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Ed Chicken

Assistant Director, Community Protection

**Adult Social Care and Environment**

PO Box 502, Vancouver House, Gurney Street, Middlesbrough, TS1 9FW

**Tel:** (01642) 728057

**e-mail:** ed\_chicken@middlesbrough.gov.uk

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## **Appendix A** 2011 Regulations

North Ormesby Market  
(Tues/Sat) (01642) 244564

### **MARKETS DIVISION**

#### **OPEN MARKETS – REGULATIONS AND CONDITIONS**

The term “regular trader” shall include any trader whose name for the time being is kept in the Council’s list of regular traders.

A “casual trader” is any other person who wished to trade on North Ormesby market.

1. Stallholders can only occupy the same pitch each market day when the said pitch has been offered to them by the Assistant Director of Community Protection or his representative and their name(s) duly entered in the Register of Stallholders. Such lettings are on a daily basis only, and assignment of stalls is not permitted. In the case of a partnership or limited company a designated person or partner must provide such identification and be able to act as appointed representative of the business. Traders must indicate on their application to trade the class of goods they wish to sell, as shown on the Council’s current list of classes of goods permitted. Allocation of pitches will be strictly on the basis of the class of goods indicated and variation may result in the withdrawal of the regular pitch. Photographic identification must be provided by traders before commencing trade, including evidence of the right to work or stay in the UK where applicable.
2. Stallholders, who wish to change their position, vary the goods sold or give notice to terminate their holding of a pitch must make written application to the Assistant Director of Community Protection, at the above address. The outcome of any such application will be notified to the trader and will be noted in the trader’s record held by the Council.
3. Casual traders must report to the Market Office by 8.30am on the market day; after which any unoccupied pitches will be allocated in order of frequency of previous attendance. The Assistant Director of Community Protection or his representative, when determining whether to allocate pitches, shall take into account the Council’s policy regarding the maintenance of a diversity of trades i.e. wherever possible casual traders will not be placed either directly opposite or immediately next to existing traders selling the same goods.

4. Full payment will be charged in respect of pitches reserved for regular traders, notwithstanding non attendance except in the following circumstances:
  - If a regular trader is unable to attend due to illness, delay, vehicle breakdown or other reasonable cause, for up to a maximum of 3 consecutive weeks in order to reserve the regular position, the fees will be reduced by 50%, provided the market supervisor is notified by telephone by 8:15 am on the day of the market.
  - After an absence of three weeks the licence will be terminated unless a reason is given in writing to the Assistant Director of Community Protection which he in his absolute discretion shall deem to be satisfactory.
  - If this reason is long-term sickness, supported by a valid medical certificate, the trader may elect to continue to pay 50% tolls to retain the regular pitch. Where this absence exceeds 6 weeks then the pitch will be allocated to another trader. If representation is made to the Assistant Director of Community Protection, including notification of a definite return date (e.g. returning to fitness from surgery), then this re-allocation may be for a temporary period until the regular trader returns. This concession will only apply to regular traders of more than 6 months standing.
5. Notification of absence or delay in attending the Market must be given immediately by telephone to the Assistant Director of Community Protection's representative at the market, and in any case not later than 8.15am on the day in question.
6. Stallholders must occupy the pitch allocated to them by the Assistant Director of Community Protection or his representative, on or before 8.30am on the morning of the market.
7. Regular traders will normally be allocated the same pitch at each market, failure to occupy a pitch by the stipulated time may result in the pitch being offered to a casual trader for that day.
8. Regular traders will be allowed up to two weeks absence each year for holidays without paying a reserved fee or a retaining fee provided that written notice is given to the Market Supervisor. In addition to this absence traders will be allowed a further two weeks absence provided they have full attendance for the period commencing on the first market day in April and ending on the last market day before Christmas. This additional absence may be taken in the period January – March. If a trader does not wish to take advantage of this concession and has the required qualifying attendance he / she may elect to stand on the market without payment of their regular fees. (i.e. 2 free weeks).
9. The Council is the sole arbiter of whose name shall be placed on or removed from the list of regular traders. Abusive or threatening behaviour towards reasonable requests from Council staff is not acceptable. Any physical or verbal assault on Council officers will result in immediate revocation of the right to trade (subject to the right of appeal set out in the disciplinary procedure).

10. Any regular trader who has been a regular trader for not less than 10 years may apply for his name on the regular trader list to be replaced by the name of another person who proposes to purchase the regular traders business.
11. The Council will not unreasonably withhold consent to any application under regulation 10 above, provided that:-
  - a) the purchaser of the business was not already a regular trader at any of the Council's markets;
  - b) the purchaser of the business will trade in substantially the same goods as the regular trader he is to replace;
  - c) a satisfactory trade reference in respect of the purchaser of the business is produced to the Council if required.
12. In accordance with Bye-law 16, all market traders will be required to show their name and registration number on a stall board purchased from either the National Market Traders Federation or Middlesbrough Council and such board shall be displayed clearly so that it can be seen by members of the public.
13. Stallholders must keep their stalls tidy and free from litter at all times, and are responsible for removing all trade waste from their stall area including half-way into the public walkway. All trade waste must be placed at the designated refuse disposal point and the whole stall must be cleared by 6.00pm to enable the market to be cleared.
14. Rows D & E on the market plan are not shown with a defined gap to the rear of the stalls. This allows traders to utilise the maximum depth of the pitch as far as the marked studs. If a dispute arises between two back-to-back traders where access to the rear of the stalls is required then the Market supervisor may require any pitch to be reduced in depth to allow reasonable access to the rear of a stall.
15. Goods must not project into the gangways so as to obstruct the public right of way and goods must not be hung out so as to project beyond the front support of the roof of the stall.
16. Barrows, boxes and vehicles, once emptied must be removed immediately from the public gangways, and in any event no later than 9:15 a.m.
17. Occupiers of stalls in the Saturday Market '2<sup>nd</sup>-hand' area qualify for a reduced rental. In order to qualify for this concession no new goods are allowed to be sold from these stalls.
18. The occupier must not permit any work experiment or process to be carried out on any part of the premises involving any creature either alive or dead, other than in the course of normal preparation of food for human consumption.

19. The occupier shall not sell or hire or offer for sale or hire, any combat knife or machete or other item with a sharp edge or blade or point which is either:-
  - a) designed or adapted for use in combat or in any act of aggression, or
  - b) offered for sale or hire by means of any name or description or promotional material which refers (directly or by implication) to its potential for use in combat or in any act of aggression.
20. Vehicles are not permitted on the Market area after 9.15am and are not allowed to return before 4.00pm. Traders are not allowed to remove stock from their stall(s) during these hours except during inclement weather or any other incident warranting closure of the market at the discretion of the Assistant Director of Community Protection, or his representative on site. The Council has designated an area for the parking of traders' vehicles on market days. This area is shown on the plan in the market office. One parking space will be allocated to each trader per market day. If additional spaces are available they will be allocated on a first-come basis but no trader will be allowed more than two spaces until demand has been met for other traders requiring a second space and then three spaces etc. No vehicles will be allowed on the market trading area. No trader parking is allowed in the customer parking area shown on the plan.
21. If in the opinion of the Assistant Director of Community Protection or his representative on site, any erected stall is unsafe due to the addition or removal of bars the trader will be required to rectify the problem immediately to the satisfaction of the Assistant Director of Community Protection, or his representative. If this cannot be undertaken to the satisfaction of the Assistant Director of Community Protection service or his representative the stallholder may be asked to dismantle the whole stall or so much of the stall as to render it considered to be in a safe condition.
22. Anyone wishing to use a generator to provide power on any market must apply in writing to the Assistant Director of Community Protection. No generators will be allowed on a market where a suitable operating power supply is supplied by the Council. Where a generator is permitted the trader must adhere to the recommendations of the Chief Officer of Cleveland Fire and Rescue Service concerning provision of fire extinguishers, storing of inflammable liquids and filling of fuel tanks, details of which will be given to the trader. Users of bottled gas must observe the Council's Safety Rules, a copy of which is obtainable on request.
23. Any market trader taking an electricity supply from the market must provide evidence of test certification for the mobile unit.
24. If in the opinion of the Assistant Director of Community Protection or his representative, a stallholder shall fail to observe any of the above conditions or shall cause or permit any action detrimental to the smooth running of the market or cause or permit any conduct likely to bring the market into disrepute he may issue a warning to such stallholder or suspend or cancel such stallholder's licence. (This is subject to the stallholder's rights of appeal as set out in the Council's disciplinary action for market traders.)

25. Any person trading on the market must provide evidence of adequate public liability insurance cover.

### **Data Protection Act 1984**

The information used on this form may be recorded on computer, and used for other Local Authority purposes. The information is stored and used under the terms of the Data Protection Act 1984. We must protect the public funds we handle and so we may use the information you have provided on this form to prevent and detect fraud. We may also share the information, for the same purposes, with other organisations which handle public funds.

## **BYELAWS FOR MARKETS**

Made by the Middlesbrough Borough Council in exercise of their powers under Section 61 of the Food and Drugs Act 1955 and Section 37 of the Teesside Corporation Act 1971 with respect to their markets.

### **INTERPRETATION**

#### **BYELAW 1**

In these byelaws:

“The Council” means the Middlesbrough Borough Council; “goods” includes provisions, commodities and articles brought into the market place for the purpose of sale; “market” means any market maintained by the Council; “market hours” means the hours appointed by the Council for the holding of a market; “market place” means any of the places in the Borough of Middlesbrough where a market is held; “Market Superintendent” means the person appointed by the Council to exercise general management, supervision and control of the market; “sell” and “sale” include exposing and exposure for sale; “stall” includes any building, shop, office, compartment, standing, bench, table, place or space used or intended to be used for the sale of goods; “vehicle” includes any mechanically propelled vehicle (other than an invalid chair) and any cycle, bicycle, cart, wagon or trailer.

#### **BYELAW 2**

Where the Council:

- a) appropriate any part of the market place for the sale of goods or animals, or any class of goods or animals or for sales by auction; and
- b) display in a conspicuous place a public notice to that effect.

No person shall sell goods or animals or hold sales by auction, except in accordance with the terms of that appropriation.

### **BYELAW 3**

No person shall occupy or take possession of any stall or depot or cause to be deposited, any goods on any stall unless and until such stall has been duly let or otherwise allocated by the Market Superintendent for the use of such person.

### **REGULATION OF TRAFFIC AND PREVENTION OF OBSTRUCTION**

#### **BYELAW 4**

No person may drive a motor vehicle onto the market place without the permission of the Market Superintendent.

#### **BYELAW 5**

No person in charge of a motor vehicle shall allow it to be halted in any avenue, passage or roadway in the market place or in the immediate approaches thereto for longer than is reasonably necessary for the loading or unloading of goods.

#### **BYELAW 6**

No person shall bring into the market place or the immediate approaches thereto, or allow to stand therein, any vehicle, goods or receptacle for goods in such a manner as to cause obstruction.

#### **BYELAW 7**

No person driving or riding any vehicle in the market place or in the immediate approaches thereto shall proceed at a greater speed than five miles an hour.

#### **BYELAW 8**

No tenant or occupier of a stall shall cause or permit any goods or any receptacle for goods to be placed on any stall so as to project beyond the limits of such stall.

#### **BYELAW 9**

- a) no person shall bring any goods or animals into any market place more than one hour before the market opens; and
- b) no person shall allow any goods or animals to remain in any open market place more than one hour after the market closes.

## **FOR MAINTAINING CLEANLINESS**

### **BYELAW 10**

Every tenant or occupier of a stall shall:-

- a) cause the stall to be properly cleansed before and after market hours and as often as may be necessary during those hours;
- b) cause all refuse from the stall, and all refuse arising from the loading or unloading of goods required in connection with the stall, to be placed in a receptacle provided or approved by the Council for the purpose.

### **BYELAW 11**

No person shall cleave any carcass or meat in the market place unless it is on a cleaving board or chopping block or is properly attached to or suspended from hooks provided for the purpose.

## **FOR THE PRESERVATION OF ORDER**

### **BYELAW 12**

No person shall light a fire in any part of the market place.

### **BYELAW 13**

No person shall wilfully or improperly soil, defile, damage or destroy any part of the market place or any of the fittings or apparatus provided by the Council for use in the market place.

### **BYELAW 14**

Unless the written consent of the Market Superintendent be first obtained, no person in the market place shall, except by way of sale, distribute or attempt to distribute to the public any leaflets, handbills, cards, pamphlets, booklets or other literature.

### **BYELAW 15**

No person in any covered building forming part of the market place shall ring any bell or blow any horn or use any other instrument or loudspeaker to attract the attention of custom or any person to any sale or to any goods intended for sale.

### **BYELAW 16**

Every tenant or occupier of a stall shall ensure that his name and registration number are displayed upon the stall in such position as shall be approved by the Market Superintendent and shall maintain such name and number legible and underfaced.

### **BYELAW 17**

No person, other than an Officer or servant of the Council acting in the proper execution of his duty, shall, without the written consent of the Council, post or display any bill, placard or poster, other than a description of goods or his name and registration number, in or on any part of the market place. Provided that this byelaw shall not apply to any bill, placard or poster being posted or displayed pursuant to Regulation 13(1) of the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966 as amended by the Food Hygiene (Markets, Stalls and Delivery Vehicles) (Amendment) Regulations 1966.

**BYELAW 18**

No tenant or occupier of any stall shall bring into the market place any goods or any class of goods other than those approved by the Council in relation to such tenant or occupier.

**EXPLOSIVES**

**BYELAW 19**

No person shall, without the written consent of the Market Superintendent, keep, store or sell any gunpowder, fireworks or other explosive substances or any naphtha, bottled gas, petroleum or paraffin oil or other flammable substance in the market place.

**ANIMALS**

**BYELAW 20**

- a) no person shall bring into or allow to remain in the market place, any dog belonging to him or in his charge, unless it is attached to a lead and kept at all times under his control or is otherwise kept sufficiently secured and under his control; and
- b) no stallholder shall keep any dog at his stall unless it is intended for sale.

Provided that nothing in this byelaw shall prevent a blind person from bringing into and keeping in the market place any guide dog belonging to him or in his charge.

**PENALTIES**

**BYELAW 21**

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding £20.

The Common Seal of the Council )  
of the Borough of Middlesbrough )  
was hereto affixed in the )  
presence of:- )

## **MIDDLESBROUGH MARKETS**

### **CASUAL TRADER SYSTEM**

#### **CASUAL TRADERS**

A casual trader is one who does not have a fixed position on the market.

Casual traders are required to turn up on the day of each market by 8.30am and register with the Market Supervisor on duty.

Regular traders, i.e. those who have a pitch allocated to them and reserved for them, are required to report any absence by 8.30am on the day of the market in order to qualify for payment of only half the market tolls due on that day. If they fail to phone in then they have to pay the full tolls when they next stand on the market and if they fail to stand for more than three weeks they are then returned to the casual list.

By 8.30am all regular traders not attending should have phoned in and the Market Supervisor on duty will have checked the market for those regular traders who have not turned up and failed to phone in. Thus he will know what spaces are available on the market and these can be allocated to the casual traders in order of priority.

Priority for casual traders depends on the number of points that they have gained through attending the market. A point is gained each time a casual trader registers for a particular market whether or not they are allocated a stall.

Thus the casual trader with the most points is at the top of the list and is allocated a stall first and so on down the list until all the stalls have been filled. Any casual traders left who have not been given a stall are still given a point but have to leave the market.

A casual trader who is offered a stall but refuses it does not gain a point for that day.

A casual trader who fails to register on the relevant market day can do so for up to 3 weeks, thereafter he or she loses the points and goes to the bottom of the list.

Production of a valid sick note will maintain the casual traders position on the list for the period of the sick note which may be beyond the 3 week period.

In order to preserve the balance of trades, casual traders are, wherever possible, allocated stalls away from regular traders selling similar products. The following system is operated:-

1. Not alongside or opposite a regular trader;
2. Not in the same row.

The current list of casual traders in order of points gained is displayed in the Markets Office.

Every so often the vacant stalls are offered to regular traders who want to improve their position on the market. Once a regular trader is selected for a particular vacant stall then his or her stall can be advertised for allocation to a casual trader in order of priority.

This two stage system allows regular traders the opportunity to improve their position on the market and for casual traders with the most points to become regular traders.

If a casual trader is selling something that is already adequately represented on the market, e.g. fashion, then they may be passed over in favour of someone lower down the list.