

## ANNEX A

### OPERATION OF MARKETS IN THE CITY OF YORK COUNCIL AREA

#### GUIDANCE NOTES FOR OPERATORS

##### What is a Market

A market is described in common law as a concourse of buyers and sellers.

This definition covers a wide variety of activities including traditional markets, car boot sales, charity sales, in store franchises, specialist fayres etc.

##### City of York Council's Market Rights

The historic City of York has been granted Royal Charters to operate a market, the first dating back to 1316.

Through history these rights have been confirmed by two Private Acts of Parliament which give the Council a monopoly right to hold market within its area. The Council currently operates a market in the Newgate area of the City on each day of the week and occasional themed or event markets in Parliament Street.

##### Effect of Market Rights

Common law gives the Council the right to object to the establishment of a new market within 6 2/3 mile radius of its own i.e. Newgate and Parliament Street. Where the proposed new market is to be held on the same day as the Newgate Market or Parliament Street Market, a High Court may grant an injunction prohibiting the establishment of the new market.

*In effect the Council may object to any market held, on any day of the week, within a 6 2/3 mile radius of Newgate Market/ Parliament Street (the prescribed distance).*

The Council, in exercising this right, will grant a licence to certain markets held within the prescribed distance which do not conflict with its markets.

In order to reduce unnecessary bureaucracy the following markets are deemed to be licensed in accordance with the Council's 'Market Rights' without need for formal application.

- a) Sunday markets within a 6 2/3 mile radius of Newgate Market that were established pre 1996 under arrangement with York City Council, Ryedale, Selby or Harrogate District Councils.
- b) Markets selling only second hand or used goods i.e. car boot sales, flea markets, car auctions, antique sales.
- c) Markets involving the sale of live animals.
- d) Charitable fetes, galas and other events where the proceeds are solely for the benefit of the fundraising charity or non profit making organisations.
- e) Specialists clubs or rallies.

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## ANNEX B

### Terms and Conditions

1. The Haxby & District Market is to be held at the Premises only and no other location is permitted.
  2. The markets are to be held on a Wednesday only with no more than 14 days of operation within a 12-month period. These dates must be agreed in advance with the Council's Market Management.
  3. Bank Holiday markets may be considered upon request in advance to the Council's Market Management.
  4. No trader who stands on York's Newgate Market on a Wednesday/ Bank Holiday is permitted to stand on the Haxby & District Market and the Operators must supply the Council's Market Management with the names and details of traders at each market at least 7 days before the market is held.
  5. The Operators are to make their own arrangements for stall hire and erection.
  6. The Operators must arrange and have valid and adequate Public Liability Insurance and a valid and competent Risk Assessment for the whole markets operation and must provide evidence of each to the Council's Market Management at least 7 days before each market is held.
  7. A Market Licence fee of £100 per market (regardless of the number of stalls in operation) will be payable to the Council (for period to 31 March 2012). The Council's Market Department will invoice on a monthly basis. The Market Licence fee will be reviewed in April 2012.
  8. In addition to the Market Licence fee, a Street Trading Consent for each market held must be purchased in advance from the Council's Licensing Department.
  9. The market will be visited by the Council's Market Management and the Council reserve the right to impose further conditions upon the Operators if appropriate and giving reasonable notice.
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ANNEX C

1. The Council may revoke this approval if it is satisfied, after considering any representations from the holder, that:
    - a) the market operated conflicts with the Council's own market;
    - b) the Operators have failed to comply with the terms and conditions of this approval.
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