

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 area 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

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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