

Appendix C

Respondent	Method of feedback	Paragraph	Comments	Consideration/Appraisal	Response
1	Online Form	14.13	I see in this amended change that it is being stipulated no polystyrene to be put into the bins, however due to the nature of the product we sell. Fish is always stored and transported in this material as it is both an insulate, potentially waterproof and light. We are unable to store our fish in anything else and are used as much as possible before disposal. If the volume of the air of this waste is the problem we must be able to come down to some arrangement where we collapse the boxes to take up less room.	To reduce carbon footprint of the market, reduce waste generated and increase sustainability and recycling wherever possible; to improve the aesthetics of the market and surrounding area and; compliance with non-compacting protocol as directed by 3C Shared Waste. The Council reserves the right to implement this policy to bring the market into line with its Climate Change Strategy aims and objectives and reduce operating costs. By reducing the volume of General Waste 1100 bins will allow for additional mixed recycling bins. Further conversations with high volume polystyrene users has resulted in a commitment to returning the items to their original source to be recycled.	It is proposed this paragraph remains as per the draft.
2	Online Form	5.4	As it stands at present only Saturday pitches require you to work 1 weekday pitch. This new proposal has included Sundays. For those of us who have full time jobs in the week we can't commit to this new proposal. Does the mean we can no longer trade on the market at all? This would course a significant reduction in traders if this new proposal goes ahead.	To make this requirement explicit and so, help to strengthen the weekday offer protecting the overall viability and sustainability of the 7-day a week market. Weekend trading comes with a duty to trade during the quieter weekday periods. The market operates 7-days a week. We look to Traders to support this principle to protect the overall viability and sustainability of the 7- day a week market. This will bring the current Saturday rule in line with Sundays. This will apply to new traders only and will not be retrospectively applied.	Traders wishing to trade only at weekends may apply for the ASG Market if their products are suitable. The market management team may also consider launching a casual trader list in the future. It is proposed this paragraph remains as per the draft.
3	Online Form	11.4	The Highways regulations for the Kings Highway apply to Market Hill and Market Street and can't be over ruled by singling out traders from general road users of these King's Highways. These laws are in place as set out by the local road authority's regulations. Therefore, 10am vacation of these highways Market Hill and Market Street, as above, apply (unless these laws are changed). The only have traffic duraction of the area of the market Square where the stone setts are in this case	The proposed paragraph is to ensure all Traders are off the Market Square area and have returned by 10am at the start of trading, resulting in making the market a safer place to visit for customers. We currently have conditions regarding vehicles on the market that differ to Highway Legislation, such as vehicles being off the market on Sundays (currently no loading restrictions in place) and the 5mph rule	It is proposed this paragraph remains as per the draft.
4	Online Form	10.9.9	The part about fur and feathers means we cannot sell vintage fur and taxidermy birds? These are allowed to be sold legally so just want to confirm this point	To satisfy the Council's policy decision to ban the sale of goods containing real fur on Council property. Traders will face disciplinary action if they sell goods containing real animal fur or feathers. All products wholly or partially made with real fur are covered by this ban and include for example; fur coats, vintage fur, fur shawls, garments with fur trim, fur pompom hats, and fur accessories and trinkets.	It is proposed this paragraph remains as per the draft.
5	Online Form	3.8.1	I personally feel very strongly about this. As a trader who runs a business 5 days a week and consistently turns up on the days that I am licensed to not only does it has a detrimental effect on my own trade when others around me do not show up, it also has a detrimental effect on the market as a whole. The reason for this is that we all bounce off each other to attract customers and if the market continues to look 'empty' on certain days when in fact these stalls are 'occupied on paper' it is not good practise. I totally understand that trade is different during parts of the year and during parts of the week (it is for ourselves!) but I strongly feel that this cycle needs to be broken somehow - customers are not attracted to the market as the stalls are not there and the stalls are not attracted to the market because the customers are not there! Some days I dread trading on the market when I know many of the stalls are not going to be around me even though I know that they are licensed to be because not only is it demoralising I quite often feel frankly unsafe. I realise that it will be a gradual process to rectify this problem however I think that if enforcement or disciplinary action was actually undertaken then this would stamp it out. My opinion would be that if a trader does not show up in the week on the days that they are licensed to (without good reason as specified in 7.5) they should not be allowed to trade on the Sat - if this was to actually be enforced I guarantee the market would gradually fill up in the week!! Also, if a trader does not continue to trade on the days that they are licensed to then maybe those days should be taken away from them. I know the reduced rent on a Mon and Tues was meant to encourage traders to come to the market but I feel that this has backfired as it has allowed a lot of traders to just trade on one prime day as £10 rent	The current rule means the Council can only take action for eight consecutive days missed. The amendment will make the rule more robust and enforceable.	It is proposed this paragraph remains as per the draft.
3	Online Form	2.4	Will this allow events to displace the regular market?	To maximise the market's offer in response to customer needs and demands; and so, help support the wider city centre economy. There will be opportunities for Traders to extend their trading hours and increase sales. Decisions on 'special event days' will be taken by the Council in consultation with Cambridge Market Traders and their representatives. Under the current circumstances we do not envisage displacing Traders due to events taking place in the market.	It is proposed this paragraph remains as per the draft.
3	Online Form	2.5	What is an example of why the market needs to be closed for it too be 'operationally necessary'?	To protect health and safety, such as in response to a severe or extreme weather event or pandemic 'lock down' situation; or other such exceptional operational situations, such as the death of the monarch. This list is not exhaustive. Inability for affected Traders to trade on the market on the days closed and associated loss of sales income. Pitch fee charges will be waived for all affected Traders on days the market is closed (provided they are not in arrears with their Pitch fee) Change is required to enable effective management of the market in response to exceptional health and safety and other operational situations. This will be implemented only on occasional and in exceptional circumstances. Market Traders will be provided with as much notice as possible and informed in writing.	It is proposed this paragraph remains as per the draft.
3	Online Form	2.6	Will this be very intrusive and not easy to do to suddenly have to change stalls. I have to spend ages making the layout of my stall work. My end of row stalls wouldn't fit into an inside stall very well. And very small stalls wouldn't fit on an end row very well either	The Council will seek to provide all affected Traders with as much notice as possible and engage affected Traders and their member organisation representatives; and will endeavour to offer best available alternative. This change will improve health and safety, such as in response to a pandemic situation, where risk assessment highlights the need for social distancing and associated space for customer queue management and to enable current fire safety advice to be followed.	It is proposed this paragraph remains as per the draft.
3	Online Form	2.11	When we are all issued with our new licences, will the list of what we sell be changed to meet the balance of trade?	No, this will not be applied retrospectively	It is proposed this paragraph remains as per the draft.
3	Online Form	2.11	Does the balance of trade cover things like Antiques, collectable and curios who seem to be able to sell just about anything including modern jewellery. I think this could be looked into for future licenses maybe because we are getting so many jewellery stalls nowadays. I think about 10%-20% of market as jewellery is probably OK.	The draft Balance of Trade policy has not been completed at the time of this report, however, traders views will be sought to help shape this document.	It is proposed this paragraph remains as per the draft.
3	Online Form	3.10.7	If a trader is no longer trading but their name is still on the licence for up to a year can they start trading again within this year?	If a trader is currently in a partnership, they would be permitted to start a new license as a sole trader or different partner	It is proposed this paragraph remains as per the draft.
3	Online Form	N/A	Not sure where this fits but I think there needs to be something about washing used dishes on the market and letting the dirty water run down the gully better the back of stalls. This leaves a stinking greasy messy residue. This is unhygienic and dangerously slippery. It's plainly disgusting and needs monitoring by the management team.	The following paragraph can be found in Appendix 2 of the Terms & Conditions: 49. All food related appliances and cooking utensils are to be cleaned off-site.	It is proposed this paragraph remains as per the draft.
3	Online Form	9	Re risk assessment of backing back from the market. I'm often on my own because I'm usually let the other traders go home first. So there isn't anyone to help me.	We ask where possible to request assistance, in the unlikely event no other traders or CCC staff are available, we ask that caution is observed and vehicle hazard lights used.	It is proposed this paragraph remains as per the draft.
3	Online Form	N/A	Where is appendix 5 to be found please	There is currently no Appendix 5	It is proposed this paragraph remains as per the draft.
3	Online Form	3.7	I am concerned about any termination of licence reference that's unqualified because this gives any 'unreasonable' future management the right to just get rid of anyone without having to have a 'reasonable and justifiable' point to do so. I think if we can have the word 'cherished in out T&Cs we can have the qualifying words of reasonable and justifiable of why our licenses would also be able to terminated at 3 months notice	The lack of a standard Licence termination clause in the current Regulations has been highlighted by the National Associated of British Market Authorities (NABMA) as a major operational management issue (for both Market Traders and the Council). The affected Trader would be given at least three months (more if possible) written notice in advance prior to being required to cease being licensed to trade on the market.	It is proposed this paragraph remains as per the draft.

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6	Online Form	Definitions and Interpretation	With a Met Office Amber or Red warning. Will the market definitely be closed? Clarification needed	CCC already has the right to close the market set out in paragraph 2.5. The change in definition of severe weather to include Amber (previously only a red warning) means that if the market is to stay open but a Trader does not wish to trade, they will now be entitled to have their pitch fees waived.	It is proposed this paragraph remains as per the draft.
6	Online Form	7.8	Non Attendance notification of absence before 8am. This maybe too early in the case of breakdown, accident or illness	The team will consider any extenuating circumstances.	It is proposed this paragraph remains as per the draft.
6	Online Form	14.13	Trade Waste disposal. This will not reduce the carbon footprint of the market just move it to elsewhere. Would a more prudent answer be to have separate bins for plastic, wood and cardboard, broken down where possible by traders, this would showcase the markets sustainability credentials and commitment to recycling.	To reduce the carbon footprint of the market, reduce waste generated and increase sustainability and recycling wherever possible; to improve the aesthetics of the market and surrounding area and; compliance with the non-compacting protocol as directed by 3C Shared Waste. The Council reserves the right to implement this policy to bring the market into line with its Climate Change Strategy aims and objectives and reduce operating costs. By reducing the volume of general waste going into the 1100L bins will allow for additional mixed recycling bins on the market. Further conversations with high volume polystyrene users has resulted in a commitment to returning the items to their original source to be recycled.	It is proposed this paragraph remains as per the draft.
7	Drop-in Session 1	Document Title	Change of title of the terms that now includes Sunday as part of the general market, concerns the ethos of arts & Craft on Sundays will be lost	The market is run over 7 days. This is considered an administrative change. The market management team will continue to review Sunday applications in line with the market's original ethos	It is proposed this paragraph remains as per the draft.
7	Drop-in Session 1	Definitions and Interpretation	Amber Warning	CCC already has the right to close the market set out in paragraph 2.5. The change in definition of severe weather to now include Amber (previously only a red warning) means if the market is to stay open but a trader does not wish to trade, they will now be entitled to have their pitch fees waived.	It is proposed this paragraph remains as per the draft.
7	Drop-in Session 1	3.7	Concerns regarding break clause and this is being introduced because of the Civic Quarter Project	The lack of a standard Licence termination clause in the current Regulations has been highlighted by the National Associated of British Market Authorities (NABMA) as a major operational management issue (for both Market Traders and the Council) The affected Trader would be given at least three months (more if possible) written notice in advance prior to being required to cease being licensed to trade on the market.	It is proposed this paragraph remains as per the draft.
7	Drop-in Session 1	7.3	Agreed with new paragraph regarding absence management	N/A	It is proposed this paragraph remains as per the draft.
7	Drop-in Session 1	7.8	Concerned that 8am is too early	The team will consider any extenuating circumstances.	It is proposed this paragraph remains as per the draft.
7	Drop-in Session 1	N/A	Queried whether licences would be renewed annually and was concerned if that was the case any future balance of trade or the new Sunday rule would affect them	Licences will not be reissued on an annual basis	It is proposed this paragraph remains as per the draft.
8	Email	N/A	I just wanted to commend you on the updated regulations. Great job.I'm still not comfortable with the possibility to sell on your business,if I have understood correctly.As I have told you before,it makes a complete mockery out of all the applications traders have had to make in the past. It also allows unvetted people on to the market.You must agree, that it is the case?Now the hard times are approaching, because, it all well and good to have all these regulations in place, but only if you enforce them with iron fists. I would like to see all permanent furniture gone for good.No more pallets randomly placed in empty stalls,no more rubbish brought onto the market by traders and dispose of there. Hopefully no more sheets across the	N/A	N/A
9	Email	3.7	The three month license termination clause. This is the big one as the start-stop-start approach to the market redevelopment, as part of the historic core or civic quarter etc has caused doubt and upset amongst traders and also customers. Evidence can be found in the articles in the newspapers, based on petitions, questions to the council etc. The issue here is that this termination clause will be used en masse and issued to significant numbers of existing traders in order to open up space for smaller numbers of stalls etc. While these changes to the terms and conditions have been in process for 3.5 - 4 years.... the discussion about redevelopment has been going on for a longer period, in previous cycles with different names. THEREFORE - what assurance can be given that this will not be used in a way to remove significant numbers of traders in a limited time window?	The lack of a standard Licence termination clause in the current Regulations has been highlighted by the National Associated of British Market Authorities (NABMA) as a major operational management issue (for both Market Traders and the Council) The affected Trader would be given at least three months (more if possible) written notice in advance prior to being required to cease being licensed to trade on the market.	It is proposed this paragraph remains as per the draft.
9	Email	Definitions and Interpretation	Amber weather warning - while some traders can understand that they will be able to trade on Amber weather days, others are worried this will be used on a regular basis when any Amber weather warning appears in order to close the market. So clarification is needed regarding the use and effect - if someone wants to trade on an Amber warning day (because they want/need to) will they be allowed to open. It may help to distinguish the levels of response based on Amber/Red warnings.	CCC already has the right to close the market as set out in paragraph 2.5. The change in definition of severe weather to include Amber (previously only a red warning) means if the market is to stay open but a trader does not wish to trade, they will now be entitled to have their pitch fees waived.	It is proposed this paragraph remains as per the draft.
10 (on behalf of traders)	Email	Disciplinary Process	I write on behalf of X, a non-governmental organisation that campaigns on local issues related to planning and the environment. A number of market traders have raised concerns with our organisation about proposed changes to the trading regulations for Cambridge Market. <u>Natural Justice</u> I am particularly concerned that under the new regulations, mere allegations of gross misconduct, if substantiated, could result in summary revocation of a trader's licence without notice. I am concerned that this summary procedure would violate a trader's right to natural justice in regard to decisions that could affect his or her livelihood and ability to trade. <u>Article 6</u> I am also concerned that certain provisions of the revised terms could breach traders' rights under Article 6 of the Convention, which provides for certain minimum standards of fairness in the determination of civil disputes. <u>Enforceability</u> Lastly, I am concerned that many provisions within the proposed regulations lack adequate clarity, certainty, and foreseeability to be capable of enforcement. Although X was not a party to the consultation, our organisation has a history of advocating on behalf of the Cambridge Market community in relation to issues affecting the market, and as such, I consider that X and its members have sufficient interest in the market regulations to challenge a decision to adopt new regulations. I would be pleased to discuss these concerns more specifically with council officers, and I trust there will be substantive changes to the proposed regulations	The current and proposed Disciplinary Procedure acknowledges the principles of natural justice and the procedures are set out in Appendix 1 6. The following enforcement action will be followed for any breach of the Terms and Conditions. The procedure will normally be: a) For a first breach, a first written warning will be given, a note of which will be placed on the Council's file, for a minimum period of 12 months b) For a second breach, a second written warning will be given and will be recorded on the Council's file, for a minimum period of 12 months c) For third and subsequent breaches a Trader's Licence may be suspended (for a period deemed appropriate by the Market Management Team) or terminated. 7. In cases of alleged 'gross misconduct', a Trader's Licence may be suspended pending the hearing and the determination of any appeal. If a Trader does not comply with a suspension, then this will be considered as part of any enforcement proceedings. 8. Enforcement action beyond a second written warning will not be taken without a hearing apart from a precautionary suspension. 9. Hearings will be held by a member of the Council's corporate management team, or any other delegated authority and will be held with at least three days' written notice. The written notice will include details of the alleged misconduct and any available supporting evidence, including written statements. 10. At the hearing additional oral and written evidence can be presented and cross-examination may take place in accordance with the principles of natural justice. 11. The Council may, in appropriate circumstances, proceed by way of a second written warning, suspension or revocation even for the first breach. 12. All breaches will remain on the Trader's record (as held by the Council) for a minimum period of twelve months. 13. In the event of continued breaches or serious misconduct a Trader's Licence may be revoked. 14. A revocation or suspension will not normally take effect until after any appeals procedure has been completed. However, the Council has the discretion to proceed as it thinks fit having regard to all the circumstances of the case and nature of the breach.	Changes have been made to Paragraph 3.8 in the terms and conditions and Paragraph 4 in Appendix 1 and Paragraph 5 has been removed from Appendix 1