



**DIRECTORATE FOR COMMUNITIES AND THE ENVIRONMENT
OCTOBER 2021**

Market Office tel. (01524) 582504

LANCASTER CHARTER MARKET RULES

The following Rules have been made and adopted by Lancaster City Council for observance by Traders and all engaged at Lancaster Charter Market.

1. GENERAL AUTHORITY OF THE MARKET MANAGER

- (a) Traders and all attending the Market are required to observe and carry out the reasonable instructions of the Market Manager.
- (b) The Market Manager is responsible for the general administration of the Market including its management.

2. ALLOCATION OF PLOTS

- (a) All Traders must fill out an application form before commencing trading and must provide proof of ID (photo, address and right to work). Traders must be known to the Market Office.
- (b) Allocation of Plots and consideration of applications from Traders wishing to move Plots will be at the discretion of the Market Manager.
- (c) Consideration will be given to Commodities when allocating Plots to Traders. Unrepresented Commodities will be given preference.
- (d) In the allocation of a Plot to a Permanent Trader, and in the event of more than one interested party, account will be taken of each Trader's starting date, number of casual attendances and whether the Trader wishes to trade for one Market Day per week or both.
- (e) Plots may be varied from time to time at the discretion of the Market Manager. Casual Traders are not guaranteed a regular Plot. Casual Traders who attend the Market without having booked and paid in advance are not guaranteed a Plot and may be turned away at the discretion of the Market Manager.
- (f) Trading by any Trader on the Market will be treated by the Council as acceptance by the Trader of all the Market Rules. A licence will be issued to Permanent Traders which must be signed before trading as a Permanent Trader can commence.

3. OCCUPATION OF PLOTS

- (a) Stalls must be open and staffed during opening hours (unless prior permission is obtained from the Market Manager). The opening hours can be found in the Welcome Pack which is issued to all new Traders.
- (b) Traders who are unable to attend the Market shall notify the Market Manager as soon as they are aware that they will be unable to attend, and no later than 7.30am on the Market Day.
- (c) Absenteeism on a regular basis by Permanent Traders, other than use of holiday entitlement, or consistent late attendance or frequent late notification of absences by Permanent or Casual Traders may result in the application of Rule 14.

4. USE OF PLOTS

- (a) The location and size of the Plot is at the discretion of the Market Manager.
- (b) Traders must ensure that everything they bring onto the Market is kept within the confines of their Plot throughout the Market Day. This includes their Stall, stock and personal items. Items must not be placed on or against street furniture (including benches), on or against the plinth in Market Square, or on the ground outside the boundaries of a Trader's Plot at any time.
- (c) All Traders are expected to provide their own Stalls and fixtures and fittings which should meet Health and Safety requirements and be of a professional standard and appearance as well as meeting any other standards required by the Market Manager in order to enhance the appearance of the Market as a whole.

- (d) Access to doorways, fire exits, recycling and litter bins, telephone kiosks and public seating must be kept clear at all times.

5. HEALTH AND SAFETY

- (a) Goods shall not be placed (whether in the Stall or on the floor) so as to obstruct the free passage of persons using the Market or to cause a trip hazard.
- (b) Traders are responsible at all times for the Health and Safety of themselves, their staff and others around them, and are obliged to comply with the Market Manager's reasonable instructions regarding Health and Safety.

6. GOODS

- (a) A Trader must not stock, display, store for collection (including items sold online), or sell any Commodity other than that specified in his/her licence (Permanent Traders) or specified in his/her application form (Casual Traders) and/or agreed with the Market Manager. Goods may only be sold from the allocated Plot which should be kept fully stocked with those Commodities. Changes or additions to Commodities must not be made without prior written consent from the Market Manager.
- (b) Traders selling food shall be responsible for due compliance with the Food Safety Act 1990 and all relevant Regulations. Any Trader selling food (and subject to inspection and rating by the Council's Environmental Health team) who fails to maintain a Food Hygiene Rating score of 3 or above for more than six months will no longer be allowed to trade in the Market and (if a Permanent Trader) will have his/her licence terminated with immediate effect. Any Trader selling food who, in the opinion of the Council's Environmental Health Department, poses a serious and immediate threat to public health, will no longer be allowed to trade on the Market and (if a Permanent Trader) will have his/her licence terminated with immediate effect.
- (c) Any Trader selling hot food must use protective (oil-resistant) floor covering on their Plot to avoid damage to the paving. Any damage, marking or staining caused to the paving by a Trader operating in that area may result in the Trader being invoiced for the cost of repairing such damage or repairing any marking or staining.
- (d) A Trader shall not possess or sell counterfeit goods on the Market. Any Trader found in possession of, or suspected of, selling goods of a counterfeit nature will be reported to Trading Standards.
- (e) No Trader will be afforded sole trading rights in any Commodity. However, the Market Manager will endeavour to control Commodities to maintain a good balance of trade.
- (f) The sale of second-hand goods is limited and at the Market Manager's discretion. Where applicable, Traders must register as a dealer in second-hand goods and provide proof of such to the Market Manager.
- (g) The following Commodities may not be sold on the Market: tobacco, e-cigarettes and associated products; drugs (including legal highs), drug-related products or items promoting the taking of drugs; fur products (excluding second-hand fur and sheepskin); class 3 laser pens; guns, replica guns including BB guns, ornamental swords and knives (except kitchen knives which may be sold to those aged over 18 who have provided ID); fireworks; and any products which in the opinion of the Council promote, incite or glorify hatred, violence, racial, sexual or religious intolerance or could bring the Council into disrepute.

7. VEHICLES

- (a) Vehicles are permitted on the Market for loading/unloading purposes only and this should be done as quickly as possible. Vehicles must not be left unattended at any time while on the Market. During loading/unloading, vehicles must be positioned so as to cause minimum disruption to others. Vehicles must not block the highway at any time.
- (b) All vehicles used by Traders must be removed from the Market by 9.00am and must not return to the Market before 4.30pm (4.00pm in Winter) except in exceptional circumstances. However the Trader must obtain prior authorisation from the Market Manager to do so and must inform the Market Manager of the registration number of the vehicle concerned.
- (c) Each Trader must display their Market Trader Vehicle Permit on the vehicle's dashboard whenever it is on the Market.
- (d) It is the responsibility of each Trader to ensure the Market Manager has the registration number of all vehicles which are brought on to the Market by the Trader for loading/unloading.
- (e) Failure to comply with any of Rule 7 may result in the Trader receiving a Penalty Charge Notice.

8. GENERAL

- (a) Traders must arrange for their Stalls to be supervised at all times to the satisfaction of the Market Manager. Traders are required to keep and leave their Stall and the immediate surrounding area in a clean and tidy condition at all times. Traders must ensure that any refuse created on their Stalls is kept within the confines of their Plot throughout the Market Day and does not encroach beyond the boundaries of their Plot at any time.
- (b) At the end of the Market Day, Traders must remove all trade refuse created on their Stall from the Market unless the Trader has an agreement with the Council's Refuse and Recycling Department for it to be collected from a designated area. Further details including costs can be obtained from the Market Office. Please note,

any refuse left on the Market constitutes fly-tipping. Any fly-tipping or littering offence will be treated seriously and could lead to a fine or prosecution.

- (c) Traders must have suitable public liability insurance of £5m (incorporating 'product liability' insurance for any type of food trade). Evidence of such insurance must be produced to the Market Manager prior to the first day's trading on the Market and subsequently on an annual basis.
- (d) The Council reserve the right to relocate Permanent Traders or to close the Market during special events or festivals.
- (e) The Market Manager must be informed immediately of any change of contact details.
- (f) In the event of extreme weather the Market Manager may, in the interests of safety, decide to close the Market for that particular day.
- (g) Permanent Traders who decide to return to casual trading will not be able to return to permanent trading for a period of 6 months.

9. MARKET FEES

- (a) Permanent Traders will be issued with an annual invoice, which must be paid in full by the end of the invoice period, and a monthly payment plan detailing the instalments which must be paid each month. Any Permanent Trader in default of the monthly payment plan attached to the annual invoice will be deemed in arrears and in breach of the Market Rules. In addition to this any such Trader will not be allowed to trade until the arrears are cleared and the monthly payment plan adhered to.
- (b) Permanent Traders will be responsible for the Market Fee relating to their Plot for the Market Days specified in their licence whether they are trading or absent on those days unless they are ill for more than 7 days and can provide a Statement of Fitness for Work signed by a doctor, can provide evidence of a hospital appointment, or use holiday entitlement (see Rule 9c).
- (c) Permanent Traders are entitled to holiday entitlement - 4 or 8 Market Days per year depending on whether the licence issued is for one or two Market Days a week. The leave year runs from 1st April to 31st March. If a Trader becomes a Permanent Trader part-way through the leave year, he/she will be allocated leave on a pro rata basis. Unused leave at the end of a leave year may not be carried forward.
- (d) Casual Traders must book and pay in advance, and no later than the previous Market Day to attend the Market. Payment must be by credit or debit card only. A surcharge will be applied to any Casual Trader who attends the Market without having booked and paid in advance (no later than the previous Market Day) and who is allocated a Plot.
- (e) Casual Traders who have booked and paid in advance but are unable to attend will be entitled to transfer their booking to another Market Day within 3 months of their booked Market Day, provided they inform the Market Manager by 7.30am on the morning of the booked Market Day of their absence. Casual Traders who do not inform the Market Manager as specified will not be able to transfer their booking and will lose the Market Fee paid. The Market Fee paid is not refundable.
- (f) Promotional rates will be offered to a Trader only once during a rolling 12-month period.
- (g) The Market Fees applicable are subject to increase and will be re-assessed annually.

10. SALE OF BUSINESSES

- (a) Permanent Traders wishing to sell their business must notify the Market Manager and advise of a proposed date of termination of licence once a sale agreement has been reached.
- (b) The Market Manager must be introduced to and may wish to interview the proposed purchaser of the business. The Market Manager reserves the right to refuse any applicant as he/she sees fit.
- (c) The purchaser of the business will be classed as a Casual Trader and would not therefore be guaranteed the same Plot or holiday entitlement as the vendor of the business.
- (d) No Trader shall be allowed to sell a business if his/her account is in arrears.

11. COMPLAINTS

- (a) Complaints by Traders of any matters affecting the Market must be brought to the attention of the Market Manager who will respond to the complaint within five Market Days.
- (b) If a Trader is not satisfied by the action taken on any complaint, he/she may refer the matter to the Director for Communities and the Environment at the Council.

12. TRADERS RIGHTS

- (a) The Council will provide a Plot suitable for trading for Traders that have adhered to these Rules.
- (b) The Council will provide necessary supervision during Market Days.

13. CONDUCT

- (a) Traders must comply with the values and behaviours expected of all Traders. These are listed in the Welcome Pack.

- (b) A Trader shall not assault, harass, be verbally abusive, cause a nuisance or annoyance to any other Trader, the Market Manager, market staff or the general public.
- (c) Any Trader who brings a child or children under the age of fourteen to the Market shall be responsible for the conduct of the said child or children, and in particular for any damage or nuisance caused by them.
- (d) Traders must comply with all regulations, orders and byelaws that may be in force from time to time.

14. FAILURE TO OBSERVE RULES

- (a) In the event of a Trader breaching any of these Rules, the Council will issue a warning: a level one warning for initial/minor breaches and a level two warning for subsequent/multiple/serious (at the Manager's discretion) breaches. Warnings will be held on file for one year following issue.
- (b) If a level two warning is issued (whether following previous warnings or not) and a further breach occurs (even if of a different Market Rule), the Market Manager may in his/her absolute discretion choose to suspend or terminate a Permanent Trader's licence or deny a Casual Trader permission to trade on the Market temporarily or permanently.
- (c) In the event of a temporary suspension of a Permanent Trader, Market Fees would still be payable.
- (d) As an alternative to the above and if the Market Manager considers a very serious breach of the Market Rules has occurred, he/she may, in his/her absolute discretion, immediately terminate a Permanent Trader's licence/deny a Casual Trader permission to trade.