



ENVIRONMENTAL SERVICES– SEPT 2017

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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. DEFINITIONS

In these Rules the following definitions shall apply:

- (a) 'The Council' means the Lancaster City Council.
- (b) 'Market' means Lancaster Charter Market located for the time being in Market Square, Market Street, Cheapside and Church Street.
- (c) 'Market Manager' means the Market Manager for the time being appointed by the Council and staff authorised to act on his/her behalf.
- (d) 'Plot' means a specified area allocated within the Market for the placement of a Stall.
- (e) 'Stall' means a Market Stall erected and owned by a Trader and within the Trader's designated Plot on the Market.
- (f) 'Permanent Trader' means a person who has a licence to occupy a particular plot to trade for a given day/days per week.
- (g) 'Casual Trader' means a person who applies for a Plot on a daily or occasional basis, the allocation of a Plot depending on availability.
- (h) 'Trader' means a Permanent Trader or Casual Trader.
- (i) 'Market Days' are Wednesday and Saturdays each week and any other days on which the Council, in its discretion, determines that the Market shall be open for business.
- (j) 'Commodity' means the goods a Trader is allowed to sell and each Commodity is defined by the Market Manager.
- (k) 'Winter' means the period between when the clocks go back in October and when they go forward in March.
- (l) "Market Fee" means the amount of money payable by a Trader to use the Plot.

2. TRADING TIMES AND OCCUPATION OF STALLS

- (a) The Market shall be open for business on Market Days from 9.00 am to 4.30 pm (4.00 pm in Winter), except Bank Holidays.
- (b) Stalls must be erected and occupied by 9.00 am on Market Days. Failing this, a Plot may be re-allocated for that day by the Market Manager but the Market Fee will still be payable by the Trader except in accordance with Rule 2(e).
- (c) No Trader shall pack away before the closing time specified in Rule 2(a) unless permission is obtained from the Market Manager.
- (d) Traders who are unable to attend the Market due to unforeseen circumstances should notify the Market Manager by 8.00 am on the Market Day. If a Trader is delayed for any reason, the Market Manager may, at his/her absolute discretion, reserve the Plot provided that notification of the delay is received before 8.00 am on that day and an estimated time of arrival is given.
- (e) Planned absences, other than those under Rule 4(g), must be notified to the Market Manager 48 hours prior to the absence. Permanent Traders must not be absent for a period exceeding one week unless a leave of absence has been agreed in advance by the Market Manager or, in the case of illness lasting longer than one week, a Statement of Fitness for Work is provided for the period of absence.
- (f) Absenteeism on a regular basis other than utilisation of holiday entitlement (for example over two weeks in a year) or consistent late attendance may result in the application of Rule 15.

3. ALLOCATION OF STALLS TO CASUAL TRADERS

- (a) Prior to first attendance anybody wishing to trade on the Market as a Casual Trader must complete and submit an application form to the Market Manager who will then decide whether there is a vacant Plot suitable for use by the applicant.
- (b) On first attendance the Casual Trader must provide proof of ID to include address (e.g. utility bill), photograph (e.g. passport/driving licence) and proof of right to work in Great Britain (e.g. passport, National Insurance card, document with National Insurance number on it (e.g. wage slip) or full birth certificate).
- (c) Casual Traders should book in advance whenever possible and must pay for the Plot by credit or debit card on booking.
- (d) The allocation of plots to Casual Traders will be on a daily basis at 8.00 am on Market Day. Plots will be initially allocated to Casual Traders who have pre-booked and paid, in the order in which they have done this, and thereafter to Casual Traders who have not pre-booked and paid. Casual Traders who have not pre-booked and paid are not guaranteed a Plot and may be turned away at the discretion of the Market Manager.
- (e) Casual Traders who have not pre-booked and paid and who are allocated a Plot will be subject to a surcharge of approximately 30% in addition to the usual daily Market Fee for the Plot, and must pay the Market Fee and surcharge by credit or debit card to the Market Manager prior to occupying the Plot.
- (f) Casual Traders are not guaranteed a regular Plot.
- (g) Casual Traders who have pre-booked and paid but are unable to attend due to a reasonable cause must inform the Market Manager by 8.00 am on the relevant Market Day. The Market Fee paid will then be transferred to an alternative Market Day (provided this is within two months of the original booking) subject to an additional surcharge of approximately 20% payable in advance by credit or debit card. Casual Traders who do not contact the Market Manager by 8.00 am on the relevant Market Day will not be allowed to transfer the Market Fee paid to their next Market Day.

4. ALLOCATION OF STALLS FOR PERMANENT TRADERS

- (a) Casual Traders wishing to become Permanent Traders must trade on a regular basis for a minimum of three months.
- (b) Allocation of plots and consideration of applications from Permanent Traders wishing to move stalls will be at the discretion of the Market Manager.
- (c) Plots may be varied from time to time at the discretion of the Market Manager.
- (d) In the allocation of a permanent Plot, and in the event of more than one interested party, account will be taken of the Trader's starting date, number of casual attendances and whether the Trader wishes to trade for one Market Day per week or both. The Commodity to be sold will also be taken into account in the allocation of Plots.
- (e) A licence will be issued to all Permanent Traders, one copy of which must be returned signed within one week of issue. Failure to return the licence will be treated by the Council as an acceptance of all Rules applicable if trading is undertaken.
- (f) Permanent Traders are entitled to holiday entitlement. This equates to 4 Market Days per year if trading either Wednesday or Saturday and 8 Market Days per year if trading both Wednesday and Saturday. 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. When holiday entitlement has been used any further pre-planned absences in that leave year must be notified to the Market Manager (see Rule 2e) and must be paid for in advance. Failure to do so will result in the loss of the licensed Plot and a new Plot will be allocated on the Permanent Trader's return. Unused leave at the end of a leave year may not be carried forward.
- (g) Permanent Traders who are pregnant or whose partner is pregnant may take an extended leave of absence of up to 12 consecutive weeks around the birth of their child in addition to holiday entitlement. The Permanent Trader must notify the Market Manager at least two weeks in advance of the day they wish to start their extended leave of absence as well as their expected date of return. During the extended leave of absence, Market Fees are payable at half the rate usually applicable to the Permanent Trader's plot and the Permanent Trader must not be in arrears at any time. If the Permanent Trader wishes to change their expected date of return, they must notify the Market Manager at least two weeks before their expected date of return or their new date of return (whichever is the earlier). Providing the Permanent Trader complies with the terms of this Rule and starts attending the Market again no later than 12 weeks after the start of their extended leave of absence, the Plot specified in the Permanent Trader's licence will be reserved for them. Failure to comply with the terms of this Rule may result in the Permanent Trader's licence being terminated forthwith and the loss of their licensed Plot. In such cases, the Permanent Trader may return to the Market but as a Casual Trader only.
- (h) Permanent Traders who decide to return to casual trading will not be able to return to permanent trading for a period of 6 months.
- (i) From 1st April 2013 all new Permanent Traders will be invoiced for their Plot and must pay the monthly instalments as instructed on the reverse of the invoice or by direct debit.

5. USE OF STALLS

- (a) Once the location of the Plot and size of the Stall has been agreed Stalls are not to be altered or extended without prior written consent of the Market Manager.

- (b) 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.
- (c) 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.
- (d) Access to doorways, fire exits, recycling and litter bins, telephone kiosks and public seating must be kept clear at all times.
- (e) The size of Stalls allowed is dependent on the area of the Plot and is at the discretion of the Market Manager.

6. VEHICLES

- (a) All vehicles used by Traders must be removed from the Market by 9.00 am and must not return to the Market before 4.30pm (4.00pm in Winter) except in exceptional circumstances and with the prior authorisation of the Market Manager in accordance with Rule 6(f).
- (b) Each Trader is issued with a Market Trader Vehicle Permit which must be displayed on the vehicle's dashboard whenever it is on the Market. Failure to do so could result in the issuing of a Penalty Charge Notice. Replacement/additional Vehicle Permits will be issued by the Market Manager on request from the Trader.
- (c) 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. Failure to do so may result in the Trader receiving a Penalty Charge Notice.
- (d) 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.
- (e) During loading/unloading, vehicles must be positioned so as to cause minimum disruption to others. Vehicles must not block the highway at any time
- (f) In the case of exceptionally bad weather where there are Health and Safety concerns and a Trader's public liability insurance may be invalidated, a Trader may bring his/her vehicle back onto the Market before the times specified in Rule 6(a). 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. Failure to do so could result in the issuing of a Penalty Charge Notice.

7. GOODS

- (a) A Trader must not stock, display 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 and must at all times keep the stall fully stocked with those Commodities.
- (b) A Trader must obtain prior written consent from the Market Manager for any change to the Commodity specified in his/her licence (Permanent Traders) or specified in her/her application (Casual Traders) and/or agreed with the Market Manager.
- (c) Traders selling food shall be responsible for due compliance with the Food Safety Act 1990 and all relevant regulations. Any Trader selling food 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 on the Market and (if a Permanent Trader) will have their licence terminated with immediate effect. Any such Trader who then applies to re-attend the Market will only be allowed to at the discretion of the Market Manager and, in any event, not within six months of leaving the Market. 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 their licence terminated with immediate effect. Any Trader selling hot food must use protective (oil-resistant) floor covering within their stall 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) Any Trader found in possession of, or suspected of, selling goods of a counterfeit nature will be reported to Trading Standards and may face a lifetime ban from Lancaster City Council Markets.
- (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) Traders must not sell goods of any description from any area other than their allocated Plot.
- (g) Where applicable Traders must register as a dealer in second hand goods and provide proof of such to the Market Manager.

8. GENERAL

- (a) Traders must arrange for their Stalls to be supervised at all times to the satisfaction of the Market Manager in accordance with Rule 2.
- (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 stock and personal items.
- (c) Traders are required to keep and leave their Stall and immediate surrounding area in a clean and tidy condition at all times. Traders must ensure that any trade 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. At the end of the Market Day, Traders must remove all trade refuse created on their Stall from the Market

unless the Trader wishes to leave it in a designated area for collection by the Council's Environmental Services in accordance with Rule 8(d).

- (d) The Council's Environmental Services will collect trade refuse from Traders providing it is in a Lancaster City Council trade refuse bag or in a bag clearly displaying a Lancaster City Council trade refuse sticker. Each bag must be tied at the top and should weigh no more than 15kg. The trade refuse should be left out no earlier than 4.40 pm and no later than 4.55 pm for collection from 5.00 pm onwards. Traders must not throw bags directly into the refuse collection vehicle. Any refuse left on the Market other than in accordance with this Rule constitutes fly-tipping. Any fly-tipping or littering offence will be treated seriously and could lead to a fixed penalty of £80 or a fine of £50 000.
- (e) Traders must arrange suitable public liability insurance cover of £5m (incorporating 'product liability' insurance for any type of food trade) in respect of their occupation of a Plot. 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.
- (f) The Council reserve the right to relocate Permanent Traders or to close the Market during special events or festivals.
- (g) Traders who employ staff should keep a first aid kit and an accident book on their stalls.
- (h) 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.
- (i) The Market Manager must be informed immediately of any change of contact details.
- (j) In the event of extreme weather the Market Manager may, in the interests of safety, decide to close the Market for that particular day.

9. MARKET FEES

- (a) All Market Fees shall be paid daily or weekly/monthly in advance and no Trader will be allowed to be in arrears at any time. Any Trader who is in arrears will not be allowed to trade until the arrears are cleared. Traders who become Permanent Traders from April 2013 must pay their Market Fees either using an invoice or by direct debit. Traders who became Permanent Traders before April 2013 may pay their Market Fees either using an invoice or by direct debit or on each Market Day by credit or debit card to the Market Manager. Casual Traders must pay their Market Fees in accordance with Rule 3.
- (b) Permanent Traders paying by invoice or direct debit 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. Payment directions are printed on the reverse of invoices. Any 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.
- (c) 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 with the exception of Permanent Traders who are ill for more than 7 days and who provide a Statement of Fitness for Work signed by a doctor, who provide evidence of a hospital appointment, or who use holiday entitlement (where applicable).
- (d) Cash and cheques may not be used to pay Market Fees.
- (e) The Market Fees applicable are subject to increase and will be re-assessed annually.

10. SALE OF BUSINESSES

- (a) Traders wishing to sell their business – i.e. stock, stall, fixtures and fittings, and good-will - 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.
- (c) It will be a condition of any sale that the incoming Trader must agree with the Council that the Commodity available on the stall will not be changed for a period of 12 months from the date of purchase, and then only in accordance with Rule 7(b).
- (d) Traders who change their Commodity will not be allowed to sell their business for a period of 12 months (at the Market Manager's discretion).
- (e) The Market Manager reserves the right to refuse any applicant as he/she sees fit.
- (f) The purchaser of the business will be classed as a Casual Trader and would need to comply with Rule 4a if they wished to become a Permanent Trader. The purchaser of the business would not therefore be guaranteed the same Plot or holiday entitlement as the vendor of the business.
- (g) 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 four Market Days.
- (b) If a Trader is not satisfied by the action taken on any complaint, he/she may refer the matter to the Chief Officer (Environmental) at Lancaster City Council.

12. TRADERS RIGHTS

- (a) The Trader, having kept to these Rules, shall be provided with a suitable plot for trading.

13. CONDUCT

- (a) Operating from a public establishment such as the Market requires traders to consider customers' perception of how they see traders behave and how they feel about their contact with traders. A negative perception could have an impact on whether customers return and whether they choose to speak highly of the Market - or the opposite. Word of mouth can be the best advertising. Traders should ensure that their values and behaviours have a positive impact on this. The booklet "Your Business Matters" contains a list of expected values and behaviours which should be adhered to.
- (b) A Trader shall not cause a nuisance or annoyance to any other Trader, the Market Manager, market staff or the general public.
- (c) A Trader shall not assault, harass or be verbally abusive to any other Trader, the Market Manager, market staff or the general public.
- (d) 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.
- (e) Traders must comply with all regulations, orders and byelaws that may be in force from time to time.
- (f) If the Market Manager receives persistent complaints about a Trader's conduct, manner or business practices the Manager will bring these complaints to the Trader's attention to enable improvements to be made. If further complaints are received the Manager will apply the terms of Rule 15.

14. 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.

15. FAILURE TO OBSERVE RULES

- (a) In the event of a Trader failing to comply with or contravening any of these Rules, the Market Manager will issue an oral warning, followed by a written warning for a second offence. If a third offence occurs the Market Manager may in his/her absolute discretion forthwith terminate the licence of a Permanent Trader or deny a Casual Trader permission to trade on the Market and may re-allocate the Plot used by that Trader.
- (b) If a serious breach of the Rules occurs the Market Manager may choose to terminate a Permanent Trader's licence or deny a Casual Trader permission to trade again with immediate effect and without warning. Any Trader who re-applies to attend the Market after termination of a licence or denial of permission to trade will only be re-instated at the discretion of the Market Manager and, for Permanent Traders, this will be as a Casual Trader only.
- (c) As an alternative to the above, the Market Manager may consider suspending (and barring from the Market) a Trader for a period of time if it were felt to be more appropriate in the circumstances. In the event of a suspension the daily Market Fee would still be payable.