
MARKET REGULATIONS

Responsible Cabinet Member – Councillor John Williams, Economy Portfolio

Responsible Director – Cliff Brown, Director of Community Services

Purpose of Report

1. To request approval for the changes to attached Market Regulations.

Information and Analysis

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 Square, times of trading, allocation of pitches and stalls, liability and insurance, conduct of traders, complaints and penalties.
3. Officers work with individual traders to achieve compliance with the regulations and Market Byelaws with the emphasis on encouragement and assistance. Officers visit traders and record the level of compliance with the Byelaws and Regulations using a checklist (attached as **Appendix 1**). Traders are then sent letters advising them of improvements that are required and specifying a timescale. Failure to improve may then result in the Market Manager excluding that trader from future markets. An appeal system exists for any trader that is aggrieved by that decision.
4. The main changes to the existing regulations are:
 - (a) Inclusion of Thursday's general market.
 - (b) Additional hours of opening – now 9.00 am to 5.00 pm.
 - (c) Allocation of stalls on the general open markets to be decided on grounds of quality/presentation/length of service/diversity of goods (previously only length of service was determining factor).
 - (d) No smoking regulations – applying to the gazebos provided or traders' own stand/vehicle.
 - (e) All goods to be displayed/sold from within the curtilage of the pitch/stall/vehicle/gazebo.
 - (f) Introduction of quality standards for gazebos, trailers and motorised vehicles. Minimum specifications are now set and include construction, stability, dimensions and appearance.
5. The revised regulations are attached **Appendix 2**.

Outcome of Consultation

6. The revised regulations have been discussed with the National Market Traders Federation, (the representative body of the Open Market Traders in Darlington) who agreed to the changes proposed.

Legal Implications

7. 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

8. 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. It is not considered that the contents of this report have any such effect.

Council Policy Framework

9. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

10. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Key Decisions

11. This is a key decision because the enforcement of the proposed regulations will affect both the standard of the market, market stallholders and the future viability of the markets.

Recommendation

12. It is recommended that the revised Market Regulation attached to this report as **Appendix 2** be approved.

Reasons

13. The recommendations are supported by the following reasons :-

- (a) To continue to improve and develop the overall standard of the weekly and themed markets in Darlington.
- (b) To ensure that open markets contribute to the high quality pedestrian town centre.
- (c) To provide Regulations that can be understood by Market traders attending Darlington Markets.

Cliff Brown
Director of Community Services

Background Papers

- (i) Current Darlington Borough Council Market Regulations.
- (ii) Report to Cabinet 20 March 2007 - Provision of Outdoor Markets Stalls.

Appendices

- 1 Form used to record a visit made to a market stall
- 2 Proposed Market Regulations

Peter Wilson : Extension 2691
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RECORD OF VISIT TO MARKET STALL BY: PW*, AN*, JC*

Stallholder:			
Date:		Time	
Location:	West Row*/East Row*/Tubwell Row*/Horsemarket*/Blackwellgate		
Goods Sold			
Market Charter Displayed	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Condition of Stall			
Exterior Clean	Yes <input type="checkbox"/> No <input type="checkbox"/>	Straps Secured	Yes <input type="checkbox"/> No <input type="checkbox"/>
Seams Taped	Yes <input type="checkbox"/> No <input type="checkbox"/>	Skirts in Position	Yes <input type="checkbox"/> No <input type="checkbox"/>
Lighting installed & working	Yes <input type="checkbox"/> No <input type="checkbox"/>	All weights in position and secure	Yes <input type="checkbox"/> No <input type="checkbox"/>
Tables in position	Yes <input type="checkbox"/> No <input type="checkbox"/>	Tables correctly set	Yes <input type="checkbox"/> No <input type="checkbox"/>
Non essential items stored neatly	Yes <input type="checkbox"/> No <input type="checkbox"/>	All items within curtilage of staff	Yes <input type="checkbox"/> No <input type="checkbox"/>
Officer Comments and Action Plan			

Appearance of Stallholder and/or Assistant(s)

Clean & Tidy Appearance	Yes <input type="checkbox"/> No <input type="checkbox"/>	Wearing Uniform	Yes <input type="checkbox"/> No <input type="checkbox"/>
Signature of Trader			Date:

Recommendation

Send 1st letter

Send Final Warning letter

Other