

# Markets Regulations

# Market Regulations - Definitions

<b>The Council</b>	Tameside Metropolitan Borough Council
<b>Regular Trader</b>	<p>A trader who has been granted the privilege of using a particular trading position on a particular day at a particular market site.</p> <p>He/she must claim that position by the appointed time relevant to that market.</p> <p>He/she will be required to pay the relevant daily charge whether or not they attend the market, in order to reserve their privileges.</p>
<b>Casual Trader</b>	<p>A person who attends a particular market with his/her goods, in the hope that they may be allocated a trading position for that day only, from the vacant positions remaining available after “Regular” traders’ claim deadline.</p> <p>A “Casual” trader will be considered for a “Regular” privilege when a suitable trading position becomes available.</p>
<b>Public Liability Insurance</b>	<p>Is the insurance cover required by all traders attending the Council’s markets.</p> <p>This insurance indemnifies the Council against any claims made against them arising out of the actions of traders using the Council’s markets.</p> <p>The current level of cover required is £10 million pounds.</p>
<b>Registered Stallholder</b>	<p>Includes all traders registered with the Council, their agents and employees.</p> <p>Any regulation requiring a Registered stallholder not to do any act or thing, includes an obligation not to permit or suffer that act or thing to be done by another person.</p>

# The Market Regulations are set out below - the regulations which are specifically applicable to casual traders are highlighted in bold.

## 1. Market Hours

- 1.1 The days and the hours of trading at the markets will be determined by the Council, notified to traders and where practical, displayed at the individual Market Offices, and the Market website.
- 1.2 Trading shall not take place before or after these times and stalls on the Market Ground shall be vacated within 2 hours of the official closing time.

## 2. Trading Conditions

- 2.1 Traders must comply with all legislation relating to the occupation and use of the Stall, Pitch or Market.
- 2.2 Traders who have an allocated "Regular" trading position on a particular market and particular market day must claim that position no later than the times specified for individual sites.
- 2.3 Failure to do so may result in the temporary allocation of the trading position to a "Casual" trader with no abatement of any charges due from the "Regular" user.

## 3. Unavoidable Delay

- 3.1 In the event of unavoidable delay through illness, vehicle breakdown or other reasonable cause, Market Officers may reserve particular trading positions, at their discretion, provided that contact is made with the particular Market Office prior to letting time for that particular market.
- 3.2 If a trading position is reserved as in 3.1 above, and the trader fails to attend, the Council reserves the right to hold that trader liable for the payment of a "Casual" fee in addition to his/her "Regular" charge.

## 4. Holidays

- 4.1 "Regular" traders with a minimum of twelve months "Regular" service to a particular Tameside Council market will be allowed 2 calendar "weeks" free from daily charges and may continue to trade or take leave.
- 4.2 If taking leave, this must be pre-arranged by notice in writing to the appropriate Market Office.
- 4.3 Leave may not be carried over into the succeeding 12 month period.
- 4.4 A "week" will comprise of a particular trader's usual "Regular" trading day or days on a particular Tameside Council Market.
- 4.5 All traders with a minimum of twelve months "Regular" service and who have paid their daily charge up to date will receive a 50% reduction in the daily charge for the months of January and February, whether attending the market or not.

## 5. Sickness and Bereavement

- 5.1 Where a "Regular" trader is absent through illness and a bona fide Medical Certificate is provided, the Council will grant a maximum of 2 weeks free of Market Charges in any 12 month period. The first week of illness will be charged at the full cost of the stall, with the waiver of daily charges being introduced from the second week onwards.
- 5.2 In situations where long term absence of more than 4 weeks a trader is necessitated through illness and where appropriate certification is provided, the Council will consider each case in the light of individual circumstances.
- 5.3 Regular traders who suffer a close family bereavement will be allowed one day's trading absence in any 12 month period and no daily charge will be payable for that day.

## 6. Fees

- 6.1 Daily charges are payable on demand.
- 6.2 Casual traders will be required to pay the Daily Charge before they are granted access to a stall or pitch.
- 6.3 The onus to pay the Daily Charge rests with the trader. Where a Regular trader fails to pay on demand, the trader will be considered to be in arrears and recovery action will be taken against the trader for the arrears.

**Failure to pay the Daily Charge when due will result in the privilege of trading on any Tameside Council market being withdrawn.**

- 6.4 Traders shall use only the stall/stalls or ground paid for.
- 6.5 Traders shall not withhold payment of charges for any reason.
- 6.6 An official receipt will be given for charges paid. The receipt must be retained for the duration of the day's trade and made available for inspection on demand by the Market Official or any authorised official acting for the Council.
- 6.7 The Council reserve the right to review charges as they see appropriate.

## 7. Allocation of Market Stalls and Pitches

- 7.1 A casual trader attending a market must, in the first instance, report to the Market Official no later than the appointed time for that particular Market. Upon reporting to the Market Official all casual traders will be asked to complete a Markets registration form and produce proof of identity. Registration does not guarantee that a stall or pitch will be available.

### 7.2 Public Liability Insurance

Traders must provide proof of holding current Public Liability Insurance before they will be permitted to trade from a stall or pitch. Proof of insurance should be produced on demand to a market official.

Traders shall indemnify the council against all costs, claims and convictions arising as a result of their occupation and use of the market.

### 7.3 "Casual" List

On completion of a registration form, the Market Official will enter the trader's name, description of goods and date of registration on the "casual" traders' list for that day. The list will be open to inspection by traders upon request.

### 7.4 Record of Attendance

Each day that a trader attends a particular market and whether or not a trading position is allocated for the day, the trader will be credited with an attendance point.

Traders who do not attend or report their presence to the Market Official will not receive an attendance point and upon a third successive, consecutive absence, will be removed from the "casual" list, forfeiting all accumulated points.

### 7.5 Allocations

Stalls will be allocated on a daily basis by the Market Official. Any trader found to be using a stall or pitch without prior authority may be requested to leave the market and may have their accrued attendance points reduced.

### 7.6 Daily Allocations

Daily allocations shall be made on the basis of seniority of the trader on that day's "casual" list and take into consideration the councils Balance of Trade Policy.

### 7.7 Selective Allocation

Markets' Management retain the discretion to introduce a novel or under-represented commodity, irrespective of "casual" list seniority, if it is considered to be in the best interests of the market.

### 7.8 Refusal of an Allocation

Where a trader refuses to accept the trading location offered, he/she will be requested to leave the market and considered "absent" on that day, receiving no attendance point.

The Council reserves the right not to allocate a trading position even if it is vacant.

### 7.9 Fast-Track System – Regular Traders

To avoid queuing as a casual trader, all traders registered "regular" can pre-book a stall on another Tameside Council operated Market. This allows regular traders the opportunity to trial a stall on another market or market day as a casual trader but with the ability to arrive and set-up early.

### 7.10 Pitches

Traders who are able to provide their own stall equipment which meets the standards of safety and appearance required by the Council, may be allowed to erect and trade from such equipment on a pitch, when appropriate space is available. Use of a pitch does not confer "regular" status and pitches are always allocated on a "casual" basis. There is no guarantee of which pitch, if any, a trader may be granted use on any given site or day. The Council's decision about areas allowed for pitches, stall equipment and traders who may occupy them will be final.

## 8. Allocation of “Regular” Stalls

- 8.1 Should a stall become available for licensing, the Environmental Services Manager (Markets) or duly authorised person shall first consider applications from existing Registered “Regular” Stallholders on a seniority basis and shall then allocate the remaining stalls to those Registered “Casual” Stallholders appearing on the “casual” list.
- 8.2 Traders wishing to apply for transfer of trading positions must obtain the relevant form from the Market Office, complete and return it by the date specified on the form.
- Applications received after the closing date will not be accepted.
- 8.3 In allocating stalls in accordance with 8.2 above, The Environmental Services Manager (Markets) shall consider the type of trade and shall, in his/her absolute discretion, determine whether it is in the best interests of the market to disregard the effects of seniority.
- 8.4 **A stall allocated to a Registered “Regular”** Stallholder who does not attend the market for three weeks in succession will be considered vacant, unless the Registered “Regular” Stallholder has given a reason which is acceptable to the Environmental Services Manager (Markets), in his/her absolute discretion. Documentary proof (e.g. Medical Certificate) may be required as proof of reason for absence.

## 9. Transfer of Trading Position / Assignment of Trading Privilege

- 9.1 No trader shall assign, transfer, sublet or otherwise dispose of their interest in any trading position on the Council’s Markets, without express approval of the Council.
- 9.2 “Regular” traders who have given at least 5 years of continuous service to a particular Tameside Council market, may register and apply for Council permission to nominate a successor to their market business interests, on those stalls for which they have held “regular” status for the said 5 years, on payment of a registration fee, to be set by the Council from time to time.
- Such nominees must be acceptable to the Council and fulfil specified criteria as determined by the Markets’ Management which includes providing satisfactory personal and financial references and conform to the commodity requirements for the particular trading position.
- 9.3 Where such transfer can be granted, the outgoing trader will be required to pay to the Council an administration charge [one-off payment] of £75.00 per day or such an amount as the Council may determine from time to time. Change of commodities on transfer will only be considered in exceptional circumstance (e.g. bereavement, 25 years or more service).
- These charges must be paid before a new trader will be permitted to commence trading.
- 9.4 Trading privileges acquired by assignment may not be re-assigned for 2 years from the date of their acquisition.

## 10. Goods To Be Sold / Changes In Listed Goods

- 10.1 A trader shall sell or expose only those goods authorised by Markets' Management upon his/her registration document.
- 10.2 Any request for additions or changes in the type of goods must be submitted in writing to the Environmental Services Manager (Markets) for consideration.

The manager's decision will be final.

- 10.3 No trader shall store, display or sell on any market ground any explosive materials, fireworks, hazardous liquids, bulk gases or any substance which might be a source of danger to anyone attending the market.
- 10.4 No trader shall store, display or sell on any market ground any item which is offensive to public taste and morals. The Environmental Services Manager (Markets) decision will be final and binding.

## 11. Conditions Related to Use of Stalls

### 11.1 Damage

Traders or their agents /employees must not alter, extend or erect signage on the stalls they use, which are the property of the Council, without express permission of the Council.

In the event of damage arising during use by the trader, the cost of repairing such damage shall be recoverable from the trader by the Council and in default in any such payment, shall be recoverable by legal action against the trader.

### 11.2 Lighting

Traders are not permitted to light the stalls other than by the fixed electrical lighting provided by the Council. Certain exemptions will be considered by way of agreement with Markets Management.

### 11.3 Fire

Traders are responsible for ensuring that they conduct their businesses in such a manner as to minimise the risk of fire.

Registered Stallholders must not install any heating apparatus of any kind and the use of generators is strictly forbidden without the prior consent of the Environmental Services Manager (Markets).

### 11.4 Obstruction

No goods shall be placed on the floor of the market or on or about the stall, so as to obstruct the free passage or viewing of goods by persons using the market.

Frontage build-outs must not exceed the agreed upon boundary at market lettings. Side displays and sheeting must not unreasonably obstruct facilities of sight line to immediately adjacent traders' displays. Only approved transparent sheeting should be used where necessary.

Extension bars should not be fitted unless express permission has been granted by the market official who has absolute discretion to refuse consent. Extension bars should be removed half an hour before vehicles are re-admitted to the market ground.

### 11.5 Refuse Disposal / Cleanliness of Stall Area

All refuse and food wastes shall be deposited by traders/agents/employees, in the containers provided for the purpose, particular attention should be given to materials deemed as recyclable. Attention should also be given to plastic bags, wrapping and other "flimsies" which tend to blow about the town centres when not properly deposited in bins. All cardboard and cardboard boxes must be flat packed adequately in preparation to be placed within the allocated cardboard receptacle. Coat Hangers must not be left loose on the ground; they must be collected together and placed into the bins provided.

All traders are responsible for maintaining, free from refuse and in a clean condition, the stall fittings and area immediately adjacent and underneath the stall. This regulation must be strictly adhered to and failure to do so may result in the loss of trading privileges.

## 12. Traffic on Market Premises

- 12.1 All vehicles on leaving the market must use only the approved entrances / exits.
- 12.2 No vehicle shall exceed 5 mph on market grounds / premises.
- 12.3 Vehicles must park at all times in such a manner as not to obstruct traffic and, if required, must park in accordance with the directions of Markets Officials.
- 12.4 All traders' vehicles are to be removed from the Market Grounds in the mornings and return in the evenings, in accordance with the time schedules for each individual market site.

## 13. Employment of Children and Young Persons

- 13.1 All market traders must comply with the Children and Young Persons Act 1933 & 1963, the Education Act 1944-48 and the Employment of Children Act 1973.
- 13.2 Definition - A "child" is any person not over compulsory school age.
- 13.3 Definition - "Employed" is extended to include any child who assists in a trade or occupation even where the child receives no monetary reward.

## 14. Conduct of Traders

- 14.1 Market traders, their agents and/or employees paid or unpaid, are required to conduct themselves, whilst attending the markets, in an orderly manner and not use their trading positions so as to cause annoyance, inconvenience or concern to any other users of the market and/or market management, departmental management or Council Members.
- 14.2 No registered traders may do anything on the stall and/or on the market ground which will contravene any statute, regulations or bye-laws relating to the market which may from time to time be in force.
- 14.3 Traders and all other attending the markets are expected to observe, respect and carry out the reasonable instructions and directions of the Markets Officials, or any other authorised Officer of the Council.
- 14.4 Traders should not encourage their customers to utilise public or other toilet facilities as clothing changing rooms.
- 14.5 Any observed breach of Market Rules or Regulations will result in a warning letter being issued to the trader. This letter will remain on file for a period of 52 weeks.

In the event of a second breach of the Rules or Regulations within a 52 week period, the trader will be suspended from trading on the market for a period of not less than 1 week and not more than 3 weeks.

- 14.6 Should a trader offend on a third occasion within the 52 week period of the original warning letter, the trader will have his/her registration cancelled and not be permitted to trade on any of the Council's markets in the future, or for such period as the Council may determine.
- 14.7 If, in the opinion of the Markets Manager a market trader has caused, permitted or has become culpably involved in a serious breach of good

order or has been convicted of a serious criminal offence, the trader will be suspended immediately from attending the market.

The Council may then terminate the trader's licence(s) or may extend the suspension or end the suspension.

- 14.8 Charges will be levied during any period of suspension, at the same rate as if the trader had attended the markets, whether their reserved stall is temporarily reallocated or not.

## 15. General Matters

- 15.1 No traders shall engage in "pitching" i.e. calling out their wares or demonstrating their goods except in places within the market area which may be designated by the Markets Manager.
- 15.2 No individual trader, registered in his/her own right on any Tameside Council market, will be permitted to operate on any Tameside market on behalf of another individually registered trader, except where there is a prior written acknowledgment by Markets Management or in the case of a prior and proven partnership.
- 15.3 No food for human consumption other than greengrocery, fruit, vegetables, or eggs may be sold on a general market from an open market stall unless it is totally enclosed in wrapping or other container, so as to exclude any form of contamination.
- Perishable food must be protected from adverse weather conditions.
- 15.4 The sale of live animals, fish, birds and other fowl shall not be permitted.
- 15.5 Acupuncture, ear and body piercing, tattooing or electrolysis will not be permitted on any Council market ground.

## 16. Farmers and Producers Market

- 16.1 All non-food goods sold at the market must be grown/made/crafted within a 30 mile radius of Tameside.

Taking account of the high urban density of the Greater Manchester area surrounding Tameside, all food and drink sold must be produced within a 50 mile radius of Tameside. Food which is not produced within a 50 mile radius of Tameside [e.g. Sea Fish] may be sold by agreement with markets management.

- 16.2 All products sold must be grown, reared, caught, brewed, baked, smoked, processed, made or crafted by the Stallholder. Ingredients of made food products should, as far as possible, be grown, raised or caught by the producer of the finished article. (E.g. Sausages should contain meat raised by the producer/farmer and not simply be made by them from bought-in ingredients.) The producer or their direct representative must attend the stall throughout the trading period. In the case of original works of art, the artist must attend the stall.
- 16.3 Producers and their direct representatives must be in a position to inform customers of the production methods and other relevant information relating to the goods which they are offering for sale.
- 16.4 Farmers and producers must be able to substantiate claims of GM free production, organic production methods, etc. on demand by market officers and members of the shopping public. Craft item producers claiming sustainable raw material production methods must, similarly, be able to validate their claim with documentary evidence.
- 16.5 Farmers and producers selling food must be registered with either Tameside MBC Environmental Health Service Unit or the Environmental Health Department of their “home” authority. Up-to-date inspection certificates must be available for inspection.

All food must be transported, displayed and handled in accordance with Food Safety (General Food Hygiene) Regulations 1995 and Food Safety (Temperature Control) Regulations 1995 and any subsequent legislation.

- 16.6 Copies of all relevant certificates should be lodged with the market office for record purposes.

- 16.7 Farmers & Producers markets in Tameside, will be deemed to be “made markets” and such regulations, contained in the Borough’s market handbook, as apply to general “made markets” shall apply to the Farmers & Producers markets. We need to enquiry with Legal regarding the “Borough’s market handbook”

## 17. Dispute Procedure

All traders are advised to comply with the lawful requests of Markets Officials and should initially attempt to resolve their grievance with the onsite Market Official. If still aggrieved, the trader should record in a proper manner, their grievance in writing with the Markets Manager.

Any failure to resolve a dispute should be taken up with the Head of Operations and Greenspace when the aggrieved person and his/her representative will be given an opportunity to discuss the issue.

No approach should be made to any Senior Officer of the Council until these procedures have been fulfilled.

In the event that any grievance relating to these regulations cannot be resolved between the Stallholder and the Head of Operations and Greenspace the Stallholder can appeal in writing against refusal, with supporting reasons, to the Assistant Director – Operations and Neighbourhoods. If after a decision from the Assistant Director – Operations and Neighbourhoods, the stall holder is still aggrieved, the matter will be referred to the appropriate Cabinet Deputy, who will make a decision which will be final and binding on all parties.

# Appendix 1

## Ashton Market Ground

<b>Days</b>	Monday - Saturday (Tuesday & Thursday: Mixed Market - second hand goods, new lines, craft and consumables )
<b>Times</b>	Registered Regular Stall Holders must be in attendance by 8:00am <ul style="list-style-type: none"><li>• 8:00am Casual Allocation</li><li>• 9:00am All vehicles off the market</li><li>• 4:00pm Vehicles allowed on the market [*Monday, Wednesday, Thursday, &amp; Friday]</li><li>• 4:30pm Vehicles allowed on the market [Tuesdays &amp; Saturdays]</li></ul>
<b>Access</b>	To enter the market, vehicles must travel down Bow Street. All stall Holders should form a queue no earlier than the “allowed” on time from the Warrington Street end of Bow Street.
<b>Trading</b>	Registered stall holders must trade between the hours of 8.00am and 4:00pm* or 4:30pm**. Traders must not leave the market before 4:00pm* or 4:30pm** without the prior consent of the Market management.
<b>Build-outs</b>	Registered stall holders must not build-out beyond the approved areas.
<b>Loading and Unloading</b>	<ol style="list-style-type: none"><li>1. Unloading must be completed between the hours of 7:00am and 9:00am</li><li>2. Loading must be completed between the hours of 4:00pm*/4:30pm** and 6:00pm*/6:30pm</li></ol>
<b>Mixed Market</b>	Second hand goods, new lines, craft and consumables, can be offered for sale and it shall be at the sole discretion of the Markets Manager as to whether any goods offered for sale in the market are appropriate.

# Appendix 2

## Hyde Market Ground

<b>Days</b>	Monday, Tuesday & Thursdays - Mixed Markets (second hand goods, new lines, craft and consumables can be sold) Wednesday, Friday & Saturdays - general retail market
<b>Times</b>	Registered Regular Stall Holders must be in attendance by 08:00am <ul style="list-style-type: none"><li>• 8:00am Casual Allocation</li><li>• 9:00am All vehicles off the market</li><li>• 4:00pm Vehicles allowed on the market (Mixed Market days) 4:30pm Vehicles allowed on the market (General Retail days)</li></ul>
<b>Access</b>	All stall Holders should form a queue no earlier than the “allowed” on time along the Clarendon Street side of the Market Ground.
<b>Trading</b>	Registered stall holders must trade between the hours of 8.00am and 4:00pm* or 4:30pm**. Traders must not leave the market before 4:00pm* or 4:30pm** without the prior consent of the Market management.
<b>Build-outs</b>	Registered stall holders must not build-out beyond the approved areas.
<b>Loading and Unloading</b>	<ol style="list-style-type: none"><li>1. Unloading must be completed between the hours of 7.00am and 9.00am</li><li>2. Loading must be completed between the hours of 4:00pm*/4:30pm** and 6:00pm*/6:30pm</li></ol>
<b>Mixed Markets</b>	Second hand goods, new lines, craft and consumables, can be offered for sale and it shall be at the sole discretion of the Markets Business Development manager as to whether any goods offered for sale in the market are appropriate.

## WE WILL:

- Provide Retail Market facilities for use by traders to serve all members of the shopping public.
- Ensure that all our markets are safe and remain in a good state of cleanliness.
- Provide access for all.
- Encourage traders to make our markets lively and offer a wide range of good value merchandise.

## YOU CAN HELP US BY:

- Keeping our markets free from rubbish, using the bins provided and encouraging your shoppers to do the same.
- Reporting acts of vandalism on our markets to us or the Police
- Keeping markets on your regular “shopping list”
- Establishing a line of contact with the Markets team to enable us to update you with any relevant information.
- Provide us with your views and suggestions on how we can improve the service we offer.

## Contact Details

### Ashton Market

General Market enquires: **0161 342 3268**  
Facebook: **Ashton Market & Farmers Market**  
Email: **markets@tameside.gov.uk**

### Hyde Market

General Market enquires: **0161 342 3338**  
Facebook: **Hyde Market**  
Email: **markets@tameside.gov.uk**

To write to us:

**Ashton Market Hall Bow Street,  
Ashton-under-Lyne OL6 6BZ**

## Useful contact details

Hyde Market: **0161 342 3338**  
Trading Standards /Consumer Advice Centre:  
**0845 4040506**  
Environmental Health: **0161 342 3962**  
Licensing: **0161 342 4262**  
National Market Traders Federation (NMTF)  
**01226 749021**