



NEWGATE MARKET
RULES & REGULATIONS

01 April 2010

**Market Office
5 Silver Street
York
YO1 8RY**

Tel: 01904 551355

CITY OF YORK COUNCIL

NEWGATE MARKET

RULES AND REGULATIONS

1. No person shall at any time conduct or carry out on any trade or business within the Market areas unless authorised so to do by a Licence granted by the City of York Council, or otherwise with the permission of the Senior Markets Officer.
2. (a) Licenses for stalls are granted for those days shown in the account for a period of four weeks. Charges are payable prior to the commencement of such four weekly period. If a market should not be held on any normal Market day for any reason, (e.g. Bank Holiday) stall-holders will not pay charges for that day.

In the event of extreme weather conditions or other circumstances which put at risk the safety of Traders and users of the Market, all or part of the Market may be closed and an appropriate reduction in charge for Traders affected will be considered.
- (b) The Licence may be terminated by either party giving to the other a minimum of four weeks notice in writing; such notice to coincide with the end of a Licence period.
3. (a) Charges against absence by any Trader may be waived in respect of long term sickness up to a maximum of 6 months subject to the following provisions:
 - (i) The Trader holds a current 4 weekly Licence.
 - (ii) The appropriate charge shall still apply during the first four weeks of absence.
 - (iii) Sick notes shall be required in all cases before the waiving of these charges.
4. (a) Trading from stalls shall be between the hours of 7.30am and 5.30pm on any Market day, when the Market closes. All stalls should be vacated by 6.30pm having been completely cleared and left empty and in a clean and tidy condition.
- (b) Licensed Traders will ensure that they are open for business during the hours of 9.00am and 4.00pm on each opening day of the Market. The only exception being Traders who have sold out.
- (c) If any stall is not occupied by a stall-holder or his duly appointed agent or servant before 8.00am on any Market day, the Council reserve the right to re-allocate any such stall for that particular day.
5. Goods offered for sale by stall-holders shall be in strict accordance with the terms of the original allocation and except by written permission of the Senior Markets Officer no additional or unrelated goods may be displayed or offered for sale.
6. (a) The Licence is personal to the Licensee and is un-assignable. The Licensee shall not sub-let any stall or part thereof, nor cause or permit the same to be used, occupied or managed by anyone other than the person licenced or otherwise authorised by the City of York Council.
- (b) On demand, the occupier of the stall shall produce documentary evidence to the Senior Markets Officers satisfaction, that he or she is the current Licence holder or is a bona-fide employee or relative of the Licensee.



(c) A Licensee may apply for the Council's written consent to transfer his/her Licence to a member of his/her own immediate family, which consent will not be unreasonably withheld. Immediate family shall be taken as father, mother, spouse, brother, sister, son and daughter only.

(d) In any one year, unless the prolonged illness of a regular Trader makes it impossible, such a Licensee must personally attend the Market on 13 of each of the Market days on which he/she has a regular stall.

7. (a) Vacant stalls will be advertised on the Market notice-boards and let in order of seniority. Permanent Traders who operate on the day in question will also be considered for exchanges or additional stalls. Prospective Traders or permanent Traders who operate on other days can also apply.

The allocation of stalls in Jubbergate will be exercised with care to ensure that such stalls offer an attraction to shoppers to move into the Market whilst not offering unreasonable competition.

(b) The allocation of stalls shall be at the discretion of the Senior Markets officer, in consultation with the City Centre Services Manager.

8. (a) A Licensee or his/her agent shall not bring any vehicle on to the Market except by an authorised entrance and shall immediately unload such a vehicle prior to commencement of business and then remove the vehicle from the Market. Likewise, trading on such stalls should cease on bringing any vehicle onto the Market in the afternoon for packing up.

(b) A Licensee or his/her agent shall not cause or permit any vehicle or trailer to be parked or left standing within the precincts of the Market, before or after loading, except with the permission of the Senior Markets Officer and subject to his/her discretion and control as to the area which may be taken and the length of time it may be occupied. Vehicles must not be parked or left standing in Silver Street.

(c) Only Licensees who trade in perishable goods shall be allowed to bring any vehicle on to the Market place during the pedestrianised hours, this being for "topping-up" purposes and only then for no longer than is reasonably necessary. A Day Permit issued by the Senior Markets Officer is required for this and any emergency or exceptional circumstances in all cases.

9. (a) During Market hours a Trader must not place anything beyond the boundaries of the 10ft stall unless specifically authorised to do so by the Senior Markets Officer. "Yellow lines" are an indication of the maximum "building out" limits per stall. This is at the discretion of the Senior Markets Officer and does not form part of the 4-weekly Licence agreement. However any "building out" privileges can be reduced upon request of the Senior Markets Officer, with reasonable notice to ensure all avenues, passages and other areas between stalls, the immediate approaches to the Market and adjacent highways must be kept free of obstruction.

(b) Unless specifically authorised by the Senior Markets Officer, stall-holders shall not attract other persons by hard selling, hawking or any form of outcry, nor permit or suffer any sale by auction. Traders in perishable goods may cry out in the selling of remaining produce after 2.00pm.

- (c) Unless specifically authorised by the Senior Markets Officer stall-holders may not use any public address equipment or broadcast by amplifying the sound of any radio, recording, music or musical instrument.
10. (a) Every stall-holder or his/her employer shall during the day, store within the stall or put into the compactor or receptacle provided by the Council, all empty boxes, cartons and refuse for his trade or business, including fruit and vegetable waste and or trimmings which should previously be put into a bag or box.
- (b) All reasonable precautions shall be taken to ensure that no loose wrappings or litter shall be dropped on to the ground or allowed to blow away. Refuse must not be allowed to accumulate on or around the stalls.
- (c) At the close of each days trade, all litter, refuse and empty boxes on or about the stall shall be collected and removed or deposited into the compactor or other such place as may be set aside by the Council, thus leaving the stall in a clean and tidy condition to the satisfaction of the Senior Markets Officer.
11. (a) Stall-holders shall not interfere with any fixtures or fittings of the stall, framework or covers or equipment forming part of any electrical circuit.
- (b) All reasonable precautions shall be taken to avoid damages to stalls, electrical equipment, surface of the Market area and other property of the Council and payment to the Council shall be made as to the cost of repairing and making good any such damage which may be caused by the Trader or his agents or employees except through fair wear and tear.
- (c) No temporary awnings or covers will be permitted. The Senior Markets Officer may allow the use of temporary covers for weather protection in exceptional circumstances, but only following his/her express permission.
12. The electricity supply to the Market is designed for lighting only and no electricity point should be overloaded; the maximum wattage being 300 watts per stall. The running of low wattage items such as electronic scales may be considered subject to the prior consent of the Senior Markets Officer.
13. The Council may at any time enter on to any part of the Market, including stalls, for the purpose of any of its functions as a Local Authority, or to inspect/repair any part thereof of any fixtures, fittings, facilities, appliances or structures thereon.
14. A Trader must display a sign in a prominent position on the stall containing his/her name or registered trade name. This condition does not remove a Trader's obligation to display any other information required by law.
15. Stall-holders shall be required at all times to maintain a valid Third Party and Public Liability Insurance Policy in the sum of £1,000,000 and shall be required to produce a valid certificate or policy at the Council's request.
16. The Council will take all reasonable precautions but accepts no responsibility for any loss of or damage to the goods or property of any person authorised to occupy a stall.
17. Stall-holders shall comply with the provisions of all Acts of Parliament, Bye-laws and of any Orders or Regulations made there under relating to Food Hygiene and Safety, Sale of Goods and Weights and Measures.

18. (a) Stall-holders shall use the stall(s) in a diligent and business-like manner and not do, or allow to be done, anything which might be or cause to be a nuisance or annoyance to the public or to the occupier's of neighbouring stalls or which may be detrimental to the Council's Market.
- (b) Upon being required in writing by the Senior Markets Officer so to do, to discharge any Licencee or servant of the Licensee who shall be guilty of any conduct which in the opinion of the Senior Markets Officer, is prejudicial to the proper management of the Market or the interests of the Council, or who shall be guilty of neglect to observe any of the Bye-laws, Rules and Regulations.
19. Every Licensee shall ensure that his/her agents, employees and other persons assisting him in carrying on his business in the Market, are fully aware of and observe and comply in all respects with the requirements of these Regulations.
20. The Council reserves the right to exclude from the Market any person who contravenes any of the Regulations herein set out.
21. The Senior Markets Officer's decision on any matter concerning the running of the Market is final. Traders and their staff must comply with all reasonable requirements of the Senior Markets Officer or his/her duly authorised Officer. However, any stall-holder has the right to appeal in writing to the appropriate Committee of the Council and if necessary to appear before the Committee.
22. The Conditions and Regulations shall operate from 1 April 1992 and as from that date shall supersede all other Regulations previously in force. They may at any time be revoked, amended or supplemented in such a manner and to such an extent as the Council may direct in consultation with representatives of the Stall-holders.
23. Rules relating to discretionary authority for spread fees are at the discretion of the Markets officers Annex A – Letter dated 26 April 2009 “Additional Trading Stall Opportunities” refers to the 25% fees.
24. All Newsletter correspondence will be approved by Senior Markets Officer in consultation with the City Centre Manager.

1st April 2010