

**Planning and Public Protection Service**

**Name of Policy / Procedure / Protocol / Plan:**

**MARKET CONDITIONS - RHYL**

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<b>Date agreed and implemented:</b>	
<b>Agreed by:</b>	
<b>Frequency of Review:</b>	12 monthly
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**VERSION CONTROL:**

<b>Reference:</b>	<b>Status:</b>	<b>Authorised by:</b>	<b>Date:</b>
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## 1. DEFINITIONS

- 1.1 **The Council** means Denbighshire County Council.
- 1.2 **The Market** means the street market held in Rhyl.
- 1.3 **The Market Officer** means the Council's duly authorised representative.
- 1.4 **The stall** is as supplied by Denbighshire County Council unless otherwise arranged by the Market Officer
- 1.5 **Goods** include provisions, commodities and articles brought into the market for the purpose of sale.
- 1.6 **A regular registered trader** is a stallholder who has registered annually with the Council, and who has been allocated a reserved pitch for each market day within the registered period, at the discretion of the Market Officer. A regular trader must attend at least 80 market days in order to renew this status.
- 1.7 **A casual registered trader** is a person who attends the market with goods in the hope of being allocated a trading position for that day only.
- 1.8 **Community stalls** are determined as one issued under the Service Level Agreement between Denbighshire County Council and Denbighshire Voluntary Services Council.

## 2. BREACH OF MARKET CONDITIONS

- 2.1 The Market Officer has the day to day responsibility of ensuring compliance of the market conditions.
- 2.2 All stallholders need to comply with the Market Conditions. In the event of any breach of conditions or of any conduct prejudicial to the efficient management of the market, the Market Officer can decline you a place on the market and/or ask you to leave at any time.
- 2.3 The Council may reserve the right to revoke any registration in the event of any breach of conditions.
- 2.4 Failure to pay any fees due when formally demanded may result in your registration being revoked.
- 2.5 If you are aggrieved by any action taken by the Market Officer you may take the appropriate action, details can be found at the end of this document.

## 3. MARKET DETAILS

- 3.1 These Conditions govern the management of the Market and will come into force on the 1<sup>st</sup> April 2013.
- 3.2 The Market shall be open for trading as follows:-
  - i. Market days will be a Thursday and a Saturday.

- ii. Trading time will be between 10.00 hrs and 17:00 hrs
  - iii. The council has discretion to run an additional 14 market days in any calendar year, such markets will be managed having regard to these conditions.
- 3.3. The market will not be held on Christmas Day, Boxing Day or New Years day.
- 3.4. The market can be cancelled at the discretion of the Market Officer, having regard to weather conditions and/or health and safety matters.

#### **4. REGULAR REGISTERED TRADER CONDITIONS**

- 4.1 The rights and obligations conferred and imposed by this registration are personal to the named registered traders, and shall not be assigned sold or parted with in any manner whatsoever. Registrations will be considered for transfer only to immediate family, subject to suitable evidence being produced, between father, mother, son, daughter, husband and wife.
- 4.2 The Trader in person or his agent must attend the market as stallholder, throughout the working day, for a minimum of **80** market days during the registration period. Special circumstances for non-attendance such as illness will be considered only on receipt of a written explanation, together with a medical certificate etc. Failure to meet this requirement will result in the registration not being renewed for the following 12 months.
- 4.3 Absences for holidays etc, up to a maximum of four (4) weeks per registration period, will be allowed provided at least 7 days notice of such absences are made in writing. No stallage rent will be charged for this period.
- 4.4 If the Trader shall fail to carry on business at the said stallage space for any consecutive period of three (3) weeks without giving a reasonable explanation beforehand, in writing, then the registration shall be revoked automatically. This condition will not apply to holidays notified in accordance with 4.3 above.
- 4.5 If the Trader shall fail on any market day to occupy the stallage space before 07:30 hrs, then the Market Officer may re allocate the said stallage space for that day. Attendance after 07.30 hrs will not exclude you from trading but there is not guarantee that a pitch will be available.
- 4.6 On occasions, it may be necessary for the council to cancel the allocation of a particular pitch or pitches, on specific market days, in order to permit maintenance and other works to proceed in connection with adjacent premises and/or highway. In these cases traders will not be charged. As much advance notice will be given to traders regarding a reduced market.

#### **5 CASUAL REGISTERED TRADERS CONDITIONS**

- 5.1 Pitches will be allocated on a first come first serve basis by the Market Officer. Casual traders should register their attendance with the Market Officer as soon as possible on arrival at the Market.

5.2 Pitches will only be allocated after 07.30 hrs. Whilst every effort will be made to allocate a pitch to a casual registered trader, it cannot be guaranteed.

**6. GENERAL CONDITIONS - REGULAR/CASUAL REGISTERED TRADERS**

6.1 All market stalls shall be supplied by the Council, unless prior consent has been given by the Market Officer for example mobile vehicles. If consent has been given to not use the Council supplied stall the alternative stall/vehicle must be in a good condition and of a type style or design approved by the Market Officer.

6.2 When requested by the Market Officer, Traders should provide evidence of identification of him/her self and any person employed by him/her in the Market.

6.3 Only legitimate goods are to be sold or offered for sale on the Market. Any doubts as to the origin of goods offered for sale could result in Traders being asked to vacate the Market until a full investigation has taken place as to the origin of the goods.

6.4 A registration will be refused if the trader has been convicted of an offence under the Trade Description Act. If during the course of the registration period a trader is convicted of an offence under the Trade Description Act then the Council will revoke such registration immediately.

6.5 The Trader must at all times insure himself and any other person employed by him on the market against liability to the public and any liability reasonably foreseeable in the course of his trade to the minimum sum of £2,000,000 or such higher figure as may from time to time be effective under the Market Traders Federation Block Policy and a Certificate of Insurance, or in the case of the National Market Traders Federation, a Membership Card, must be produced before registration is issued or on demand.

6.6 All lorries, vans cars and similar vehicles, other than those specifically allowed to remain on the market, as agreed by the Market Officer, must be unloaded immediately prior to commencement of business and removed from the market before 09:00 hrs. They must not return until after 17:00 hrs. The only exception to this rule is due to adverse weather conditions or in a case of emergency and this will be at the discretion, and with the approval of the Market Officer. No large vehicle(s) that in the opinion of the Market Officer may block the avenues and cause inconvenience to other stallholder, shopkeepers or members of the public will be allowed on the market area and the trader concerned must make other arrangements for unloading and loading such vehicles.

6.7 Not to erect any stalls or place any goods or equipment on the said stallage space or any part of the Market the day preceding Market Day or before 6.00am on the Market Day.

6.8 All stalls are to close and trading must cease by 17:00 hrs and all stall vehicles, materials etc must be removed from the market immediately afterwards.

- 6.9 It is prohibited, for the purposes of erecting/securing stalls, to use any street furniture, including seats, flower beds, lampposts, trees or any other structure within the permitted market area. All street furniture should be free of obstruction.
- 6.10 No displaying or storing goods outside the permitted area of the stall nor to have any part of the erected stall protruding outside the permitted area for trading.
- 6.11 Not to cause any wilful damage to the Council's property and to repay the Council the cost of repairing or replacing any damage caused by the Trader or his employees or servants in any manner whatsoever.
- 6.12 Traders must use the said stallage space in a businesslike manner and not to do or allow to be done anything which in the opinion of the Market Officer may cause a nuisance or annoyance to the public or to the occupiers of neighbouring stalls or which may be detrimental to the market.
- 6.13 Not to attract persons by pitching or hand selling goods by elevating himself upon a platform or upon anything raised above the floor level of the Market Area or by using any audio or mechanical means.
- 6.14 Between the hours of 10.00 hrs and 17:00 hrs, audio equipment permitted should be set at a volume so as to cause no annoyance or nuisance to the public or owners/occupiers of adjoining or neighbouring premises and stalls.
- 6.15 All vehicle engines must be switched off while discharging or loading goods to the Market.
- 6.16 No Trader shall bring into the Market any electricity generating equipment or heating and lighting systems used in conjunction with his stall which shall not have been approved beforehand by the Market Officer or an authorised representative and all fuel for such systems shall be carried in appropriate containers of no more than **5 litres** capacity to be approved by the Market Officer or an authorised representative, and they shall remove forthwith from the Market all other dangerous inflammable liquids or substances which shall be a fire risk upon being requested to do so by the Market Officer.
- 6.17 It is prohibited to bring any dogs, cats or any other animals or birds into the Market whether as pets or for sale.
- 6.18 It is prohibited to sell hot food, hot drinks and alcoholic beverages from any stall within the Market.
- 6.19 The sale of any foodstuff in the Market is subject to the provisions of the Food Safety Act 1990 and associated Regulations. For further advice please contact the Council's Food Safety Team (contact details at the end of this document).

- 6.20 The sale of dangerous weapons is prohibited. This includes Firearms (including air weapons and imitation firearms) and combat knives, or Lock knives.
- 6.21 Acupuncture, cosmetic piercing, tattooing or electrolysis will not be permitted from any stall.
- 6.22 Not to use the stall for the business of photography and not to tout for such business.
- 6.23 All litter and other refuse should be disposed of in a responsible manner.
- 6.24 The Trader shall have no claim against the Council for any loss, injury or damage sustained through fire, theft or being forcibly evicted from the Market for breach of any of the terms herein contained or for any other cause whatsoever. The Trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of this registration.
- 6.25 Weather conditions will be assessed at any time by the Market Officer. In cases of a cancelled market due to extreme weather disturbance, no rent will be charged. In cases of a market taken place and cancelled by the Market Officer all fees paid will be refunded for that day.
- 6.26 The Council shall determine any question arising from the interpretation of these conditions, and the decision made by the Council on any relevant matter, will be final and conclusive.
- 6.27 The conditions that form part of this document will be reviewed annually.

## **7. FEES**

- 7.1 All fees must be paid on each market day, regardless of the trader being registered or not.
- 7.2 Regular traders to pay £15 for the 1<sup>st</sup> gazebo and £7.50 for every additional gazebo thereafter. A Regular trader may only have a maximum of 4 gazebos at the “regular rate”, if they wish to trade with more than 4 then they will be charged for the additional gazebos at the “casual rate”. There will be a maximum limit set for a regular trader to have 6 gazebos in total eg 4 gazebos charged at the regular rate (£37.50) and 2 at the casual rate of (£30).
- 7.3 Casual traders to pay £22.50 for the 1<sup>st</sup> gazebo and £7.50 for each additional gazebo thereafter. A Casual trader may only have a maximum of 3 gazebos.
- 7.4 Up to 10 free community stalls will be allocated to Denbighshire Voluntary Services Council (DVSC) for each market held. If you wish to take advantage of one of these community stalls then please contact DVSC direct (contact details at the end of this document)

7.5 A table of fees is detailed below:

TYPE OF TRADER	NO OF STALLS	FEES
<b>Regular Trader</b>	1	£15.00
	2	£22.50
	3	£30.00
	4	£37.50
<b>Casual Trader</b>	1	£22.50
	2	£30.00
	3	£37.50

7.6 If the Trader shall fail to pay any money due to the Council when formally demanded then it shall be lawful for the Council to determine his registration forthwith but without prejudice to any claim by the Council in respect of any breach by the Trader.

## **8. COMPLAINTS AND APPEAL PROCESS**

8.1 A trader, in dispute regarding the implementation of these conditions, may appeal in writing to the Head of Planning and Public Protection.

8.2 Should you wish to lodge a complaint about the management of the Market, in the first instance, please contact the Market Officer.

8.3 If you are not satisfied with the action/response taken by the Market Officer then please direct your complaint, in writing, to the Head of Planning and Public Protection




8.4 Every complaint will be investigated and responded to in accordance to the Council's Complaints Policy. The Council's Complaints Policy can be viewed on the website: [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk).

## **9. CONTACTS**

For enquiries regarding how to register, or for any advice and guidance please contact the Licensing Team

 01824 706342  
 Licensing Team, Russell House, Churton Road, Rhyl, LL18 3DP  
 [licensing@denbighshire.gov.uk](mailto:licensing@denbighshire.gov.uk) or




If you wish to speak to the Market Officer direct please use the contact details below

 07887503011  
 Market Officer, Licensing Team, Russell House, Churton Road, Rhyl, LL18 3DP  
 [Thomas.blake@denbighshire.gov.uk](mailto:Thomas.blake@denbighshire.gov.uk)



For enquiries regarding how to register your business for food safety or for general advice and guidance on this matter please contact the Food and Health and Safety Team

 01824 706405  
 Food and Health & Safety Team, Russell House, Churton Road, Rhyl, LL18 3DP  
 [envhealth@denbighshire.gov.uk](mailto:envhealth@denbighshire.gov.uk)

If you wish to enquire as to how to apply for a community stall please contact DVSC

 01745 353110  
 Unit W4 Morfa Clwyd Business Centre, Marsh Road, Rhyl, LL18 2AF  
 [sandy@dvsc.co.uk](mailto:sandy@dvsc.co.uk)

If you wish to lodge a formal complaint regarding the management of the Market please do so in writing to:

 Mr Graham Boase, Head of Planning and Public Protection, Caledfryn, Smithfield Road, Denbigh, LL16  
 [Graham.boase@denbighshire.gov.uk](mailto:Graham.boase@denbighshire.gov.uk)