

CAMBRIDGE CITY COUNCIL
CHARTER MARKET REGULATIONS

Cambridge Markets are an important aspect of the city centre retail offer and provide both an invaluable service to residents and all users of Cambridge city centre and affordable business opportunities for local people. They are a key part of the city's heritage and ensuring that they continue to develop and thrive is a key priority for Cambridge City Council.

These Market Regulations govern the use of stalls in the market by traders. Any trader who contravenes any of these Regulations or any of the Bye-Laws relating to the Market may have their stall licence terminated by the Council or otherwise be refused permission to use a stall in the market. A trader may appeal against a decision to terminate or suspend their licence to the Director of Environment or such other officer the Council appoints.

Cambridge City Council may change these regulations at any time in the future upon giving 4 weeks written notice to traders. Prior to changing these Regulations the Council will consult with traders and consider any representations made.

All traders will be given a copy of these Regulations and the Bye-Laws.

Any trader who commences trading agrees to abide by these Regulations.

1. DEFINITIONS:

- 1.1 " the Market" means the charter market held on the Market Square, Cambridge
- 1.2 "Trader" means a person offering goods or services for sale from a stall on the Market
- 1.3 "Market Management Team" means the person/team advised to traders from time to time by the Council.
- 1.4 "Trading Day" means a day on which the Market is open for trading
- 1.5 "Market Hours of Operation" means the hours of operation set out in clause 2.1
- 1.6 "Severe Weather" means a severe weather warning for Cambridge on the Met office website at www.metoffice.gov.uk , telephone number 0870 900 0100

2. GENERAL

2.1 The Market will operate as follows:

2.1.1 General Market - Mondays to Saturdays, between 10am-4pm

2.1.2 Arts and Crafts Market - Sundays between 10am-4pm.

2.1.3 Local Produce Market -Sundays from 8am- 4pm.

2.2 All traders must sign a Licence Agreement,

2.3 Traders wishing to leave the Market or give up one or more of their stalls must give four weeks written notice of their intention to the Markets Management Team. At the Council's discretion this requirement may be waived in exceptional circumstances.

2.4 The Council will provide and maintain adequate and hygienic toilets and washroom facilities for all licensed traders.

3 PERSONAL NATURE OF LICENCES

3.1 The Licence is personal to the trader and is not capable of transfer. However a trader may nominate another person to take a licence of the stall from which the trader has been operating.

3.2 The Markets Management Team may at its entire discretion allow the nominee to enter into a new licence of the stall if the following conditions have first been met:

3.1.1 A formal written request from the exiting trader giving details of the new trader is submitted to the Markets Management Team.

3.1.2 Prior completion of a new standard licence agreement by the new trader.

3.1.3 The new trader has not previously had a licence terminated or suspended by the Council on any Market within the City.

3.1.4 Receipt by the Markets Management Team of a satisfactory reference for the proposed stallholder from a previous market where they have acted as a trader, or from a previous employer or equivalent.

3.1.5 Written proof of public liability cover as required by paragraph 9 is provided.

3.4 Alternatively and also at its entire discretion the Markets Management Team may allow the nominee to enter into a licence of an alternative stall on the market.

4. PRODUCT LINES AND PRODUCT LINE EXTENSIONS

4.1 Traders may only sell the product line set out in their Licence Agreement.

4.2 The Council will allocate product lines to vacant stalls as it considers best for the Market. The Council may accept product lines that compete with existing traders. The Council does, however, reserve the right to decline any application if it considers that any particular trade or line will be over- represented on the Market.

- 4.3 Traders may only extend or change product lines with the written agreement of the Council (which shall not be unreasonably withheld). If a request is granted, the old licence will be cancelled and a new one issued.
- 4.4. No new product line extensions will become effective until a new licence has been signed and returned to the Council. Licences not signed within 7 days of issue will be withdrawn.

5. APPLICATIONS FOR STALLS AND NEW STALL ALLOCATIONS

- 5.1 The following stalls, when vacant, will be advertised on the Market Traders Notice Board for 14 days:
- 5.1.1 All Saturday stalls
- 5.1.2 Monday-Sunday- all outside stalls and end of inner rows (A1-A18, B1,B7 B8 B18, C1, C7, C8,C16, D1,D7,D8,D15,E1,E7,E8,E14,F1,F7,F8,G1-G12).
- 5.1.3 The Markets Management Team may advertise adjacent stalls to any of the these stalls as a double stall from time to time if they consider this to be in the best interest of the market.
- 5.2 All applications for stalls, including those from existing stall holders who want an extra or alternative stall, must be made in writing to the Markets Management Team at market.management@cambridge.gov.uk
- 5.3 The Markets Management Team will consider the applications for vacant stalls against the following criteria:
- 5.3.1 the need for the particular trade stated on the application and for preserving a proper balance of trades on the market.
- 5.3.2 the desirability of allowing the continuity of a family business following retirement or bereavement.
- 5.3.3 the conduct of the trader, including any failure to comply with these regulations or any legislation or byelaws relating to the market.
- 5.4 Applications for new or additional stalls or product changes or extensions will not be considered whilst the applicant is in breach of these regulations, including being in arrears with payment of the fee.
- 5.5 Saturday stall licences are only allocated to existing traders who have been trading on a weekday i.e Monday to Friday on at least one day a week and are issued on condition that the trader will continue to trade on a weekday for at least one day a week.
- 5.5.1 From 1st April 2011 any new Traders applying for stalls or existing traders applying

for additional stalls will only be allowed to use a maximum of 3 stalls per day.

- 5.5.2 No new stall allocations will become effective until the licence has been signed and returned to the Council. Licences not signed within 7 days of issue will be withdrawn and the stall made available for re-allocation.

6. UNSUCCESSFUL APPLICATIONS

- 6.1 All unsuccessful applicants for stalls or product line extensions will be advised in writing with reasons.

7. PAYMENT OF STALL FEES

- 7.1. Stall fees and other charges are determined by the Council, and will be notified to traders in writing once approved by the Council. The Council will usually review all stall fees and other charges annually but may do so at different intervals. The Council will notify traders of any review and will consider representations made by traders. When the Council has decided to change fees and/or charges it will give traders 4 weeks written notice prior to the date when the charges come into effect.
- 7.1.1 All charges must be paid at the Payments Office in the Customer Services Centre at Mandela House by 6pm on the day that they are due.
- 7.2 Stall fees must be paid by one of the following methods only:
- 7.2.1 By monthly direct debit.
- 7.2.3 By payment to the Council using cash, cheque (with guarantee card), or debit/credit card on a weekly or monthly basis in advance as agreed in writing by the Council.
- 7.2.4 Any trader in arrears with their fee will be subject to the disciplinary procedures detailed in clause 25.
- 7.2.5 The Market Management team may suspend any trader who is in arrears of more than 4 weeks stall fee.

Information

The Customer Service Centre is open between 8.00am to 6.00pm Monday-Friday. It is closed on public holidays. In the event that the Customer Service Centre is closed on a market day due to a bank holiday, alternative arrangements will be advised to traders for payment that day. Debit/credit card payments may also be made by telephone on (01223) 457700.

- 7.3 Except where the Markets Management Team has waived the stall fee under 7.3.1 and 8.6 below all traders must pay their stall fee irrespective of whether they attend the Market.

7.3.1 In Severe Weather, traders who do not attend the Market will not be charged for that day or day(s) provided that they are not in arrears with their stall fee.

8 ABSENCE FROM THE MARKET

- 8.1 During a trader's absence the Council may re-allocate their stall(s) to another trader.
- 8.2 For all absences traders must advise the Markets Management Team as soon as it is reasonably possible in advance of or, if this cannot be done, as early as possible on the trading day in question. Should this occur the Council reserves the right to re-allocate the stall for that day to another trader.
- 8.3 In the interests of the market it is important that traders attend the market and that as many stalls as possible are occupied. Continued absence from the market may result in the suspension or termination of a trader's licence.
- 8.4 Any trader unable to attend the market due to unforeseen circumstances must notify the Markets Management Team in writing as soon as possible. The Markets Management Team may in their absolute discretion waive the stall fee.

9. INSURANCE

- 9.1 Traders MUST provide evidence of third party public liability insurance to the Council's minimum requirement as notified to traders in writing from time to time, currently £5,000,000 (FIVE MILLION POUNDS) and a trader shall display their policy of insurance on their stall or provide evidence of their insurance upon request.
- 9.2 Traders who are responsible for employees must hold Employers Liability Insurance. Under the Employers Liability (Compulsory Insurance) Act 1969 all employers* are required to have a minimum level of cover of £5 million.
- 9.3 Traders not displaying evidence of insurance or providing evidence of their insurance as required by clause 9.1 may not be permitted to trade until this has been rectified. No rebate of the stall fee will be given in these circumstances.

** If your business is not a limited company, and you are the only employee or you only employ close family members, you do not need compulsory Employers Liability (EL). Limited companies with only one employee, where that employee also owns 50% or more of the issued share capital in the company, are also exempt from compulsory EL insurance. However, there is nothing to prevent an exempt employer from choosing to buy EL insurance.*

- 9.3 Traders must notify the Markets Management Team of any changes in insurance and provide copies on request and on renewal.

10. **INDEMNITY AND COST OF DAMAGE**

- 10.1 Traders will indemnify the Council against all costs, claims and damages arising from their use of the stall, or any other facility provided by the Council in respect of the Market operation.
- 10.2 The Council reserves the right to charge any market trader the full cost of repair or renewal to any council property related to the Market where in the reasonable opinion of the Council that trader or anyone working with the trader has caused the damage.

11. **CONDUCT**

- 11.1 Traders are responsible for their own conduct and that of anyone working on or in connection with their stall at all times while they are on the Market.
 - 11.1.2 A breach of these Regulations by anyone working on or in connection with a trader's stall will be deemed to be a breach by the trader.
 - 11.1.3 Traders are responsible for complying with all legislation and regulations that apply to the individuals they employ or engage.
- 11.2 Traders and those working with them **must not:**
 - 11.2.1 Use abusive or bad language, shouting or intimidating behaviour
 - 11.2.2 Discriminate against anyone on the grounds of age, gender, race, sexual orientation, disability, gender reassignment, religion or belief.
 - 11.2.3 Use or permit the use of illegal substances on the Market
 - 11.2.4 Smoke in the toilets or the storage areas or within the confines of any stall canopy on the Market
 - 11.2.5 Hawk or carry goods about for sale
 - 11.2.6 Use stalls for any purpose other than trading
 - 11.2.7 Pitch or call out goods for sale
 - 11.2.8 Sell animals on the Market
 - 11.2.9 Cause or encourage any nuisance or annoyance to the public or other traders or occupiers of property in the vicinity of the market
 - 11.2.10 Make any noise or play music that is considered by the Markets Management Team to be a nuisance or inconvenience to other stallholders, customers or local residents.
 - 11.2.11 Cook on their stall except where this is part of the product line set out in their licence
- 11.3 Traders' pets (other than Assistance Dogs) are not permitted on the stall without the written agreement of the Markets Management Team.

12 HOURS OF OPERATION

- 12.1 All Traders must ensure that their stall is suitably manned throughout the Market Hours of Operation and is open for trade.
- 12.2 Traders who fail to take their stall by 9.30am may not be permitted to trade on that Trading Day unless prior arrangement is made with the Markets Management Team. No refund of stall fees will be paid in these circumstances. The Council may re-allocate the stall for any absence to another trader.
- 12.3 Traders **must not** come onto the market before 6.30am. or before the washdown process has been completed whichever is the later. Washdown days usually take place on a Sunday or Wednesday. However if circumstances require (for example in severe freezing temperatures) these days may vary.
- 12.4 All vehicles must be removed from the market by 9.30am and traders must not bring their vehicles back to the market until after 4pm.
- 12.5 All traders must vacate the market by no later than 6pm.

13 CLOSURE OF THE MARKET

- 13.1 The Markets Management Team shall have the right to close the Market at their absolute discretion if they consider this to be necessary on the grounds of public safety.

14 WORKS AFFECTING THE MARKET

- 14.1 Whenever possible, traders will be given prior notice of maintenance and other work on and around the Market which could affect their trading activities.

15. VEHICLE MANOEUVRES

- 15.1 Traders must ensure that they observe a maximum vehicle speed of 5 miles per hour when on or in the vicinity of the Market Square and that vehicles display hazard warning lights.
- 15.2 The Council will not be responsible for vehicles brought onto the Market Square.

16. OBSTRUCTION

- 16.1 When loading/unloading their vehicles, all traders shall cause as little obstruction and inconvenience to the general public, other traders or the Council's employees and contractors as possible. In particular traders must comply with such requirements to ensure emergency access as the Markets Management Team deems necessary,

including a standing requirement to park vehicles parallel to the emergency access so as not to compromise access.

17. STALLS

- 17.1 Traders must not place or cause any goods to be placed on any stall or space such that they encroach or extend beyond the boundaries of the stall unless they have the permission of the Markets Management Team. Consideration must be given at all times to ease of access for all users of the market.
- 17.2 Traders may only use A boards if the boards are wholly contained within the boundary of the stall and subject to any requirements of the Markets Management Team.
- 17.3 It is strictly prohibited to extend stalls onto the public highway. Willful obstruction of the public highway is a criminal offence under S. 137 of Highways Act 1980
- 17.4 Traders must not move, alter or add to the fittings or structure of their stall without the prior written consent of the Markets Management Team
- 17.5 Traders must ensure that any back or side -sheets (which will be supplied by traders) shall be kept in good and clean condition at all times and traders are advised to take down and remove them from the site at the end of each trading day.
- 17.6 Traders must not leave any goods, articles or equipment other than boards on the market after Market Hours of Operation without the prior written consent of the Markets Management Team. This includes any lights and shelving. Any trader's property left on the Market after the Market has closed is at the individual trader's own risk
- 17.7 The markets boards are the property of Cambridge City Council and must not be removed from the market at any time.
- 17.8 Traders may use a maximum of 3 boards per stall subject to there being sufficient supply available. These must be used for tabletop purposes only and not, for example, as windbreaks or flooring. In the event of a surplus of boards the trader may use more than 3 with the prior permission of the Markets Management Team.

17.9 Traders must return all market boards to the board store at the end of each trading day

17.10 The Council will provide and maintain stall canopies, trestles and boards.

18. IDENTITY

18.1 Traders must provide and display in a prominent and visible location on their stall, a legible, well presented sign of a minimum size of 300 mm x 300 mm showing their trading name. This sign must remain in position throughout the trading day.

18.2 Traders must register their permanent addresses, dates of birth, National Insurance numbers and contact telephone number with the Markets Management Team who must be notified of any changes. Two forms of documentary proof of identity and address must be supplied. Traders who fail to provide this information will not be permitted to attend the Market until this is rectified.

19. GAS CYLINDERS

19.1 The use of LPG/pressurised cylinder(s) will not be permitted without the prior written consent of the Markets Management Team and permission will be subject to such conditions as the Markets Management Team may require.

19.2 All traders using bottled gas must provide a controllable discharge type, dry powder fire extinguisher situated near the appliance, displaying a current test approval. Paraffin appliances will not be permitted.

19.3 All LPG/pressurised cylinders shall be stored outside any stall, vehicle or building connected to the appliance via securely fixed metal piping or armoured flexible piping. Only cylinders using pressure relief valves will be allowed which must be positively secured in the upright position.

19.4 All LPG/pressurised cylinders not in use must be stored upright in the open air away from any fixed or temporary source of ignition, with suitable hazard warning signage provided, complying with the Health and Safety (Safety Signs and Signals) Regulations 1996.

20. GENERATORS

20.1 Generators are not permitted on the market without the prior written agreement of the Markets Management Team and subject to such conditions as the Market

Manager may require. If allowed, only silent running diesel generators are permitted on the market. No re-fuelling or storage of fuel is allowed on site. Generators must be located so as not to be accessible to members of the public or other unauthorised persons. All cables must be routed away from pedestrian traffic routes in order to avoid tripping hazards and must be protected from mechanical damage.

20.2 Where the Markets Management Team considers that a generator is too noisy, the Markets Management Team may require that the generator be switched off immediately.

21. ELECTRICITY

21.1 A 240v electricity supply is currently available on the Market Square. The Council reserves the right to convert this to 110v if it considers this appropriate or to require compliance with the Electricity at Work Regulations 1989 (as may be amended from time to time).

21.2 Traders may only use electrical equipment that it is in good condition, weatherproof and suitable for outside use. All electrical equipment must have a valid up to date PAT test certificate which must be available for the Markets Management Team to view upon request.

21.3 Connections to the electricity supply must be made by a suitably competent person (using robust, moisture and tamper proof connections which are suitable for outside use). Suitable and sufficient earth-leakage protection must be installed and maintained as part of the fixed wiring installation.

21.4 Traders must ensure that trailing cables do not present trip hazards or any other hazard and are suitably protected and at a safe height.

21.5 Traders must not make any alterations or additions to the electrical wiring and fittings of the stall.

21.6 Traders are only permitted to use the electricity supply for appropriate lighting, scales and tills and for other uses which are, in the reasonable opinion of the Markets Management Team, essential for the operation of their business as specified on the Trader's Licence Agreement.

21.7 Electricity must not be used for heating in any circumstances.

22. LITTER AND TRADE WASTE

- 22 The Council will carry out the regular cleaning of the market area, and the drains and gullies on the Market as necessary to maintain their effective operation.
- 22.1 Traders must ensure that their stall and any adjoining passages, whether used by them alone or in conjunction with other traders, are properly swept from time to time and shall ensure that litter is not allowed to accumulate.
- 22.2 Throughout the day traders must ensure the area surrounding their stall is cleaned and clear of all refuse and to ensure that all stalls and immediate areas are cleared of all refuse generated by their business at the close of business each day.
- 22.3 Traders must remove trade waste from their stall. The Council will provide and maintain adequate, hygienic and efficient refuse disposal facilities on the market at all times subject to breakdowns and other matters beyond its immediate control.
Traders must only use these facilities for waste generated on the market.
- 22.4 Traders who produce food waste must dispose of it in the correct food waste receptacle.
- 22.5 Traders who produce cardboard waste must dispose of it in the correct recycling cardboard receptacle.
- 22.6 Traders must comply with notices displayed on the compactor with regard to the type of waste that can be put in the compactor.
- 22.7 Traders must not put their trade waste in public litterbins
- 22.8 Traders providing containers for food or drink consumption on the market place shall make such additional arrangements for litter as the Markets Management Team shall deem necessary.
- 22.9 Traders must comply with any new initiatives introduced to improve the re-cycling of trade waste on the markets as advised in writing by the Markets Management Team from time to time.
- 22.10 Traders must only use the waste receptacles on the market for disposal of waste produced whilst attending the market and not for the disposal of any other waste.
- 22.11 If a trader does not dispose of and/or remove trade waste in accordance with this clause (22) the Council may remove the waste and charge the trader the reasonable cost of removal and disposal.

23. **FOOD STALLS**

All traders operating food stalls shall comply with any legislation for the time being in force relating to their business including (but not limited to) the provisions of the Food Hygiene (England) Regulations 2006

In particular, traders must comply with the following:

- 23.1 A first aid box shall be provided and any cuts and abrasions shall be covered by a blue, waterproof dressing.
- 23.2 All food must be kept eighteen inches above the ground and protected at all times from the risk of contamination.
- 23.3 Open or unwrapped food, other than fruit and vegetables, must only be sold from stalls or vehicles which are approved by the Council for this purpose.
- 23.4 Traders selling cooked or raw meat, poultry, fish or dairy products must provide adequate refrigeration and this produce must only be sold from stalls or vehicles which are approved by the Council for this purpose.
- 23.5 Waste water from sinks, wash hand basins etc must be discharged to the discharge points located near the standings in accordance with the requirements of the Markets Management Team.
- 23.6 Food handlers must not smoke behind or in the vicinity of the sales counters.
- 23.7 Food handlers must wear suitable, clean and where appropriate protective clothing and shall maintain a high degree of personal cleanliness.
- 23.8 No un-bagged refuse, waste or unfit food is to be allowed to accumulate on or about the stall. It must be bagged securely on a regular basis throughout the day.
- 23.9 Traders must have hand washing facilities with hot and cold water available on the stall if they are handling high risk foods*.
- 23.10 Traders running a high risk* food business must have available for inspection at the stall the appropriate Safer Food Better Business Pack.

□ **Information** – High Risk Foods are foods, which will support the growth of food poisoning bacteria and are ready to eat. (such as sandwiches, pizzas, hot meals, cooked products containing meat, fish and cheese; cooked products for re-heating such as pies, ready meals, smoked or cured meat, fish; dairy products such as cheese)

24 HEALTH AND SAFETY

- 24.1 Traders must comply with directions issued from time to time by the Council with a view to maintaining or improving the health and safety environment on the Market.

Traders must, in particular, have regard to the approved risk assessment, a copy of which can be obtained from the Markets Management Team.

25. DISCIPLINARY CODE

The following procedures relate to breaches of market regulations.

25.1 Disciplinary action beyond a verbal or written warning (apart from a precautionary suspension) will not be taken without a hearing being held by the Head of Tourism and City Centre Management (or other Officer for the time being authorised) on at least three working days notice or such shorter period as the parties shall agree

25.2 At the hearing oral and written evidence can be presented and cross-examination can take place in accordance with the principles of natural justice.

25.3 In cases of alleged serious misconduct, a trader's licence may be suspended pending the hearing and the determination of any appeal.

25.4 The procedure will normally be:

- For the first breach a verbal warning will be given, a note of which will be placed on the Council's file.
- For the second breach a written warning will be given and will be recorded on the Council's file.
- For subsequent breaches a trader's licence may be suspended.
- In the event of continued breaches or serious misconduct a traders licence may be terminated.

The Council may, in appropriate circumstances, proceed by way of a written warning, suspension or termination even for the first breach.

All breaches will remain on the trader's record (as held by the Council) for a minimum period of twelve months.

25.5 If a trader does not comply with a suspension then this will be taken into account as part of any disciplinary proceedings.

25.6 The termination or suspension will not normally take effect until after any appeals procedure has been completed. However, the Council has a discretion to proceed as it thinks fit having regard to the circumstances of the case and the nature of the breach.

25.6.1 Examples of conduct which may, following a hearing in accordance with Clause 25.1, normally justify termination of a licence are outlined below. The circumstances of each case will be considered by the Head of Tourism and City Centre Management (or other officer for the time being authorised).

25.6.2 Serious misconduct or dishonesty

25.6.3 Assaulting a member of the public, a Council Officer or another trader

25.6.4 Verbal abuse, harassment, intimidation, discrimination or bullying towards a member of the public, Council Officers or other trader(s);

25.6.5 In the reasonable opinion of the Head of Tourism and City Centre Management, the trader brings the market into disrepute; (See Clause 25.1)

25.6.6 The trader has been convicted of selling counterfeit products or has received a formal caution, formal warning or such other similar measure from the Trading Standards Service or any other Enforcement Agency.

25.6.7 The trader has persistently failed to make payment of the licence fee, outlined in clause 7 within the time limit set out in clause 7.

25.6.8 The trader has failed to comply with the health and safety legislation affecting the Market sites or any Health and Safety requirements notified to the trader by the Council.

Notwithstanding the above any trader who does not pay the stall fee, when present on the Market, in the matter described in Clause 7 will not be permitted to attend the Market until the fee has been paid.

26. **APPEALS PROCEDURE**

A trader who is issued with a warning, suspended or whose licence to trade has been terminated may appeal in writing to the Council's Director of the Environment (or such other officer as the Council appoints) within 5 working days from, but not

including, the day the trader is notified of the decision against which they wish to appeal

The decision of the Director of the Environment or other appointed officer shall be final in all respects.

In considering any appeal the Director of the Environment or other appointed officer will have regard to any relevant documentation and may interview such persons, including the trader in question, as he/she considers appropriate.

The result of the appeal and the reasons for the decision reached will be conveyed in writing to the registered address of the trader.

Information

The Markets Management Team are part of the Council's Tourism and City Centre Management service, within the Environment Directorate. City Centre Management is part of the portfolio of the Executive Councillor for Customer Services and Resources. The Markets Management Team reports to the Head of Tourism and City Centre Management. The Tourism and City Centre Management Service reports to the Council's Strategy and Resources Committee.

Complaints

If you have a problem or complaint with regard to management of the market you should first contact the Council. If you are still not satisfied the Local Government Ombudsman (LGO), may be able to help.

The LGO can be contacted at:

Local Government Ombudsman
The Oaks
No 2 Westwood Way
Westwood Business Park
Coventry
CV4 8JB
Phone: 024 7682 0000
Web: www.lgo.org.uk