notification of any rent arrears and an opportunity to bring their account up to date
- Failure to pay rent arrears after notification has been received may result in the pitch being reallocated
- It is the traders responsibility to pay their rent on a regular basis

### **5. CONTRAVENTION OF RULES**

- The rules outlined in this document apply to all markets run by Ryedale District Council
- All Traders must observe the Market Rules
- All allocations of pitches and stalls are made on the express understanding that they may be terminated forthwith by the Market Supervisor in the event of any contravention by a Trader or their employees of these Rules

- The Council reserves the right to take action against any Trader who, in their opinion, does not comply with the Market Rules. Traders found to be in breach of the Market Rules may be dealt with in one of the following ways:
  - First written warning from Market Supervisor
  - Final written warning from Market Supervisor
  - Refusal of permission to continue trading
- A written warning will only be issued for the same violation once.
- If a Trader continues to breach the Market Rules, they and all employees working for that trader will be required to cease trading in the District for a defined period of time.

Some breaches may be deemed serious enough to forego the verbal and written stages, and proceed directly to the 'cease trading' stage. This will be confirmed to the Trader in writing.

It is envisaged that such a sanction will only be used on rare occasions, when a breach of the Market Rules is deemed particularly serious. These occasions will include:

- The sale of illegal or counterfeit goods;
- Serious breaches of food safety and health & safety statutory requirements;
- Violent or threatening behavior towards a member of the public, Council staff, or fellow Trader;
- Continued violation of the Market Rules where verbal and written warnings have already been issued but not heeded.

Traders have the right to appeal against being required to cease trading. This should be done in writing within 14 calendar days of receiving written confirmation of the decision. Appeals should be addressed to the Streetscene Manager

The current contact details for such appeals are as follows:

Streetscene Manager  
Ryedale District Council  
Ryedale House  
Malton  
North Yorkshire  
YO17 0HH

The Streetscene Manager will then determine whether or not the Trader will be allowed to trade/continue trading within a further 14 calendar days, and the result of the appeal given in writing. A personal hearing will be offered on request.

## 6. TRADING AGREEMENT

- Prior to trading on any Council run market, all traders, both casual and permanent will be supplied with a Trading Agreement Form that they are required to return, fully completed and signed, to the Markets Supervisor. It will contain the following information:
  - Trader's full name
  - Address
  - Date of Birth
  - National Insurance number
  - Contact telephone number
  - Public Liability Insurance details
  - Vehicle registration number
  - Trading lines (definitive list of goods sold)
  - Food authority registered with (if applicable)
  - Acknowledgement of the Market Rules
- Once the form is returned, we will confirm in writing your acceptance to Trade and also what product lines you may sell.
- **Without this confirmation you will not be able to trade.**
- Traders must inform the Market Supervisor in writing within 14 days of any changes to the personal details provided in the Agreement
- Changes to product lines must be put in writing and approval sought by the Market Supervisor prior to trading
- Traders must not knowingly submit any false information
- Every stallholder shall accept full responsibility for and indemnify the Council in respect of all claims for personal injury, damage to property, nuisance and any other damage or expenses by whomsoever the claim is made and from whatever cause, arising out of, or in connection with, the use and occupation of the site allotted to him/her
- Details will be kept electronically by the Council and will comply with Data Protection legislation.
- This authority is under a duty to protect the public funds it administers and to this end may use the information provided in Trader's Trading Agreements for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

## 7. INSURANCE

- Each Trader must have third party public liability insurance with a minimum cover of £5,000,000. Traders should ensure that their insurance policy covers for them erecting their own stalls if applicable

## 8. TRADING LINES

- You must only sell the items that you put on your trading agreement
- The Council may restrict numbers of any particular type of trading line at its absolute discretion
- No trader will have sole trading rights in any commodity
- The Market Manager and Market Supervisor will consider the overall balance of the Market at all times
- Any changes to product lines must have prior written approval from The Market Supervisor and his decision will be final
- Traders selling food must adhere to all requirements of the Council's authorised Food Safety Officers and all relevant statutory requirements
- Traders must adhere to all requirements of the North Yorkshire County Council Trading Standards Department, including regulations regarding the display of goods, weights and pricing, and must not sell any counterfeit, illegal, or unsuitable merchandise. These include the following:
  - stolen goods;
  - suspected stolen goods;
  - counterfeit goods;
  - unsafe goods;
  - tobacco goods (duty unpaid);
  - alcoholic goods (without licence);
  - fireworks (sold otherwise than in accordance with code and regulations);
  - offensive weapons;
  - restricted items of a pornographic nature.
  - Live animals
  - Pirated cd's/dvd's

## 9. ATTENDANCE

- **All pitches let to permanent stallholders must be claimed by 8.30 am unless prior notification has been received**
- Failure to occupy a pitch by **8.30 am** or to notify of late arrival may result in the pitch being let to any casual trader present who fulfils the letting conditions
- Except in extreme weather conditions or other agreed emergency situations trading should continue until 4.00 pm
- Permanent stallholders will be permitted to take two weeks leave of absence (for holidays) etc. in each financial year
- At least one week's notice is required to the Council for a period of absence
- In the event of un-approved absence, the permanent stall holder will be charged the normal rent on his/her return, irrespective of whether the pitch was re-let to a casual trader or not
- Permanent stallholders will be permitted two weeks sickness absence in each financial year without their privileged position as a permanent trader being affected and without rents being levied for that approved period on submission of a self

certified note

- It is expected that all Permanent Traders attend the market on a regular basis to create a full and vibrant market
- Absence for more than 4 consecutive weeks without notification been received will result in your pitch been reallocated permanently
- Exceptions can be made in cases of agreed absence which should be reported directly to the Markets Supervisor
- If you wish to cancel your trading agreement, written notification must be received and acknowledged before any monies due will be cancelled

## **10. TRADING STATUS (PERMANENT/CASUAL)**

- Where Casual traders outnumber the number of available spare pitches on any market, trading will be limited to **once in any four week period**
- Where Casual traders do not outnumber the number of available pitches, discretion can be shown by the Market Supervisor to allow trading on a more frequent basis to ensure a vibrant and diverse market
- If a permanent pitch is not available you can be placed on a waiting list until one becomes available
- If a trading agreement is cancelled you will not be allowed to take up trading on any market within Ryedale within a 12 month period, this will be at the discretion of the Market Supervisor
- These rules are applicable to all who trade on Ryedale Markets

## **11. ADVERSE WEATHER POLICY**

- The Market Manager, or in his absence the Market Supervisor, reserves the right to cancel a market if the weather is deemed to make the running of the market dangerous. This will be at his/her absolute discretion
- In the event that a market is cancelled, you will receive written confirmation that this has been the case and monies will be credited to your account

## **12. PITCHES AND STALLS**

- The Council will respect, as far as possible, a Trader's position and length of tenure on the market. However, the Council reserves the right to re-pitch any Traders temporarily or permanently to take account factors that may affect the layout or operation of the market
- **One pitch is measured at 10ft x 4ft**
- Periodically, the Market Supervisor may measure stalls to ensure the correct number of pitches are been charged for
- Stalls must be supervised at all times
- Current or existing Trading Agreements, including pitches, are not transferable, and Traders cannot assign their business interests to another person

- Only trading from market stalls will normally be permitted but purpose made mobile shops may be allowed at the discretion of the Markets Supervisor
- Stalls provided by the trader must be kept in a good state of repair and must adhere to all requirements of the Council's authorised Health & Safety Officers and all relevant statutory requirements
- Traders and their employers shall not position, install or erect any table, rail, fittings, display, or stall extension, outside the area bounded by the roof overhang of their stall without the prior approval of the Market Supervisor
- All goods must be on or under the stall
- Where permission has been granted by the Markets Supervisor, the ground in front of the stall may be used within defined limits
- There must always be adequate distance between stalls for safe access and egress and for the movement of pushchairs, wheelchairs and any other mobility device
- No person shall, without the permission of the Council post or display any bill, placard or poster
- The Markets Supervisor has the authority to control noisy advertising methods

### **13. VEHICLES**

- Vehicles must not be left on the Markets or adjacent roadways after unloading, which should be completed by 9.00 am at Helmsley and 9.00 am at Pickering
- Vehicles should not be brought back until after 3 pm (except in cases of emergencies or severe weather, at which times the permission of the Markets Supervisor should be sought)
- Exemptions to usual parking restrictions can be made for Traders who pay for the privilege of having their vehicle on Helmsley market and they will have a permit to display.
- Parking is available close by at Vivis Lane, Pickering and Cleveland Way, Helmsley and parking permits are available upon request.
- Drivers must take all precautions to ensure the safety of the public and other stall holders whilst moving on or off the market
- Roadways must be kept clear at all times, with clear routes for emergency services to be available at all times. The roadway comes under the jurisdiction of North Yorkshire County Council and under no circumstances should vehicles obstruct the highway or traders' stalls be positioned on it

### **14. COMMERCIAL WASTE**

- All stallholders must keep their stalls and trading area free from litter
- Any refuse produced as a result of trading is to be removed at the end of the day
- Please recycle your waste wherever possible
- Each stallholder shall take steps to prevent litter or waste associated with their stall blowing about the market place



- Waste produced from a stall is classed as Commercial Waste and you have a duty of care under the Environmental Protection Act 1990 to dispose of your waste by using a licensed waste carrier. Ryedale District Council offers this service and further details are available on our website (details under Contacts) or upon request.

## **15. CONDUCT**

- Traders must not behave in an impolite, violent, or abusive manner of any description
- Traders must not cause obstruction to the duties of the Market Supervisor nor any other trader
- The Markets Supervisor will have absolute discretion to remove those from the market that he/she deems to have behaved in an unacceptable manner and, where appropriate, the incident will be reported to the Police
- Traders and their employees shall not cause damage to any street furniture or any plants, shrubs, trees or other flora near to their pitch
- Traders must adhere to all requirements of the Council's authorised Health & Safety Inspectors and all relevant statutory requirements

## **16. FEEDBACK**

We are keen to work with all market traders and associations to help create a vibrant market.

We would therefore appreciate any feedback on any issues relating to how the markets are run. This can be done either by e-mail to [markets@ryedale.gov.uk](mailto:markets@ryedale.gov.uk) or in writing to Community Services, Ryedale House, Old Malton Road, Malton, YO17 7HH

If for any reason you need to make a formal complaint, we have a corporate procedure in place and details are available on our website (details under Contacts) or forms are available upon request.

## **17. EMPLOYMENT OF CHILDREN AND YOUNG PERSONS**

All traders must comply with the Children and Young Persons Act 1933 & 1963, the Educations Acts 1944-48 and the Employment of Children Act 1973. A child is any person not over compulsory school age. 'Employed' is extended to include any child who assists in a trade or occupation even where the child receives no monetary reward.

## **18. HEALTH & SAFETY**

You are responsible for ensuring the health & safety of both everyone who works on your stall and that of your customers.

## 19. CONTACTS

You can contact us using the following methods below:

Stephanie Medcalf, Markets Team  
e-mail

01653 600666 ext 453  
markets@ryedale.gov.uk

Clare Harding, Markets Team  
e-mail

01653 600666 ext 487  
markets@ryedale.gov.uk

For Compliments, Comments & Complaints please visit

[http://www.ryedale.gov.uk/council\\_and\\_democracy/complaints.aspx](http://www.ryedale.gov.uk/council_and_democracy/complaints.aspx)

For information on Commercial Waste please visit

[http://www.ryedale.gov.uk/business/commercial\\_waste\\_and\\_recycling/commercial\\_waste\\_-\\_info\\_and\\_ad.aspx](http://www.ryedale.gov.uk/business/commercial_waste_and_recycling/commercial_waste_-_info_and_ad.aspx)

For information on Markets please visit

<http://www.ryedale.gov.uk/business/markets.aspx>