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**MARKET REGULATIONS**

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**Responsible Cabinet Member(s) - Councillor Stephen Harker,  
Consumer and Environmental Services Portfolio**

**Responsible Director(s) - John Buxton, Director of Development and Environment**

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**Purpose of Report**

1. To consider and seek approval for the attached Market Regulations.

**Background**

2. The Market Regulations provide the rules by which traders operate on Darlington's outdoor markets. They cover a number of subject areas including bringing vehicles on to the market, times of trading, allocation of pitches and stalls, liability and insurance, conduct of traders, complaints and penalties.
3. The main changes in the proposed revised Regulations are:
  - (a) A new section on persons manoeuvring vehicles and drivers qualifications and insurance.
  - (b) A ban on the sale of replica guns and ornamental weapons and fireworks.
  - (c) A ban on sales that contravene any relevant Trading Standard controls (such as counterfeit goods).
  - (d) A new control on age restricted sales.
  - (e) A new control on the behaviour of traders and their employees.
  - (f) New Regulations to cover continental markets, farmers markets and car boot sales (although the Council does not currently operate the latter).
4. The proposed revised Regulations are attached as:
  - (a) Open Market Regulations (**Appendix 1**)
  - (b) Car Boot Sales Regulations (**Appendix 2**)
  - (c) Farmers Market Regulations (**Appendix 3**)
  - (d) Continental Market Regulations (**Appendix 4**)

**Outcome of Consultation**

5. The revised regulations have been discussed with the representative body of the regular Open Market traders. The outcome was agreement to the need for the changes proposed.

## **Legal Implications**

6. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

## **Section 17 of the Crime and Disorder Act 1998**

7. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The contents of this report should, through better regulation of the outdoor markets, have a positive effect on reducing crime and disorder.

## **Council Policy Framework**

8. The issues contained within this report are required to be considered by Council.

## **Conclusion**

9. The existing Market Regulations are in need of revision to ensure effective management and control of the several markets operated by the Council. The proposed revised Regulations will provide appropriate controls.

## **Recommendation**

10. It is recommended that the revised Market Regulations as detailed in the submitted report be approved.

## **Reason**

11. The proposed revised Market Regulations will provide improved and effective control of Darlington's outdoor markets.

**John Buxton**  
**Director of Development and Environment**

## **Background Papers**

Current Darlington Borough Council Market Regulations

## **Appendices**

1. Open Market Regulations
2. (Car Boot Sale) Market Regulations
3. (Farmers) Market Regulations
4. (Continental) Market Regulations

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## OPEN MARKET REGULATIONS

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These regulations are applicable to the usage by traders on stalls, pitches or ancillary equipment at the Borough of Darlington Open Market together with its environs, public and vehicular thoroughfares and other facilities within the same, and also the conduct of traders within this context.

### 1. **Vehicles and other articles of carriage**

- 1.1 Subject as hereinafter provided vehicles will not be allowed on the open market between 9.00 a.m. and 5.00 p.m. and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches.
- 1.2 Traders allocated stalls or pitches on a casual basis at 9.00 a.m. will be allowed until 9.30 a.m. to clear their vehicles from the open market.
- 1.3 Hampers, boxes or containers must only be brought by traders on to the open market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.
- 1.4 Discretion may be exercised by the Market Officer in respect of vehicles entering the open market before 5.00 p.m. if for some reason he considers circumstances warrant such a decision.
- 1.5 All persons manoeuvring vehicles on the market shall be appropriately qualified to drive/propel the type of vehicle and hold valid insurance cover.

### 2. **Attendance at Markets**

- 2.1 Traders and all attending the open market will observe and carry out the instructions and directions of the Market Officer.
- 2.2 The normal open market hours are 9.00 a.m. until 5.00 p.m. but these hours may be varied by the Market Officer where required.
- 2.3 The trader shall be present at the stall or pitch throughout the market day and not delegate this save for periods of up to a maximum of four weeks as hereinafter provided in any calendar year and to notify the Council in writing in advance of such periods. Agreement for periods over four weeks may be agreed at the discretion of the Market Officer.
- 2.4 Regular traders shall ensure that the stalls or pitches in their occupation are open for business during the normal hours of the open market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.

- 2.5 Casual traders shall ensure that they are open for business by 9.30 a.m. and shall continue trading until the close of the open market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
- 2.6 Save as hereinafter provided in Regulation 2.7 no stalls or pitches regularly reserved for a regular trader will be reserved after 9.00 a.m. and will be re-allocated for that day to another trader. Where prior notification is given before 9.00 a.m. on the market day, half toll (hereinafter referred to as the 'reservation fee') will be charged for that day. Absences not notified in advance will result in the full toll for that day being charges.
- 2.7 In the event of delay, illness, vehicle breakdown or other reasonable cause, which is notified by the regular trader prior to 9.00 a.m. on that day to the Market Officer, a delay in starting may be authorised at the discretion of the Market Officer. At 9.00 a.m. all stalls or pitches still vacant will be allocated for that day to another trader without prejudice to the liability of the regular stall holders to pay the relevant reservation fee for that day.
- 2.8 Absences due to sickness extending beyond one week must be supported by a medical certificate and further medical certificates must be furnished on request to the Market Officer. Other absences must be notified in advance and must not exceed four weeks in any year unless exceptions circumstances exist and the absences are agreed by the Market Officer.
- 2.9 Reservation fees charged against absence by a trader may be waived in respect of long term sickness subject to the following provisions:
  - (a) The trader shall have had a regular reservation for a period of no less than six months.
  - (b) The appropriate reservation fee shall still apply during the first four weeks.
  - (c) Sick notes shall be required in all cases before the lowering of these reservation fees.
- 2.10 A trader shall inform the Market Officer immediately of any change of address.

### **3. Allocation of stalls or Pitches - Casual Lettings**

- 3.1 Attendance by a casual trader will be entered on a register, after completion of a signed undertaking to sell only a fixed class of goods upon the official form provided. Requests for a change to a different class of goods must be made in writing to the Market Officer whose decision shall be final and binding upon the trader. One mark will be received for attendance on each market day.
- 3.2 Casual lettings will be made from the casual list for each market day and the priority for allocations will be decided by the number of previous attendances recorded unless there are exceptional circumstances. Whether or not circumstances are exceptional would be at the discretion of the Market Officer.
- 3.3 Applications for stalls or pitches must be made to the Market Officer by 9.00 a.m. on the day of the market by members of the casual list personally (a person and their partner shall count as one member of the casual list).
- 3.4 Save as provided in Regulation 3.3, traders will only be allowed to register for the casual list by giving individual names and home addresses and will not be allowed to register

under a trading name or in partnership or as a limited company.

- 3.5 A break in attendance by a casual trader without a justifiable reason, for three consecutive weeks, will result in his name being removed from the casual list and in any other case where a casual trader fails to attend the market regularly, the Market Officer may, in his absolute discretion remove the traders name from the casual list.
- 3.6 A casual trader who refuses to accept the offer of a regular reservation may result in that traders name being removed from the casual list and application to be re-registered will be necessary.
- 3.7 A casual trader offered a vacant stall or pitch on any market day, which is refused, will be removed from the casual list and application to be re-registered will be necessary.
- 3.8 Discretion will be exercised by the Market Officer when allocating casual lettings in regard to 'clashing' as hereinafter defined with goods sold on neighbouring stalls or pitches provided no stalls are left empty.
- 3.9 This Council reserves the right to control the size of any casual list on the Council's markets to a number proportional to the efficient management of their market entirely at its own discretion.
- 3.10 Casual traders may be allowed up to four weeks holiday with an attendance mark credited to them subject to a half-toll being paid prior to the absence for the purpose of taking a holiday in any twelve month calendar period subject to the following conditions:
  - (a) Casual traders must have attended the open market for a period of no less than six months.
  - (b) Casual traders must give advance notice to the Market Officer of the intention to take a holiday.
- 3.11 Regular traders will be allowed to stand as casuals subject to casual attenders with no regular reservation being given priority in the allocation of one day only lettings.

#### 4. **Regular lettings**

- 4.1 Any regular trader may, at the discretion of the Market officer, request the daily transfer of their stall or pitch. The hours of operation for this will be strictly between 8.15 a.m. and 8.30 a.m. each market day. Such transfer will be subject to the 'clashing' rule.
- 4.2 Stalls or pitches made vacant by termination of a regular reservation will be let as follows:
  - (a) Firstly by transfer to a regular trader upon his relinquishing his current stall or pitch. Where more than one such trader applies, length of service on the open market, will usually decide the allocation.
  - (b) Secondly to a casual trader with the most attendance marks.

Both offers of a regular reservation will be subject to there being no 'clashing' as

hereinafter defined.

- 4.3 The Council does not accept any limited company or partnership as a casual trader on the casual list of its open markets.
- 4.4 A regular reservation of a stall or pitch will only be registered after the completion by the prospective regular trader of a signed undertaking to sell only a fixed class of goods upon the official form provided. Requests for a change to a different class of goods must be made in writing to the Market Officer whose decision shall be final and binding upon the trader. Only one classification of goods to be sold from each stall or pitch.
- 4.5 Regular traders are limited to a maximum of six stalls or pitches.
- 4.6 Regular traders with more than one stall or pitch may not surrender a stall for a limited period of time and if occupancy of any stall or pitch has not been taken by the time of 9.00 a.m. by any trader attending the open market the full toll for that day will be incurred whether the vacant stall or pitch is let or not on a particular day by the Council. Dispensation may be made to this Regulation by the Market Officer in exceptional circumstances. His decision will be final and binding.
- 4.7 The sub-letting of stalls or pitches or any part thereof is prohibited. Regular traders may not dispose of or transfer the reservation of any stall or pitch thereof.
- 4.8 The grant by the Council of each stall or pitch will be on a daily basis only, despite any references to reserved stalls or pitches in these regulations.

## **5. Use of stalls or Pitches**

- 5.1 No alteration or addition to the structure or fitting of any stall belonging to the Council shall be made or on behalf of a trader except with the approval of the Market Officer. Traders must not damage or deface the property in any way.
- 5.2 A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the stall or pitch without prior permission of the Market Officer and if granted permission will pay a toll at a charge currently in force. Both the giving and the withdrawal of permission will be at the Market Officer's discretion and his decision will be final and binding.
- 5.3 A trader shall secure any broadloom carpets on display with retaining clips of a type to be approved by the Market Officer.
- 5.4 Stalls or pitches must occupy a designated place which must be approved by the Markets Officer. This stall or pitch cannot be moved without prior approval.
- 5.5 A trader shall not provide any lighting to his stall or pitch other than those types accepted by the Council.
- 5.6 No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters, provided always that an appliance necessary for the trade or business of the trader and approved by the Market Officer may be so used and the decision of the Market Officer as

to whether any appliance is necessary and suitable shall be final and binding upon the trader.

- 5.7 Every trader is required to exhibit his name and stall or pitch number and to register his name and address with the Council.
- 5.8 No trader may make a change in the class of goods sold as prescribed on the signed undertaking (see Regulations 3.1 and 4.4 ) except with the prior permission of the Market officer of this Council and the completion of a new undertaking.
- 5.9 Nothing herein contained shall be construed as requiring the Council to permit a trader to transfer from one stall or pitch to another, but if such is permitted a trader shall continue to sell goods previously permitted to be sold on his usual stall or pitch.
- 5.10 A trader selling foodstuffs shall comply with the Food Safety (General Food Hygiene) Regulations 1995 or any statutory modification or re-enactment thereof from time to time in force.
- 5.11 All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with the Byelaws made thereunder.
- 5.12 A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the market except where the animal is a guide dog for a registered blind person.
- 5.13 No trade shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.
- 5.14 A trader shall not conduct an auction at or on any stall or pitch without the prior approval of the Market Officer.
- 5.15 A trader shall not, without the prior approval of the market Officer, during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- 5.16 A trader shall not use the method of selling known as ‘demonstrating’ except in areas approved by the Market officer.
- 5.17 A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the open market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.
- 5.18 Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the

Market Officer when such is required in connection with the traders business and the bringing of such equipment on to the open market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of the sound or pictures or copyright or otherwise.

- 5.19 The decibel (noise) level of such will be entirely at the discretion of the Market Officer.
- 5.20 No trader shall sell or permit to be sold ornamental weapons or replica guns, fireworks or anything else which, in the opinion of the Market Officer, is considered to be a risk to anyone attending the Open Market.
- 5.21 No trader shall sell or permit to be sold any item that contravene:-

Copyright Design and Patents Act 1988;  
Trade Descriptions Act 1968;  
Trademarks Act 1994  
Video Recordings Act 1984;  
and similar associated legislation.

- 5.22 Traders must comply with the minimum age requirements as determined from time to time by Trading Standards on Age Restricted Sales

## **6. Liability and Insurance**

- 6.1 A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
- 6.2 The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.
- 6.3 A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his reservation or at any other time.
- 6.4 A trader shall indemnify the Council from and against all actions, proceedings, damage, claims, losses or outgoings of whatever nature arising out of the traders use of any stall, pitch, vehicle or stand etc., on the open market and shall take out a policy of public liability and products liability insurance for a sum of £5,000,000 each or other sum as determined from time to time by the Council and provide a copy of the current policy to the Markets Officer on request.
- 6.5 It shall be the responsibility of the trader to insurance his stock, fixtures, fittings and any other valuables brought into the market against damage by fire, theft or flood.

## **7. Conduct of Traders**

- 7.1 Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall or avenue



or behave in such manner as to bring the Market into disrepute.

- 7.2 A trader, employee or attendant shall not act in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public, or damages any property of the Council.
- 7.3 A trader shall be responsible for the actions of his employees and attendants, and if, in the opinion of the Market Officer, an employee or attendant has acted in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public or damages any property of the Council, the trader should seek the immediate removal of that employee or attendant.
- 7.4 The Market Officer can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in his or her opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
- 7.5 Damage or failure of equipment belonging to the Council shall be reported immediately to the Market Officer and no attempt whatsoever shall be made to effect a repair. No person shall interfere with any plant or equipment belonging to the Council.
- 7.6 The giving and receiving of gratuities is strictly against the policy of the Council.

## **8. Payment of tolls and Charges**

- 8.1 The tolls and charges levied for any stall or pitch shall be such sums as may be laid down by this authority from time to time.
- 8.2 All tolls and charges levied by the Council will be paid each market day for that day only between the hours of 9.00 a.m. and 12.00 p.m. Payments to be made by the trader direct to the designated office. Any reservation or other charges outstanding for absences from the open market shall be paid in full on the first day of return to the open market.

## **9. Privately owned stalls, vehicles, stands etc**

- 9.1 All privately owned stalls, vehicles or stands on the open market must be constructed to a specification acceptable to the Market Officer and kept in a good state of repair, totally at the expense of the trader.
- 9.2 Traders who have such equipment or vehicles, irrespective of whether such traders are the actual owners or hirers, must indemnify the Council as provided for in Section 6.4 of these Regulations against any claim for damages or injury to persons or property arising from such equipment, however this may be caused.

## **10. Procedure for dealing with complaints**

- 10.1 Complaints by traders in respect of any matters affecting the open market must be brought to the attention of the Market Officer in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.

10.2 If a complainant is not satisfied with the action taken by the Market Officer on any complaint then the matter may be referred by letter to the relevant Director.

## 11. Penalties

11.1 Any act or omission which contravenes one or more of these Regulations may be subject to a penalty. The penalties are as follows:

- (a) Verbal warning (confirmed in writing);
- (b) Written warning;
- (c) Final written warning;
- (d) Suspension;
- (e) Permanent ban.

11.2 The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.

11.3 If a trader is suspended by the Market Officer the facts will be reported to the relevant Director:-

11.4 The trader will be notified in writing of such a report and may, if he so wishes:

- (a) Submit a written defence to the Director; and/ or
- (b) Appear in person (with a right to be represented by a friend or Solicitor) before an appeals panel.

11.5 Any decision made by the panel will be notified to the trader in writing and the action will be implemented on the first open market day after the date of the letter which will be clearly stated

## 12. Meaning and Interpretation in these Regulations

12.1 'Council' means the Council of the Borough of Darlington.

12.2 'Open Market' means the place designated by the Borough of Darlington Council being the place where the market is held.

12.3 'Stalls' or 'Pitch' shall include, unless the context otherwise requires, and wheresoever situated upon the market, any stall, table, stand, equipment or any other device used by a trader shall for the purpose of the regulations be considered within this meaning.

12.4 'Clashing' shall mean goods considered of a similar nature by the Market Officer. For this purpose referral to the goods classification list will be made.

12.5 'Pitch' shall mean the placing of goods within the environs of the market other than on a market stall.

- 12.6 'Demonstrating' shall mean that by action a person includes the functional purposes of the goods displayed and all that this implies.
- 12.7 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.
- 12.8 'Regular trader' shall mean a person who regularly occupies a stall or pitch on the open market and is not subject to the allocation of stalls or pitches from the casual list.
- 12.9 'Casual trader' shall mean a person whose name appears on the casual list and who must attend the Market Office for the allocation (subject to availability) of a stall or pitch.
- 12.10 'Market Officer' shall mean the person for the time being designated by the Council as holding the post of Markets Manager or Markets Officer.
- 12.11 'Casual List' shall mean that list (if any) of traders without a reserved stall or pitch.
- 12.12 Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.
- 12.13 'Trader' shall mean any person who attends the Open Market to expose for sale any goods or who seeks to distribute information or promotional literature.
- 12.14 "Vehicle" means a motor vehicle as defined in Section 190(1) of the Road Traffic Act, 1972, (\*See footnote) and any cycle, tricycle, cart, wagon or trailer.
- \* (In the Road Traffic Act, 1972 "Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on the roads).

The foregoing regulations were made by the Council of the Borough of Darlington on ..... (date to be confirmed after Council meeting on 15 September 2005) and shall come into operation on ..... (date to be confirmed after Council meeting on 15 September 2005).

## (CAR BOOT SALE) MARKET REGULATIONS

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These regulations are applicable to the usage by traders of the stalls or pitches together with its environs, public and vehicular thoroughfares and other facilities within the same, and also the conduct of traders within this context.

### **Vehicles and other articles of carriage**

1. Subject as hereinafter provided vehicles will not be allowed on the market between 9 am and 5 pm and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches.
2. Hampers, boxes or containers must only be brought by traders on to the market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.
3. Discretion may be exercised by the Market Officer in respect of vehicles entering the market before 5pm if for some reason he considers circumstances warrant such a decision.
4. All persons manoeuvring vehicles on the market shall be appropriately qualified to drive/propel the type of vehicle and hold valid insurance cover.

### **Attendance at Markets**

5. Traders and all attending the market will observe and carry out the instructions and directions of the Market Officer.
6. The normal market hours are 9 am until 5 pm but these hours may be varied by the Market Officer where required.
7. The trader shall be present at the stall or pitch throughout the market day and not delegate this.
8. Traders shall ensure that the stalls in their occupation are open for business during the normal hours of the market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
9. A trader shall inform the Market Officer immediately of any change of address.

### **Allocation of stalls**

10. The Council does not accept any limited company or partnership as a trader on its market.

11. The sub-letting of stalls or pitches or any part thereof is prohibited.
12. The grant by the Council of each stall or pitch will be on a daily basis only.

### **Use of stalls or Pitches**

13. A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the stall or pitch without prior permission of the Market Officer and if granted permission will pay a toll at a charge currently in force. Both the giving and the withdrawal of permission will be at the Market Officer's discretion and his decision will be final and binding.
14. Traders must not under any circumstances move any stall or part thereof away from or within the market without the prior approval of the Market Officer.
15. A trader shall not provide any lighting to his stall other than those types accepted by the Council.
16. No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters, provided always that an appliance necessary for the trade or business of the trader and approved by the Market Officer may be so used and the decision of the Market Officer as to whether any appliance is necessary and suitable shall be final and binding upon the trader.
17. Every trader is required to exhibit his stall number and to register his name, address and vehicle registration number with the Council.
18. A trader selling foodstuffs shall comply with the Food Safety (General Food Hygiene) Regulations 1995 or any statutory modification or re-enactment thereof from time to time in force.
19. All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with the Byelaws made thereunder.
20. A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the market except where the animal is a guide dog for a registered blind person.
21. No trade shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.
22. A trader shall not conduct an auction at or on any stall or pitch without the prior approval of the Market Officer.

23. A trader shall not, without the prior approval of the market Officer, during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
24. A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.
25. Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Market Officer when such is required in connection with the traders business and the bringing of such equipment on to the market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of the sound or pictures or copyright or otherwise.
26. The decibel (noise) level of such will be entirely at the discretion of the Market Officer.
27. No trader shall sell or permit to be sold ornamental weapons or replica guns.
28. Traders must comply with the minimum age requirements as determined from time to time by Trading Standards on Age Restricted Sales.
29. No trader shall sell or permit to be sold any item that contravene:
  - (a) Copyright Design and Patents Act 1988;
  - (b) Trade Descriptions Act 1968;
  - (c) Trademarks Act 1994;
  - (d) Video Recordings Act 1984;
  - (e) Similar associated legislation.

### **Liability and Insurance**

30. A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
31. The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.
32. A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his stall or pitch or at any other time.

33. It shall be the responsibility of the trader to insure his stock, fixtures, fittings and any other valuables brought into the market against damage by fire, theft or flood.

### **Conduct of Traders**

34. Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall or avenue or behave in such a manner as to bring the market into disrepute.
35. A trader, employee or attendant shall not act in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public, or damages any property of the Council.
36. A trader shall be responsible for the actions of his employees and attendants, and if, in the opinion of the Market Officer, an employee or attendant has acted in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public or damages any property of the Council, the trader should seek the immediate removal of that employee or attendant.
37. The Market Officer can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in his or her opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
38. Damage nor failure of equipment belonging to the Council shall be reported immediately to the Market Officer and no attempt whatsoever shall be made to effect a repair. No person shall interfere with any plant or equipment belonging to the Council.
39. The giving and receiving of gratuities is strictly against the policy of the Council.

### **Payment of tolls and Charges**

40. The tolls and charges levied for any stall or pitch shall be such sums as may be laid down by this authority from time to time.
41. All tolls and charges levied by the Council will be paid each market day for that day only between the hours of 6 am and 8 am. Payments to be made by the trader direct to the designated officer prior to allocation of the stall or pitch.

### **Privately owned stalls, vehicles, stands etc**

42. All privately owned stalls, vehicles or stands on the market must be constructed to a specification acceptable to the Market Officer and kept in a good state of repair, totally at the expense of the trader.

## **Procedure for dealing with complaints**

43. If a complainant is not satisfied with the action taken by the Market Officer on any complaint then the matter may be referred by letter to the relevant Director.

## **Penalties**

44. Any act or omission which contravenes one or more of these Regulations may be subject to a penalty. The penalties are as follows:
- (a) Verbal warning (confirmed in writing);
  - (b) Written warning;
  - (c) Final written warning;
  - (d) Suspension;
  - (e) Permanent ban.
45. The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.
46. If a trader is suspended by the Market Officer the facts will be reported to the Relevant Director.
47. The trader will be notified in writing of such a report and may, if he so wishes:
- (a) Submit a written defence to the Director; and/ or
  - (b) Appear in person (with a right to be represented by a friend or Solicitor) before an appeals panel.
48. Any decision made by the panel will be notified to the trader in writing and the action will be implemented on the first market day after the date of the letter which will be clearly stated.

## **Meaning and Interpretation in these Regulations**

49. 'Council' means the Council of the Borough of Darlington.
50. 'Market' means the place designated by the Borough of Darlington Council being the place where the market is held.
51. 'Stalls' or 'Pitch' shall include, unless the context otherwise requires, and wheresoever situated upon the market, any stall, table, stand, equipment or any other device used by a trader shall for the purpose of the regulations be considered within this meaning.
52. 'Pitch' shall mean the placing of goods within the environs of the market other than on a stall.
53. 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.



54. 'Market Officer' shall mean the person for the time being designated by the Council as holding the post of Markets Manager or Markets Officer.
55. Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.

The foregoing regulations were made by the Council of the Borough of Darlington on ..... (date to be confirmed after Council meeting on 15 September 2005) and shall come into operation on ..... (date to be confirmed after Council meeting on 15 September 2005).

**(FARMERS) MARKET REGULATIONS**

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These regulations are applicable to the usage by traders of the stalls or pitches together with its environs, public and vehicular thoroughfares and other facilities within the same, and also the conduct of traders within this context.

**Vehicles and other articles of carriage**

1. Subject as hereinafter provided vehicles will not be allowed on the market between 9 am and 5 pm and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches.
2. Hampers, boxes or containers must only be brought by traders on to the market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.
3. Discretion may be exercised by the Market Officer in respect of vehicles entering the market before 5pm if for some reason he considers circumstances warrant such a decision.
4. All persons manoeuvring vehicles on the market shall be appropriately qualified to drive/propel the type of vehicle and hold valid insurance cover.

**Attendance at Markets**

5. Traders and all attending the market will observe and carry out the instructions and directions of the Market Officer.
6. The normal market hours are 9am until 5pm but these hours may be varied by the Market Officer where required.
7. The trader shall be present at the stall or pitch throughout the market day and not delegate this.
8. Traders shall ensure that the stalls or pitches in their occupation are open for business during the normal hours of the market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
9. A trader shall inform the Market Officer immediately of any change of address.

**Allocation of stalls**

10. The Council does not accept any limited company or partnership as a trader on its market.

11. The sub-letting of stalls or pitches or any part thereof is prohibited.
12. The grant by the Council of each stall or pitch will be on a daily basis only.

### **Use of stalls or Pitches**

13. A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the stall or pitch without prior permission of the Market Officer and if granted permission will pay a toll at a charge currently in force. Both the giving and the withdrawal of permission will be at the Market Officer's discretion and his decision will be final and binding.
14. Traders must not under any circumstances move any stall or part thereof away from or within the market without the prior approval of the Market Officer.
15. A trader shall not provide any lighting to his stall or pitch other than those types accepted by the Council.
16. No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters, provided always that an appliance necessary for the trade or business of the trader and approved by the Market Officer may be so used and the decision of the Market Officer as to whether any appliance is necessary and suitable shall be final and binding upon the trader.
17. Every trader is required to exhibit his stall number and to register his name, address and vehicle registration number with the Council.
18. A trader selling foodstuffs shall comply with the Food Safety (General Food Hygiene) Regulations 1995 or any statutory modification or re-enactment thereof from time to time in force.
19. All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with the Byelaws made thereunder.
20. A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the market except where the animal is a guide dog for a registered blind person.
21. No trade shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.
22. A trader shall not conduct an auction at or on any stall or pitch without the prior approval of the Market Officer.

23. A trader shall not, without the prior approval of the market Officer, during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
24. A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.
25. Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Market Officer when such is required in connection with the traders business and the bringing of such equipment on to the market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of the sound or pictures or copyright or otherwise.
26. The decibel (noise) level of such will be entirely at the discretion of the Market Officer.
27. No trader shall sell or permit to be sold ornamental weapons or replica guns.
28. No trader shall sell or permit to be sold any item that contravenes:
  - (a) Copyright Design and Patents Act 1988;
  - (b) Trade Descriptions Act 1968;
  - (c) Trademarks Act 1994
  - (d) Video Recordings Act 1984;
  - (e) Similar associated legislation.
29. Traders must comply with the minimum age requirements as determined from time to time by Trading Standards on Age Restricted Sales.

### **Liability and Insurance**

30. A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
31. The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.

32. A trader shall indemnify the Council from and against all actions, proceedings, damage, claims, losses or outgoings of whatever nature arising out of the traders use of any stall, pitch, vehicle or stand etc., on the open market and shall take out a policy of public liability and products liability insurance for a sum of £5,000,000 each or other sum as determined from time to time by the Council and provide a copy of the current policy to the Markets Officer on request.
33. A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his stall or pitch or at any other time.
34. It shall be the responsibility of the trader to insure his stock, fixtures, fittings and any other valuables brought into the market against damage by fire, theft or flood.

### **Conduct of Traders**

35. Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall, pitch or avenue or behave in such a manner as bring the market into disrepute.
36. A trader, employee or attendant shall not act in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public, or damages any property of the Council.
37. A trader shall be responsible for the actions of his employees and attendants, and if, in the opinion of the Market Officer, an employee or attendant has acted in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public or damages any property of the Council, the trader should seek the immediate removal of that employee or attendant.
38. The Market Officer can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in his or her opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
39. Damage nor failure of equipment belonging to the Council shall be reported immediately to the Market Officer and no attempt whatsoever shall be made to effect a repair. No person shall interfere with any plant or equipment belonging to the Council.
40. The giving and receiving of gratuities is strictly against the policy of the Council.

### **Payment of tolls and Charges**

41. The tolls and charges levied for any stall or pitch shall be such sums as may be laid down by this authority from time to time.

42. All tolls and charges levied by the Council will be paid each market day for that day only between the hours of 10am and 12 noon. Payments to be made by the trader direct to the designated officer prior to allocation of the stall or pitch.

#### **Privately owned stalls, vehicles, stands etc.**

43. All privately owned stalls, vehicles or stands on the market must be constructed to a specification acceptable to the Market Officer and kept in a good state of repair, totally at the expense of the trader.
44. Traders who have such equipment or vehicles, irrespective of whether such traders are the actual owners or hirers, must indemnify the Council as provided for in Section 32 of these Regulations against any claim for damages or injury to persons or property arising from such equipment, however this may be caused.

#### **Procedure for dealing with complaints**

45. Complaints by traders in respect of any matters affecting the market must be brought to the attention of the Market Officer in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.
46. If a complainant is not satisfied with the action taken by the Market Officer on any complaint then the matter may be referred by letter to the relevant Director.

#### **Penalties**

47. Any act or omission which contravenes one or more of these Regulations may be subject to a penalty. The penalties are as follows:
- (a) Verbal warning (confirmed in writing);
  - (b) Written warning;
  - (c) Final written warning;
  - (d) Suspension;
  - (e) Permanent ban.
48. The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.
49. If a trader is suspended by the Market Officer the facts will be reported to the Relevant Director.
50. The trader will be notified in writing of such a report and may, if he so wishes:
- (a) Submit a written defence to the Director; and/ or
  - (b) Appear in person (with a right to be represented by a friend or Solicitor) before an appeals panel.

51. Any decision made by the panel will be notified to the trader in writing and the action will be implemented on the first market day after the date of the letter which will be clearly stated.

### **Meaning and Interpretation in these Regulations**

52. 'Council' means the Council of the Borough of Darlington.
53. 'Market' means the place designated by the Borough of Darlington Council being the place where the market is held.
54. 'Stalls' or 'Pitch' shall include, unless the context otherwise requires, and wheresoever situated upon the market, any stall, table, stand, equipment or any other device used by a trader shall for the purpose of the regulations be considered within this meaning.
55. 'Pitch' shall mean the placing of goods within the environs of the market other than on a stall.
56. 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.
57. 'Market Officer' shall mean the person for the time being designated by the Council as holding the post of Markets Manager or Markets Officer.
58. Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.

The foregoing regulations were made by the Council of the Borough of Darlington on ..... (date to be confirmed after Council meeting on 15 September 2005) and shall come into operation on ..... (date to be confirmed after Council meeting on 15 September 2005).

**(CONTINENTAL) MARKET REGULATIONS**

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These regulations are applicable to the usage by traders of the stalls or pitches together with its environs, public and vehicular thoroughfares and other facilities within the same, and also the conduct of traders within this context.

**Vehicles and other articles of carriage**

1. Subject as hereinafter provided vehicles will not be allowed on the market between 9 am and 5 pm and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches.
2. Hampers, boxes or containers must only be brought by traders on to the market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.
3. discretion may be exercised by the Market Officer in respect of vehicles entering the market before 5 pm if for some reason he considers circumstances warrant such a decision.
4. all persons manoeuvring vehicles on the market shall be appropriately qualified to drive/propel the type of vehicle and hold valid insurance cover.

**Attendance at Markets**

5. Traders and all attending the market will observe and carry out the instructions and directions of the Market Officer.
6. The normal market hours are 9 am until 5 pm but these hours may be varied by the Market Officer where required.
7. The trader shall be present at the stall or pitch throughout the market day and not delegate this.
8. Traders shall ensure that the stalls in their occupation are open for business during the normal hours of the market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
9. A trader shall inform the Market Officer immediately of any change of address.



## **Allocation of stalls**

10. The Council does not accept any limited company or partnership as a trader on its market.
11. The sub-letting of stalls or pitches or any part thereof is prohibited.
12. The grant by the Council of each stall or pitch will be on a daily basis only.

## **Use of stalls or Pitches**

13. A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the stall or pitch without prior permission of the Market Officer and if granted permission will pay a toll at a charge currently in force. Both the giving and the withdrawal of permission will be at the Market Officer's discretion and his decision will be final and binding.
14. Traders must not under any circumstances move any stall or part thereof away from or within the market without the prior approval of the Market Officer.
15. A trader shall not provide any lighting to his stall other than those types accepted by the Council.
16. No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters, provided always that an appliance necessary for the trade or business of the trader and approved by the Market Officer may be so used and the decision of the Market Officer as to whether any appliance is necessary and suitable shall be final and binding upon the trader.
17. Every trader is required to exhibit his stall number and to register his name, address and vehicle registration number with the Council.
18. A trader selling foodstuffs shall comply with the Food Safety (General Food Hygiene) Regulations 1995 or any statutory modification or re-enactment thereof from time to time in force.
19. All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with the Byelaws made thereunder.
20. A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the market except where the animal is a guide dog for a registered blind person.
21. No trade shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.

22. A trader shall not conduct an auction at or on any stall or pitch without the prior approval of the Market Officer.
23. A trader shall not, without the prior approval of the market Officer, during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
24. A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.
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  - (c) Trademarks Act 1994
  - (d) Video Recordings Act 1984;
  - (e) Similar associated legislation.
29. Traders must comply with the minimum age requirements as determined from time to time by Trading Standards on Age Restricted Sales.

### **Liability and Insurance**

30. A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
31. The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.
32. A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his stall or pitch or at any other time.

33. It shall be the responsibility of the trader to insure his stock, fixtures, fittings and any other valuables brought into the market against damage by fire, theft or flood.
34. The operator shall indemnify the Council from and against all actions proceedings, damage, claims, losses or outgoings of whatever nature arising out of the trader's use of any stall, pitch, vehicle or stand etc., on the market and shall take out a policy of public liability and products liability insurance for a sum of £5,000,000 each or other sum as determined from time to time by the Council and provide a copy of the current policy to the Market Officer on request.

### **Conduct of Traders**

35. Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall or avenue or behave in such a manner as to bring the market into disrepute.
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38. The Market Officer can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in his or her opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
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42. All tolls and charges levied by the Council will be paid each market day for that day only between the hours of 10 am and 12 noon. Payments to be made by the trader direct to the designated officer prior to allocation of the stall or pitch.

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44. Traders who have such equipment or vehicles, irrespective of whether such traders are the actual owners or hirers, must indemnify the Council as provided for in Section 34 of these Regulations against any claim for damages or injury to persons or property arising from such equipment, however this may be caused.

### **Procedure for dealing with complaints**

45. Complaints by traders in respect of any matters affecting the market must be brought to the attention of the Market Officer in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.
46. If a complainant is not satisfied with the action taken by the Market Officer on any complaint then the matter may be referred by letter to the relevant Director.

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55. 'Pitch' shall mean the placing of goods within the environs of the market other than on a stall.
56. 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.
57. 'Market Officer' shall mean the person for the time being designated by the Council as holding the post of Markets Manager or Markets Officer.
58. Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.

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