

**Notice of a public meeting of
Decision Session - Cabinet Member for Culture, Leisure &
Tourism**

To: Councillor Crisp (Cabinet Member)
Date: Tuesday, 10 March 2015
Time: 4.30 pm
Venue: Cerialis Room (SO27) - West Offices

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democratic Services by:

4:00 pm on Thursday 12 March 2015 if an item is called in *after* a decision has been taken.

*With the exception of matters that have been subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Friday 7 March 2015**.

1. Declarations of Interest (Pages 1 - 2)

At this point in the meeting, the Cabinet Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which she might have in respect of business on this agenda.

2. Minutes (Pages 3 - 4)

To approve and sign the minutes of the meeting held on **Wednesday 3 December 2014**.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **Monday 9 March 2015 at 5.00 pm**.

Members of the public may register to speak on :-

- an item on the agenda
- an issue within the Cabinet Member's remit;

Filming, Recording or Webcasting Meetings

Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at: http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

4. Market Rules (Pages 5 - 22)

This report is brought to the Cabinet Member to seek approval for new regulations for the Shambles Market.

5. Service Level Agreements with Leisure and Culture Organisations (Pages 23 - 38)

This report is brought to the Cabinet Member to seek approval for three year funding agreements to 31 March 2018 with Accessible Arts & Media (AAM), the National Centre for Early Music (NCEM), and Friends of St Nicholas Fields.

6. Urgent Business

Any other business which the Cabinet Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Name- Judith Betts

Telephone No.- 01904 551078

[Email-judith.betts@york.gov.uk](mailto:judith.betts@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

This page is intentionally left blank

Cabinet Member Decision Session: Culture, Leisure and Tourism

Agenda Item 1: Declarations of Interest

The Cabinet Member, Councillor Crisp, declared a personal interest as a retired member of UNISON.

This page is intentionally left blank

City of York Council

Committee Minutes

Meeting	Decision Session - Cabinet Member for Leisure, Culture & Tourism
Date	3 December 2014
Present	Councillor Crisp

14. Declarations of Interest

At this point in the meeting, the Cabinet Member was asked to declare any personal, prejudicial or disclosable pecuniary interests other than her standing interests that she might have had in the business on the agenda. None were declared.

15. Minutes

Resolved: That the minutes of the Decision Session held on 25 February 2014 be signed and approved by the Cabinet Member as a correct record.

16. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

17. Local Government Association Equalities Peer Challenge: Narrative Submission

The Cabinet Member considered a report that asked her to comment on the narrative submission that would be submitted to the Local Government Association (LGA) in preparation for the assessment in January 2015.

The Cabinet Member thanked officers across the Council for their intense work over the last 2 years to produce a well presented and clear submission. She felt it supplied the correct amount of case studies to evidence the improvements made in equalities and diversity. She noted that the submission was an open document that could be modify at any time and agreed to submit it to the LGA.

Resolved: That the narrative submission be finalised and forwarded to the Local Government Association (LGA) in preparation for the assessment in January 2015.

Reason: To assist the Council to continue to improve its performance in equalities.

Cllr S Crisp, Cabinet Member
[The meeting started at 10.00 am and finished at 10.03 am].



**Decision Session - Cabinet Member for
Culture, Leisure and Tourism****10 March 2015**

Report of the Assistant Director (Communities, Culture & Public Realm)

Market Regulations**Summary**

1. This report is brought to the Cabinet Member to seek approval for new regulations for the Shambles Market.

Background

2. Our aim is for Shambles Market to be a lively, bustling hotspot of commerce in the heart of York. With an offer covering food, fashion, craft, antiques, flowers, handmade and specialist goods, it will be diverse enough to be the local shopping point for residents and vibrant enough to be a 'must see' for visitors to the city. The recent refurbishment of the market has created significant improvements for traders and shoppers. To support these developments new regulations have been drawn up in consultation with the traders to ensure that the market operates successfully.

Consultation

3. The proposed regulations have been consulted upon with the Market Traders Association and at meetings to which all traders are invited.

General Approach

4. The refurbishment of the market will represent a great step forward for shoppers and traders through improvements in access, lighting, stall layout and shared seating areas to improve dwell time. We will now seek to capitalise on these improvements by encouraging regular traders to invest in the market through introduction of longer licences and by ensuring that we have sensible and agreed rules to govern the day to day running of the market.
5. We are working with the Market Traders Association to ensure that the Shambles Market will look and feel welcoming, easy to navigate and enticing.

This means a good range of traders, displaying their goods effectively, with attractive stalls especially at the entrances. Routes through the market must be clear and well lit with shoppers able to see through the market to goods that draw them in. Empty stalls should be covered or occupied. The market needs to signify it is open and ready for business with traders and market officers providing a courteous and helpful service at all times. Traders and officers should be able to provide information on what is going on elsewhere in the city and we should use the daily interaction with the public to promote a positive attitude to the Shambles Market and to York.

6. Within the market there should be a wide range of goods. There will be a case for specialisms on certain days but the market needs to provide a basic range of goods every day. Where market traders only stand on specific days of the week we need to have relevant information readily available for the public. The range of goods within the market needs to reflect the best of local produce, good value essentials, as well as the unusual and surprising. We will aim for the Shambles Market to sign up to the national 'Real Deal' Charter.
7. The Shambles Market is the market place for the city and it is imperative to its future success that when people come to York they look forward to visiting it. This has implications for other areas in the city centre and means that the Council will longer permit or set up competing markets in other city centre spaces, such as Parliament Street, that have a detrimental effect on trade in the regular market. Those spaces will be used in ways that enhance the attractiveness of the city centre offer overall and increase footfall to the Shambles Market.
8. To enable Shambles Market to operate as the marketplace for York it must be able to accommodate specialist stalls for short periods either within a designated are of the market or within the cobbles area and Silver Street. This will allow us to hold themed markets, e.g. farmers' markets. It may mean some displacement for a short period for regular stall holders. Any displacement will be of limited duration and negotiated with the Market Traders Association.
9. To ensure that we have the widest range of goods possible on the market we will welcome traders who turn up to trade casually on a day by day basis.

This means that any stall not occupied by 8:00 (unless notified of a delay by the regular trader) can be occupied by casual traders. The market management will actively seek to recruit a wide range of new traders to the market moving them through from being casual traders to regular licence holders where appropriate.

10. From 1 April Make it York, the new city marketing and business development agency, will take on responsibility for operation of the Shambles Market and will continue to develop markets policy on behalf of the Council under a service level agreement in consultation with the Market Traders Association.

Regulations

11. The following principles are proposed for new regulations to come into operation when the Shambles Market opens:
12. **Regular Traders:** It is proposed that:
 - 4 week licences continue to be granted as at present; however,
 - From 1 September, traders will have the choice of taking either a 4 week or a 6 month licence
 - Licences will be granted for specified days and commodities
 - Licences will be renewed automatically unless either party gives notice: no less than one week before the end of the current 4 week licence or one month before the end of the current 6 month licence
 - The Licence is personal to the Licensee and is unassignable
 - The licence fee will be payable 6 months in advance or monthly in advance by direct debit or invoice
 - If a market should not be held on any normal market day for any reason authorised by the Markets Office then credit will be given at the next payment period
 - Regular traders have until 08:00 to occupy their stall on their licensed days. Without prior notification of absence to the Market Office by 08:00 any unoccupied stalls will be let on a casual basis
 - Holders of a 6 month licence can, over the period of a year, take up to 4 weeks' holiday absence from the market (pro rata for single day licensees). 50% fees will be payable during this period. No loss of seniority will occur.

- Fees may be waived in respect of any period of sickness of two weeks or more up to a maximum of 6 months subject to provision of a medical certificate
 - Opportunities for any available new licences will be offered during March and September to commence on 1 April / 1 October. Any stalls available ahead of these periods will be offered on a casual basis
 - Licences will be advertised in the Market Office and through email to our list of regular and casual traders. The allocation of licences shall be at the discretion of the Market Manager
 - The maximum number of licensed stalls per day permitted for any one business is 6
 - Regular licence holders may trade on up to two casual stalls adjacent to their licensed stalls (and pay the casual daily fee) as long as this has been agreed with the Market Office by 07:50
13. **Casual Traders:** Casual licences will be granted on a daily basis, to traders who do not hold regular licences on that day, to trade in a specific commodity. The following provisions are proposed:
- Casual traders must report to the Market Office by 08:00 on the day they intend to stand. All stalls unoccupied at that time will be available for casual traders at the discretion of the Duty Market Officer
 - Casual trading will be allowed only where there is no commodity clash with nearby regular traders on the market. Commodity clash is defined as not in the same aisle of the market or within 2 stalls
 - Casual traders wishing to trade in the market during the pre Christmas period (i.e. from the first day of the traditional St Nicholas Fair weekend) must have accumulated at least 6 seniority points
14. **Seniority:** The allocation of stalls to casual traders on a casual basis will be made on the basis of that day's seniority (except where the Duty Market Officer uses their discretion to allocate stalls for the purpose of increasing the attractiveness of the market or with regard to avoiding a commodity clash). Traders will be offered their choice of stall in descending order of points.
15. For casual traders a daily "points system" will be used to formulate each day's seniority list, based on prior attendance.

Each attendance adds 1 point and each absence deducts 1 point until the points level reaches 0.

16. Seniority will be calculated for regular traders according to the length of uninterrupted time that they have held a regular licence. This calculation is specific to each day and each commodity licensed. Seniority cannot be passed on to business partners or family.
17. **Spread:** After 09:00, when stalls have been allocated to casual traders, the Duty Market Officer will offer both casual and regular traders the opportunity to spread their goods on up to two additional unoccupied stalls. This offer will be made at the discretion of the Duty Officer with the view to making the stalls look attractive and occupied. Seniority will be the deciding factor in who is offered the stalls (except where the Duty Market Officer uses their discretion to allocate stalls for the purpose of increasing the attractiveness of the market or with regard to avoiding a commodity clash). There will be no charge for a spread stall.
18. Unallocated or vacant stalls cannot be used for storage and will be covered by market stall coverings held in the Markets storage area.
19. **Charging:** A schemes of charges will be maintained that incentivises traders to take regular licences.
20. **General:** Traders must maintain a valid public liability insurance policy in the sum of at least £2,000,000 and will be required to produce a certificate or policy document at the Duty Officer's request.
21. Traders will comply with the provisions of all Acts of Parliament, Bye-laws and of any orders or regulations relating to Food Hygiene and Safety, Sale of Goods and Weights and Measures. All staff must be able to prove their eligibility to work in the UK. National insurance numbers shall be provided to the markets office.
22. Goods offered for sale by the traders must be in strict accordance with the terms of their licence and except by written permission of the Market Office no additional or alternative goods may be displayed or offered for sale.
23. Traders must display a sign in a prominent position on the stall containing their name or registered trade name.

24. Traders must at all times uphold the good reputation of the market. They must not do anything to damage the good name or trading prospects of the Shambles Market or fellow traders on the market. This includes behaviour outside of the market including the use of social media.
25. **Hours of trade:** Trading can take place between 07:00 and 17:30 on any market day. All traders must be set up and ready to trade by 09:00 and trade throughout the day until 17:00. All stalls must be vacated by 18:30 having been completely cleaned, all stall bars and boards returned to position and left empty in a clean and tidy condition so that they can be used the next day.
26. From 27 December up to the weekend of the clocks going forward in the spring the market will close at 16:00. All stalls are to be vacated by 17:30.
27. **Access:** Traders shall immediately unload their vehicles prior to the commencement of business and then remove the vehicle from the Market. Vehicles must not be parked or left standing in Silver Street or the Market area.
28. Traders may only bring vehicles onto the Market after 17:00 (or close of trade in winter) to load for packing-up purposes. In the event of an emergency or an authorised early closure vehicles will be permitted in the market area after 09:30 and before 17:00. Permission must be sought from the Markets Office in such circumstances.
29. **Market environment:** During the Market hours all avenues, passages and other areas between the stalls, the immediate approaches to the market and adjacent highways must be kept free from obstruction. The trading area is limited to the stall itself and the build out area indicated by the brass stubs in the floor.
30. Traders must be polite and helpful to the public at all times. They cannot attract the public by hard selling, hawking or any form of outcry. Traders in perishable goods may cry out in the selling of remaining produce after 14:00. Traders may not use any public address system or broadcast system. Sound systems used where appropriate to the goods being sold must be set at just above ambient noise levels.

31. Traders shall not be a nuisance or annoyance to the public or to the occupiers of neighbouring stalls. This includes obstructing or blocking the view of other traders' stalls.
32. All traders are expected to display their goods attractively. Where using the under stalls for storage this should be covered by floor length cloths. No uncovered banana boxes, cardboard boxes or equivalent will be allowed.
33. No wrappings or other litter shall be dropped on to the ground or allowed to be blown away. Refuse must not be allowed to accumulate on or around stalls. All empty boxes, cartons and refuse from the trade or business, must be either stored safely and neatly within their stall or put into the compactor or appropriate recycling receptacle provided by the council. All cardboard boxes should be flattened. Food waste and fruit or vegetable trimmings should be put into a bag or box before disposal. At the end of each days trade all litter, refuse and empty boxes on or about the stalls shall be collected and removed by the trader. Stalls must be left in a clean and tidy condition ready to be used for the next day.
34. No temporary awnings or covers will be permitted.
35. Payment covering the cost of repairing and making good any damage caused by the trader will be assessed by and made to the Market Office.
36. The Council may at anytime enter on to any part of the market, including stalls, to inspect and repair any of the fixtures, fittings, facilities, appliances or structures to ensure that the market continues to run safely and efficiently.
37. Traders shall ensure that their employees and other persons assisting them in carrying on their business in the market are fully aware of and comply in all respects with the requirements of these regulations and operate the business in a way that is a credit to the market as a whole.
38. Any trader who does not abide by these regulations will, in the first instance, be reminded of the need to comply with them. The Market Office may issue a warning or warnings. The Market Office reserves the right to give notice not to renew the licence of any trader who repeatedly contravenes these regulations.

39. In the case of severe misconduct the Duty Market Officer, or other manager, may suspend a trader with immediate effect. Severe misconduct may include:

- Theft or fraud
- Falsification of documents
- Physical violence
- Bullying, harassment, intimidation or discrimination of a member of the public, another trader or a member of staff
- Deliberate damage to property
- Behaviour or conduct bringing the market into disrepute or deleterious to the trading prospects of fellow traders on the market.
- Negligence which causes or may cause loss, damage or injury
- Infringement of Health and Safety

This list is neither exclusive nor exhaustive and action may be taken in relation to other offences.

40. **Dispute resolution:** A formal appeal / dispute resolution procedure will be developed and maintained providing for the right of appeal against any decision taken under provisions in the above two paragraphs. Appeals will be heard by a senior officer who has not been involved in the original decision.

41. **The Market Traders Association:** The Market Office will hold regular meetings with the Market Traders Association to discuss and consult upon all matters concerning the day to day operation and future development of the Shambles Market and any future updating of the regulations.

Next Steps

42. It is proposed that, following agreement to these principles, the regulations are formalised into a legal document which will be issued to all licence holders.

Council Plan

43. The actions set out in the report contribute to the Create Job and Grow the Economy priority in the Council Plan 2011-15.

Implications

44. **Equalities:** The Community Impact Assessment shows no negative impacts from the new regulations. The arrangements for licences give both improved security for existing traders as well as excellent opportunities for access for new traders. The refurbishment scheme has improved physical access to Shambles Market in a number of aspects.
45. There are no Financial, Property, Human Resources, Crime and Disorder, or Information Technology implications arising from this report.

Risk Management

46. The level of risk associated with this proposal is “Acceptable”.

Recommendation

47. The Cabinet Member is asked to approve the approach and the principles for the new regulations as set out.

Reason: To promote a thriving Shambles Market.

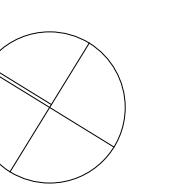
Annex 1: Map of Market, stall numbers with ‘build out’ areas (subject to final agreement)

Contact Details

Author:	Chief Officer Responsible for the report:		
Gill Cooper City Centre & Markets Project Officer	Sally Burns Director of Communities & Neighbourhoods		
Charlie Croft Assistant Director, Communities, Culture & Public Realm	Report Approved	✓	Date 25.2.15.
Specialist Implications Officer(s): N/A			
Wards Affected:			All ✓
For further information please contact the author of the report			

Background Papers: Previous Newgate Market Rules & Regulations

This page is intentionally left blank



- Notes** Contractor to confirm all dimensions on site before commencing work
Do not scale from this drawing
- Key**
- 8ft stall
 - Build-out Zone



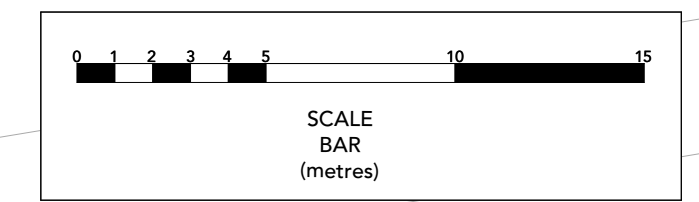
STAGE 4: TECHNICAL DESIGN

Client City of York Council			
Project Newgate Market York			
Project No. 5079 NMY	Date 1st Issue	Scale @ A1 1:200	Drawn
Drawing Title Market Rules			
Drawing No. 5079_NMY_103	Revision		

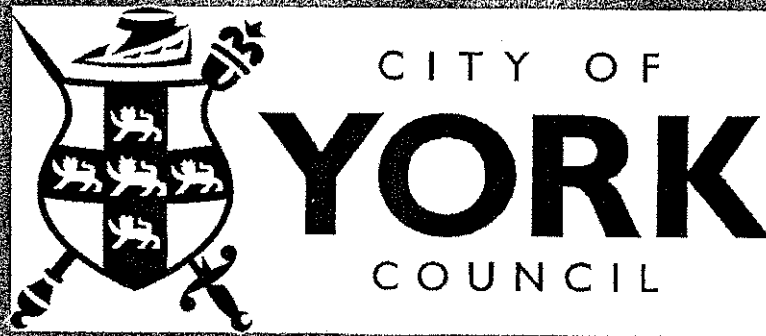
Copyright © 2012 Bauman Lyons LLP

Bauman Lyons

Black Building
2 Newton Road
Leeds LS7 4BE
+44 (0)113 222 3344
+44 (0)113 262 3800
www.baumanlyons.co.uk



This page is intentionally left blank



NEWGATE MARKET
RULES & REGULATIONS

01 April 2010

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

Tel: 01904 551355

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 ^(Page 19)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) 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

This page is intentionally left blank



**Decision Session - Cabinet Member for
Culture, Leisure and Tourism**

10 March 2015

Report of the Assistant Director (Communities, Culture & Public Realm)

Service Level Agreements with Leisure and Culture Organisations

Summary

1. This report is brought to the Cabinet Member to seek approval for three year funding agreements to 31 March 2018 with Accessible Arts & Media (AAM), the National Centre for Early Music (NCEM), and Friends of St Nicholas Fields.

Background

2. In accordance with best practice recommended by the Department of Culture, Media and Sport (DCMS) we have previously negotiated a three year partnership funding agreements with our significant cultural organisations in York. Accessible Arts & Media, the National Centre for Early Music, and Friends of St Nicholas Fields have been recipients of a previous agreement which finished this month. This report proposes renewed funding support for 2015–2018.

Funding offer

3. The funding agreements proposed are:
 - Accessible Arts & Media - £9,400 p.a.
 - National Centre for Early Music - £8,146 p.a.
 - Friends of St Nicholas Fields - £23,008 p.a.
4. The proposed service level agreements are attached at Annexes 1 to 3.

Council Plan

5. The actions set out in the report contribute to the Building Stronger Communities priority in the Council Plan 2011-15 by:

- Encouraging and enabling vulnerable and disadvantaged residents to engage with the wider community through positive and affirmative opportunities
- Supporting the voluntary sector; providing volunteering opportunities and the chance to gain new skills.

Implications

6. **Financial** - Budget Council in February 2014 agreed a £200k saving in funding to voluntary organisations from 2015/16. Accordingly a reduction in the region of 4% has been made in the funding offered to the three organisations. In compliance with the York Compact best practice guidance, notice of this reduction was given to the organisations in November, 2014.
7. **Equalities** – this funding support enables the most vulnerable sections of the community to access art and media opportunities and to gain new skills in this sector.
8. There are no Legal, Property, Human Resources, Crime and Disorder, or Information Technology implications arising from this report.

Risk Management

9. The level of risk associated with this proposal is “Acceptable”.

Recommendation

10. The Cabinet Member is asked to approve the three funding agreements set out in paragraph 3 and the associated service level agreements set out in the annexes.

Reason: To increase the wellbeing and quality of life of York residents.

Annexes

- 1 – Service Level Agreement: National Centre for Early Music
- 2 – Service Level Agreement: Accessible Arts and Media
- 3 – Service Level Agreement: Friends of St Nicholas Fields

Contact Details

Author:	Chief Officer Responsible for the report:			
Charlie Croft Assistant Director, Communities, Culture & Public Realm	Sally Burns Director of Communities & Neighbourhoods			
	Report Approved	✓	Date	25 February, 2015
Specialist Implications Officer(s): N/A				
Wards Affected:			All	✓
For further information please contact the author of the report				

Background Papers:

None

Abbreviations in report and annexes:

AAM- Accessible Arts and Media

AGM- Annual General Meeting

BACS- Bankers' Automated Clearing Services

CRB- Criminal Records Bureau

CYC- City of York Council

DCMS- Department for Culture, Media and Sport

EGM- Extraordinary General Meeting

NCEM- National Centre for Early Music

NPO- National Portfolio Organisations

This page is intentionally left blank



**Service Agreement
for the National Centre for Early Music
1st April 2015 to 31st March 2018**

This service level agreement allocates funding to the National Centre for Early Music (NCEM) for the period April 2015 to March 2018.

Support is given to the NCEM to help enable the organisation to continue to promote a high quality year-round programme of jazz, folk, world and classical concerts at St Margaret's Church, Walmgate; to continue to develop St Margaret's as a significant venue for music and creative learning in York, and to underpin support for internationally acclaimed summer festival (the York Early Music Festival).

It is noted that the NCEM is administered through the York Early Music Foundation, a registered charity. The NCEM is acknowledged by the Arts Council as a centre of excellence with NPO funding secured for the 2015-2018 period. The NCEM is also in receipt of European monies for the 2015-2018 period – promoting the City of York across the European Community.

In addition to promoting the NCEM as a high quality music venue, the organisation will continue to support local music groups, educational initiatives – including York Music Hub - and cultural organisations wherever possible. The NCEM will also sustain St Margaret's Church into the future working with partners interested in heritage/conservation.

General Conditions:

The conditions of the grant are as follows:

- The grant will be used only for the purpose stated in this agreement. If at any time the organisation wishes to use the grant for a purpose other than stated in this agreement they must gain prior approval from City of York Council

- If the organisation is found to falsify any information supplied to City of York Council it will result in all or part of the funds being withdrawn by City of York Council
- Should the organisation disband during the grant period, then City of York Council may ask for all or a proportion of the monies to be paid back
- Where there is a breach of any of the conditions contained within this agreement the City of York Council reserves the right to claim back any grant aid

Acknowledgment:

- The organisation will acknowledge the financial support of the City of York Council in all communications with the media and inform their Client Officer of any good news stories relating to the NCEM
- The organisation will ensure that the City of York Council logo, and any other Council logos as appropriate including City of Festivals Logo, is used on all printed material (e.g. posters, flyers and programmes) and on any new media resources were appropriate (e.g. websites, facebook, etc).

Statutory and Legal

- The organisation shall be responsible for ensuring it complies with all statutory and legal obligations (e.g. health and safety, licensing, public liability insurance, building regulations, planning consents etc) applicable to the activities funded by the grant. Copies of all such insurances and policies are available on request.
- The organisation will ensure that staff, artists or volunteers who work directly with children and vulnerable adults will follow CYC and NCEM Child Protection policies.

Financial

- Provision must be made for up to date accounts to be kept by the organisation, and for those accounts to be audited annually by a competent person independent of the organisation.
- The Grant of £8,146 per annum will be paid by BACS in July each year

- Confirmation of funding for years 2 and 3 will follow a satisfactory end of year monitoring by the named Client Officer.

Monitoring

- The organisation must comply if the Client Officer makes a reasonable request to attend a workshop or activity.
- The organisation is required to submit a copy of their Annual Accounts and Report to the Client Officer no less than 3 months following the organisation’s financial year end.
- The organisation must make arrangements for performance monitoring and the evaluation of activities funded by this grant. Monitoring reports will be submitted as prescribed by the Client Officer.

SIGNED ON BEHALF OF THE NCEM

		PRINT NAME
CHAIR	MIKE TAYLOR	
CHIEF EXECUTIVE	DELMA TOMLIN MBE	
DATE		

SIGNED ON BEHALF OF THE CITY OF YORK COUNCIL

		PRINT NAME
LEAD OFFICER		
DIRECTOR		CHARLIE CROFT
DATE		

This page is intentionally left blank



**Service Agreement Accessible Arts and Media
1st April 2015 to 31st March 2018**

This annual service level agreement allocates funding to Accessible Arts & Media (AAM) for 2015-18.

Support is given to Accessible Arts and Media to enable the organisation to work with disabled people and young people in York to have the opportunity to communicate through creating music, media and the arts regardless of their circumstances.

Accessible Arts & Media will do this by the development of a vibrant range of accessible, inclusive and affordable projects for vulnerable groups that push boundaries; enhance personal progression and challenge stereotypes.

During 2015-18 Accessible Arts & Media will use their grant to:

- Develop and provide a programme of arts activities, including creating music, media and the arts for disabled people and young people in York and the surrounding area which will include four key projects:
 1. To support and develop the Hands and Voices Choir and the choir's public performances
 2. To continue to develop AAM's Ableweb project
 3. To continue to develop AAM's Yormusic Sensory Extra (9-19 yrs)
 4. To continue to develop AAM's outreach programme
- To continue to increase the use of online technologies to publicise activities and engage with a range of stakeholders, including developing over the next 4 years AAM's online media projects.
- To further develop AAM's sensory programme at Burton Stone Community Centre.

AAM's annual targets are:

- Aim for a target number of workshop attendance on core funding projects of 100 individual client participants per annum:
 - Hands & Voices: 50

- Ableweb: 5
- Yormusic Sensory Extra: 20
- Outreach: 25
- Aim for a target number of workshop sessions (2 hrs = 1 session) of 80 sessions per annum:
 - Hands & Voices: 30
 - Ableweb: 30
 - Yormusic Sensory Extra: 15
 - Outreach: 5
- Aim for a minimum target number of audience of 1,000 per annum. In recognition of the specialist nature of the work this relates to the following projects:
 - Hands & Voices: 500
 - Outreach: 500

In addition Accessible Arts & Media should seek to provide the following information:

- The number of web hits on Ableweb
- The number of Ableweb client participants
- The number of Yormusic Sensory Extra client participants
- The number of client participant performances and events organised
- The amount of external funding levered in

These targets will be reviewed annually during the end of year monitoring and may be subject to amendment. Accessible Arts & Media will also be asked to provide information as set out in the annual monitoring form.

General Conditions:

The conditions of the grant are as follows:

- The grant will be used only for the purpose stated in this agreement. If at any time the organisation wishes to use the grant for a purpose other than stated in this agreement they must gain prior approval from City of York Council
- If the organisation is found to falsify any information supplied to City of York Council it will result in all or part of the funds being withdrawn by City of York Council
- The organisation is required to give reasonable notice of any AAM AGM or EGM meetings and invite the Client Officer to attend as an observer

- Where there is a breach of any of the conditions contained within this agreement the City of York Council reserves the right to claim back any grant aid
- Should the organisation disband during the grant period, then City of York Council may ask for all or a proportion of the monies to be paid back

Acknowledgment

- The organisation will acknowledge the financial support of the City of York Council in all communications with the media and inform their Client Officer of any good news stories relating to AAM.
- The organisation will ensure that the City of York Council logo, and any other Council logos as appropriate, is used on all printed material (e.g. posters, flyers and programmes) and on any new media resources were appropriate (e.g. websites, facebook, etc).

Statutory and Legal

- The organisation shall be responsible for ensuring it complies with all statutory and legal obligations (e.g. health and safety, licensing, insurance, building regulations, planning consents etc) applicable to the activities funded by the grant
- The organisation shall indemnify the City of York Council in respect of claims arising out of the provision of the activity funded by the grant, with the level of the professional indemnity being no less than five million pounds. One off public events or performances will be individually and appropriately indemnified. Copies of policy documents must be made available on request
- The organisation shall ensure that freelance staff and sub-contracted 3rd parties fully indemnify AAM in respect of claims arising out of the provision of any activity carried out on behalf of AAM which is funded by the grant, with the level of the professional indemnity being no less than five million pounds.
- The organisation will ensure that staff, artists or volunteers who work directly with children and vulnerable adults must have an enhanced Criminal Records Bureau (CRB) check. CRB checks should be received and confirmed as satisfactory prior to any work being undertaken.

Financial

- The Grant of £9,400 per annum will be paid by BACS.
- Provision must be made for up to date accounts to be kept by the organisation, and for those accounts to be audited annually by a competent person independent of the organisation.
- Confirmation of funding for years 2 and 3 will follow a satisfactory end of year monitoring by the named Client Officer.

Monitoring

- The organisation must comply if the Client Officer makes a reasonable request to attend a workshop or activity.
- The organisation is required to submit a copy of their Annual Accounts and Report to the Client Officer no less than 3 months following the organisation's financial year end.
- The organisation must make arrangements for performance monitoring and the evaluation of activities funded by this grant. Monitoring reports will be submitted as prescribed by the Client Officer.

SIGNED ON BEHALF OF ACCESSIBLE ARTS AND MEDIA

PRINT NAME

CHAIR		
CHIEF EXECUTIVE		
DATE		

SIGNED ON BEHALF OF THE CITY OF YORK COUNCIL

PRINT NAME

LEAD OFFICER		CHARLIE CROFT
DATE		



**Service Agreement for Friends of St Nicholas Fields
1st April 2015 to 31st March 2018**

This three service level agreement allocates funding to the Friends of St Nicholas Fields (Friends) to enable the organisation to:

- Manage St Nicholas Fields Nature Reserve
- Present a programme of volunteer, education and outreach work
- Run projects, events and services which help to make York more sustainable.

During 2015-18 the Friends will use their grant to:

- Maintain the leased area to *Community Green Flag Standards* as defined by the Department for Communities and Local Government or their agents.
- Keep the site safe, clean and accessible.
- Maintain an up to date management plan for the site.
- Provide a year round volunteer programme. Including long term and one off opportunities
- Improve the site for nature conservation by working with partners and maintaining up to date species data records.
- Present a programme of year round events, education and outreach work for York communities to learn about the environment.

General Conditions

The conditions of the grant are as follows:

- The grant will be used only for the purpose stated in this agreement. If at any time the organisation wishes to use the grant for a purpose other than stated in this agreement they must gain prior approval from City of York Council
- If the organisation is found to falsify any information supplied to City of York Council it will result in all or part of the funds being withdrawn by City of York Council
- Should the organisation disband during the grant period, then City of York Council may ask for all or a proportion of the monies to be paid back
- Where there is a breach of any of the conditions contained within this agreement the City of York Council reserves the right to claim back any grant aid

Acknowledgment

- The organisation will acknowledge the financial support of the City of York Council in all communications with the media and inform their Client Officer of any good news stories relating to use of the grant

Statutory and Legal

- The organisation shall be responsible for ensuring it complies with all statutory and legal obligations (e.g. health and safety, licensing, insurance, building regulations, planning consents etc) applicable to the activities funded by the grant

Financial

- Provision must be made for up to date accounts to be kept by the organisation, and for those accounts to be audited annually by a competent person independent of the organisation.
- The Grant of £23,008 per annum will be paid by BACS
- Confirmation of funding for years 2 and 3 will follow a satisfactory end of year monitoring by the named Client Officer.

Monitoring

- The organisation must comply if the Client Officer makes a reasonable request to attend a workshop or activity.
- The organisation is required to submit a copy of their Annual Accounts and Report to the Client Officer no less than 3 months following the organisation’s financial year end.
- The organisation must make arrangements for performance monitoring and the evaluation of activities funded by this grant. Monitoring reports will be submitted as prescribed by the Client Officer.

SIGNED ON BEHALF OF THE FRIENDS

PRINT NAME

LEAD OFFICER		
DATE		

SIGNED ON BEHALF OF THE CITY OF YORK COUNCIL

PRINT NAME

LEAD OFFICER		
DATE		

This page is intentionally left blank