

MARKET REGULATIONS

General

1. The Market is operated for the purpose of retail only, and stalls and other facilities are let at a charge to be determined from time to time by the Council.
2. Unless otherwise agreed with the Market Manager, all stalls used shall be those provided by the Council, and traders must confine their goods to the stall space allocated to them. No alterations are permitted to the stalls without the prior consent of the Market Manager and the Council does not accept any responsibility whatsoever for any damage or injury caused by unauthorised alterations or additions to the stalls or other equipment. Any defect on stall equipment must be notified to the Market Manager immediately.
3. Stall charges at the appropriate fee shall be paid on demand by a manual Debit/Credit Card Reader (PDQ), cheque or cash to the authorised officer of the Council. All cheques should be drawn in favour of St Albans City and District Council (SADC) and crossed account payee only. A receipt will be given, and should be retained for production if required.
4. Traders shall not use any means of sound amplification or other mechanical means of attracting attention to a stall. The playing of audio equipment, other than by way of short tests on stalls selling these items is included in this restriction.
5. No lighting system other than that supplied by the Council shall be used on Market stalls without express permission being given in advance by the Markets Manager.
6. As often as is necessary (during any day on which a stall is used for the sale of goods), the trader shall cause all refuse from his/her stall to be placed in a suitable receptacle provided for that purpose.
7. In the event that a trader wishes to subsequently amend the goods traded from their allocated stall or space, application must be made in writing to the Markets Manager who will review the request and make their decision based on the nature of the product in line with the current market mix and proximity of other stalls which may trade similar goods. In the event that agreement is given the trader will be requested to sign an updated pitch usage agreement

8. Under no circumstances should traders attempt to introduce new goods onto their stall or space without prior approval of the Markets Manager, whose decision will be final. If they do so they may risk suspension from the market.

9. There should be a minimum of five stalls distance between stalls deemed to be selling the same type of goods. (This means you will be at least six stalls away from your competitor)

10. All stall operators must display a sign showing their name or business name. The sign must be provided at cost by the Council and displayed in the position directed by the Market Manager. The sign must not be obstructed and to this end no goods will project beyond the front uprights of the stall.

11. No Trader may sell or offer for sale goods other than those registered and assigned to the letting. Any request to extend or change the range of goods sold must be put to the Markets Manager in writing.

12. No Trader, casual or regular, will be permitted to sell counterfeit or otherwise illegal product. Any cases identified will result in the trader being permanently excluded from the market and a report will be sent to Trading Standards by the Council.

13. Vehicles shall be removed from the Market area immediately after unloading is completed but in any case before 9.30 a.m. No vehicle shall enter the market area for reloading before 4.30 p.m. unless specifically authorised by the Markets Manager. Except on occasions specifically authorised by the Council, the Market will close at 5.30 p.m. Traders must clear their site promptly. Furthermore, no responsibility is accepted for the security of vehicles or their contents during periods when the vehicles are parked in the place made available by the Council.

14. For the purposes of ensuring compliance with these Regulations the Council may require a stall holder within 21 days of a written notice from the Head of Environment and Health to produce their proper business accounts including any accounts audited for VAT for inspection by the Councils Head of Finance.

Licenses/ Insurance

1. All traders will be required to provide a copy of their current Public Liability Insurance details with minimum cover of £5M. They will be requested to sign a Market Rules and Pitch Usage agreement form to acknowledge receipt of a copy of the rules and confirm which goods they are allowed to trade from the market stall or space allocated. The Pitch Usage agreement will reflect the traders application to trade specified goods on the market

2. In addition traders dealing in food will be required to confirm which Local Authority they are registered with, including whether the registration is under a business name and address, and provide a copy of their food hygiene certificate to Level 2 standard. The Local

authority will be contacted to confirm registration and also that the trader has received a satisfactory food inspection.

Trader Absence

1. Traders who are aware that they will not be able to attend a particular market due to ill health, or permitted holiday must make every effort to let the Market Manager know in writing with as much notice as possible, in order that the stall can be made available to other permanent traders on the 8.00 o'clock temporary transfer list. Only stalls where the stall holders have informed the Market Manager, either in writing or by phone, can be let on the 8.00 o'clock list. Any Stalls not taken up by 8.30 a.m. will be re-let to casual traders on the 8.30 list.
2. Stalls let on the 8.00 transfer must not be let to traders offering the same goods as that sold by the absent permanent stall holder.
3. The letting of a stall to any stall holder who is absent from the Market on three consecutive occasions without reasonable excuse will be cancelled.
4. Alternatively, a stall holder accruing four absences without reasonable excuse in any period of twelve months will be suspended from trading and the letting will be cancelled after four weeks from the date of suspension unless an appeal is received.
5. Reasonable excuse will include direct family bereavement, sickness for which a medical certificate is forwarded forthwith, vehicle breakdown, provided a garage receipt or similar can be produced, or holidays not exceeding five weeks in any calendar year. This rises to six weeks after the trader has occupied a permanent pitch on the market for 7 years or more and notified in advance in writing to the Markets Manager.

Letting for the purpose of this regulation refers to a letting as a whole, and in the case of double or multiple lettings, if any stall holder fails to take up part of their letting on three consecutive occasions or a total of four occasions in any year, as the case may be, the letting will be reduced by that amount of space.

6. A stall holder shall be entitled to appoint a named temporary manager for the duration of any sickness or authorised holiday. Such temporary appointments will be reviewed after six months, by the Market Manager.
7. The Council reserves the right to refuse a letting or cancel an existing letting.

Casual Traders

1. Casual vacancies will be offered by the Market Officer on duty, on the basis of seniority of attendance points and subject to General regulations 9 and 11.

2. Attendance points are gained by being prepared to trade. In no circumstances will points be awarded to casual traders who for any reason whatsoever do not present themselves, are not prepared to trade, or refuse a stall offered to them, and this will also be regarded as an absence.

3. Casual traders should present themselves next to Clintons Cards in the market area at 8.30 a.m. to be allocated. This means that their goods must be in close proximity to the market. Public Liability Insurance must be produced at this time.

4. Partnerships will be accepted on the casual attendance list, but will be restricted to two named persons, both of whom shall attend each day.

5. Separate lists of casuals will be kept for the Wednesday and Saturday markets and on no account will transfer of points or seniority etc, between days be allowed.

6. For casual traders, the stall charges at the appropriate fee shall be paid by PDQ or cash or after six weeks attendance by cheque, to the authorised officer of the Council. All cheques and postal orders should be drawn in favour of St Albans District Council (SADC), and crossed "Account Payee Only". A receipt will be given, and should be retained for production, if required.

7. Stalls let to Casual Traders must not trade offering the same goods as that sold by the absent permanent stall holder.

8. In the case of absence through sickness, for which a medical certificate can be produced, or a breakdown where a garage receipt or similar can be provided, or holidays notified in writing to the market officers in advance a casual traders points will be frozen without penalty. In all other cases, after three consecutive absences, a casual trader will be removed from the lists.

9. With the exception of traders dealing in perishable goods, Permanent stall lettings will be offered to Casual Traders in order of seniority of attendance points subject to General regulations 9 and 11.

Permanent Stall Transfers.

1. The registered stall holder shall not transfer, assign, sub-let or otherwise part with possession of the market letting. The stall holder must operate the stall on their own account and be entitled to receive the profits from the letting. They shall not act as an employee of or agent for another third party.

2. The registered stall holder whose spouse/partner, has been a regular working assistant on the letting may apply to the Market Manager to be registered jointly. Registration will be at the Market Manager's discretion. Subsequent to registration the stall letting may be worked jointly or individually by either the stall holder and or spouse/partner. All the Market

Regulations will apply jointly to this partnership except that on the absence of either through sickness, the other partner will have discretion to attend or not, provided medical certification in accordance with Regulation 22 is received.

3. Transfers will not be entertained, save that consideration will be given to requests from a registered stall holder to transfer the letting to a spouse/partner, child, brother or sister who have been active and regular working assistants on the stall for a minimum of one year preceding the transfer.

4. Request for transfers of permanent stalls must be in writing, from the registered stall holder, and will be decided on seniority, subject to the market code governing distribution of goods. Seniority will be decided by the date of acceptance on the market as a permanent stall holder. Successful applications for transfer will be notified, in writing.

5. If two or more traders claim the same stall and seniority cannot be established, the vacancy will be established by the drawing of lots.

6. Once a trader has exercised their right of transfer, either to the kerb edge stalls or to the front of the Town hall square, in no circumstances will a further transfer be considered for a period of one year.

7. Traders in perishable goods may transfer to other perishable goods stalls when a vacancy arises.

8. Before being considered for a double stall letting, the trader must have been on the market as a permanent stall holder for a period of at least one year, during which time they must have had a satisfactory attendance record. For this purpose "satisfactory attendance record" means attendance at the market no worse than the average of all stall holders.

9. Without prejudice to existing stall holders, no traders will in future be allowed to have more than three stalls on the market as a whole. Additionally, between Spencer Street and British Home Stores the maximum number of stalls to be held by any one trader is two.

10. A transfer request to double stall vacancies will be accepted from any area of the market except from those traders specifically excluded in the General rules.

Method of Transfer

Double Stalls.

1. Double stall allocation has priority over all other stall allocation. Where a double stall vacancy occurs allocation is given to those who have applied for a double stall in writing. Allocation is decided by seniority. If nobody takes up the stalls in question it then reverts to two single pitches, and single pitch rules then apply.

2. Claims to take over an adjacent stall claims are secondary to double stall allocations. Should an adjoining stall become available, a trader who has worked as a permanent stall holder for a minimum of one year can claim this stall to create a double. Claiming of an adjacent stall takes precedence over single stall seniority claims. Should two stall holders either side of a vacated stall wish to claim it, the rules of permanent seniority stated above apply.

3. Any newly accepted double stall must be held for a minimum of twelve months by the stall holder. If this trader is not be able to trade on with the newly created double, they will be demoted to the least popular single pitch at the next round of allocation.

Adjacents

1. Subject to the above, when a vacancy occurs, the adjoining stall holder shall be entitled to request they be allocated this next stall provided they have indicated their wish to this end. Where two stall holders lay claim to an intervening empty stall, the more senior of the two will be given the allocation. Seniority will be decided by the date of acceptance on the market as a permanent stall holder.

Single Stall Transfers

1. A Stall holder may transfer their stall to any other vacant position by putting their name on the transfer list. The most senior trader will have first choice subject to General regulations 9 and 10. Only one transfer will be allowed in a twelve month period. The Markets Manager will notify the stall holder of the date of transfer and the new stall position in writing.

Other Information

1. We regret traders will not be allowed to trade on the market until the relevant and up to date documentation has been provided. In the case of food traders if an unsatisfactory inspection is received we will not allow further trading unless and until any outstanding issues have been resolved to the satisfaction of the registering authority

2. St Albans District Council is required by law to protect the public funds we administer. In keeping with provisions of the Data Protection Act we may share information provided to us with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

3. These Regulations shall be strictly adhered to at all times. Initial breaches will be answered with a verbal warning. Further breaches will be answered with a written warning. If the breach continues, the letting will be suspended, with the possible termination of the letting to follow, subject to Council Committee.

4. A trader who finds himself in dispute with the Markets Manager regarding the implementation of these regulations may appeal in writing to the Head of Community Services who will arrange an interview with the trader concerned.

Please sign and print your name to confirm that you have received this copy of the Market Rules and return a copy to the Market Manager.

Signed.....

Name.....

Trading Days (please tick appropriate)

Wed

Sat

Date.....