

# Shambles Market Rules and Regulations 1<sup>st</sup> Feb 2022

1. Our aim is for the Shambles Market to be a lively, bustling hotspot of commerce and a world class destination in the heart of York. With an offering diverse enough to continue to be the local shopping point for residents and vibrant enough to be a 'must see' for visitors to the city. These new regulations have been drawn up in consultation with the traders to ensure that the market operates successfully

## General Approach

2. The market operator will provide a clean and safe working environment. The market operator and the traders are working together to ensure that York markets will look and feel welcoming, safe and enticing. This means a good range of traders, displaying their goods effectively, with attractive stalls throughout. Routes through the market must be clear and well lit with shoppers able to see through the market to goods that draw them in. Empty stalls should be covered or occupied. The market needs to signify it is open and ready for business with traders and market officers providing a courteous and helpful service at all times. Traders and officers should be able to provide information on what is going on elsewhere in the city and we should use the daily interaction with the public to promote a positive attitude to the Shambles Market and to York.
3. Within the market there should be a wide range of goods. There may be a case for specialist traders on certain days but the market needs to provide a basic range of goods every day. Where market traders only stand on specific days of the week we need to have relevant information readily available for the public. The range of goods within the market needs to reflect the best of local produce, good value essentials, as well as the unusual and surprising.
4. The Shambles Market is the market place for the city and it is imperative to its future success that when people come to York they look forward to visiting it. This has implications for other areas in the city centre and means that markets or events in other city centre spaces, such as Parliament Street, should only be considered if they add to the cultural offering, are in line with CYC cultural strategy, and have a positive effect on trade for the majority in the regular market. Those spaces will be used in ways that enhance the attractiveness of the city centre offer overall and increase footfall to the Shambles Market.

5. To ensure that we have the widest range of goods possible on the market we will welcome traders who turn up to trade casually on a day by day basis. This means that any stall not occupied by 8:00 (unless notified of a delay by the regular trader) can be occupied by casual traders. The market operator will actively seek to recruit a wide range of new traders to the market, moving them through from being casual traders to regular licence holders where appropriate.
6. MIY has responsibility for operation of the Shambles Market and will continue to develop mutually agreed markets policy on behalf of the City Council under a service level agreement and comprehensive consultation with recognised trader representatives and the market trading community.

### **Regulations**

7. **These rules and regulations shall operate from 1<sup>st</sup> February 2022 and from that date shall supersede all other regulations previously in force. They may at any time be revoked, amended or supplemented in such a manner and to such an extent as the City Council and market operator may direct in consultation and agreement with representatives of the market traders**
8. No person shall at any time conduct or carry out any trade or business within the market areas unless authorised to do so by a licence or lease granted by MIY or City of York Council, or otherwise with the permission of the market operator
9. **Regular Traders:**
  - Traders will have the choice of taking either a 1 month, or a 6 month licence. Licences are granted subject to the market operator's invoicing terms.
  - Licences will be granted for specified days and specified commodities on specified stalls
  - Licences will be renewed automatically unless either party gives the other a minimum of one month's notice in writing for a one month licence, or two month's notice in writing for a 6 month licence
  - Goods offered for sale by the traders must be in strict accordance with the terms of their licence or lease and except by written permission of the market operator no additional or alternative goods may be displayed or offered for sale

- The licence is personal to the licensee. The licensee shall not sub-let any stall or part thereof, nor cause or permit the same to be used, occupied or managed by anyone other than the person licensed or otherwise authorised by the market operator.
- On demand, the occupier of the stall will satisfy the market operator that they are the current licence holder or is a bona-fide employee or relative of the licensee.
- A licensee may apply for the market operator's written consent to transfer their licence to a member of their own immediate family, which consent will not be unreasonably withheld. Immediate family shall be taken as grandparent, parent, spouse, sibling or child only.
- In any one year, unless the prolonged illness of a regular trader makes it impossible, such a licensee must personally attend the market on 13 of each of the market days on which they have a regular stall. Exemption due to illness is subject to an appropriate medical certificate from a medical practitioner being provided.
- If a market should not be held on any normal market day for any reason traders will not pay charges for that day
- In the event of extreme weather or other circumstances which put at risk the safety of traders and users of the market, all or part of the market may be closed and an appropriate reduction of charge for traders affected will be in the form of a credit to be given at the next payment period
- If any stall is not occupied by a licensee or his duly appointed agent, helper or staff before 8.00am on any market day, the market operator reserves the right to re-allocate any such stall for that particular day, making their best efforts to allocate it to a different commodity. In which case the licensee shall not be entitled to any refund for that day or to operate another stall for that particular day except at the sole discretion of the market operator. Traders will be expected to inform the market office by 8am if they are unable to trade on any day, or are delayed
- Licence holders can, over the period of a year, take up to 4 weeks' holiday absence from the market. 50% fees will be payable during this period. The stallholder must have been a licensee for the preceding twelve months. No loss of seniority will occur
- 50% reduction for occupied stall rent charges during January and February. 100% stall rent charges will be applied to licensed stalls on

any days when the regular licensee does not stand on them during these months.

- Charges will be waived in the event of any sickness absence of up to seven days at the market operator's discretion, or up to a maximum of 6 months subject to an appropriate medical certificate from a medical practitioner being provided.
  - **Available licences** will be advertised by the market office and directly to our list of regular and casual traders. A market stall map will be made available to traders on request. Licences shall be allocated strictly on the basis of seniority, subject to the avoidance of commodity clash. Applications for stall licenses must be made in writing.
  - **Commodity clash** is defined as offering similar and competing lines that create unreasonable competition. This will include, but will not be limited to, the same aisle or within two stalls and a view may be taken as to the number of similar or competing stalls across the whole market. Consultation should determine whether a commodity clash exists in each instance.
  - The maximum number of licensed stalls per day permitted for any one licence is 2 on Saturday, 3 on Sunday, and 4 on the weekdays between Monday and Friday, which must be adjacent stalls (this shall not be applied retrospectively to any licences granted before 1<sup>st</sup> Feb 2022)
  - Regular licence holders may trade on up to two casual stalls adjacent to their licensed stalls as long as this has been agreed with the market office by 07:50
  - If more than 2 stalls are taken by a regular trader the additional stalls will be at a 50% discount. This will not apply on Saturdays
  - After consultation with the market office, regular licence holders may exchange their regular stalls to vacant stalls before casual traders are allocated stalls, subject to seniority and commodity clash regulations
10. **Casual Traders:** Casual licences will be granted on a daily basis, to trade in specified commodities on a specified stall. Charges are payable on the day
- Casual traders must report to the market office at 08:00 on the day they intend to stand. All stalls unoccupied at that time will be available for casual traders at the discretion of the duty market operator.

- Casual trading will be allowed only where there is no commodity clash with regular traders on the market. (Except in exceptional circumstances where permission will not be unreasonably withheld).
  - Casual traders wishing to apply for a regular trader's licence must complete a probationary period of 4-6 weeks before a regular trader's licence is granted
  - Casual traders wishing to trade in the market during the 6 week Christmas period must have accumulated at least 6 seniority points
  - Goods offered for sale by the traders must be in strict accordance with the terms of their licence and except by written permission of the market operator no additional or alternative goods may be displayed or offered for sale.
11. **Seniority:** The allocation of stalls and licences to traders will be made on the basis of that day's seniority in each specific commodity (except where the market operator uses their discretion to allocate stalls with regard to avoiding a commodity clash). Traders will be offered their choice of stall in descending order of points.
  12. For casual traders a daily "points system" will be used to formulate each day's seniority list, based on prior attendance. Each attendance on that day of the week adds 1 point and each absence deducts 1 point until the points level reaches 0.
  13. Seniority will be calculated for regular traders according to the length of uninterrupted time that they have held a regular licence. This calculation is specific to each day and each commodity licensed on that day. Seniority can not be passed on to business partners, but can be passed to the immediate family of the licensee. Immediate family shall be taken as grandparent, parent, spouse, sibling or child only.
  14. **Spread:** After 09:00, when stalls have been allocated to casual traders, the market operator will offer both casual and regular traders the opportunity to spread their goods on up to two additional unoccupied stalls. This offer will be made at the discretion of the market operator with the view to making the stalls look attractive and occupied. Seniority will be the deciding factor in who is offered the stalls excepting where there is a commodity clash. There will be no charge for a spread stall.
  15. Unallocated or vacant stalls cannot be used for storage and can be covered by market stall coverings held in the market's storage area.

16. **Charging:** The tariff of charges will be available from the market operator. A tariff of charges will be maintained that incentivises traders to take regular licences.
17. **General:** Traders must maintain all required insurance policies and will be required to produce a certificate or policy document and all other relevant documentation to trade at the request of the market operator.
18. Traders will comply with all laws, bye-laws, rules and regulations, including those relating to food hygiene, health and safety, sale of goods, and weights and measures.
19. All traders must be able to prove their eligibility and that of their staff at the market to work in the UK. National insurance numbers shall be provided to the market operator for this purpose.
20. Upon being required in writing by the market operator to do so, to discharge any agent, helper or staff of the licensee who shall be guilty of any conduct which in the opinion of the market operator is prejudicial to the proper operation or the interests of the market, or who shall be guilty of neglect to observe any laws, bye-laws, rules and regulations.
21. Every licensee shall ensure that their agents, employees and other persons assisting them in carrying on their business in the market, are fully aware of and comply in all respects with the requirements of these regulations.
22. **Commodity block:** There will be a commodity block applied during the 6 week pre Christmas period. Traders will not be permitted to start to sell goods that are already sold on the market
23. Traders must display a sign in a prominent position on the stall containing their name or registered trade name. This condition does not remove a trader's obligation to display any other information required by law.
24. **Hours of trade:** Trading can take place between 07:00 and 17:30 on any market day, unless with written permission from the market office. All traders must be ready to trade by 9:00am and trade throughout the day until 17:00. All stalls must be vacated by 18:30 having been completely cleared, all stall bars and boards returned to the correct numbered position and left empty in a clean and tidy condition.

25. From 27 December up to the weekend of the clocks going forward in the spring the market will close at 16:00. All stalls are to be vacated by 17:30.
26. **Access:** In the morning, a licensee or their agent shall not bring any vehicle into the market except by an authorised entrance, and shall immediately unload such a vehicle and then remove the vehicle from the market. Likewise, at the end of the trading day they shall re-enter the market, cease trading, and then immediately load up their vehicle and then remove the vehicle from the market trading area except with the permission of the market operator
27. All vehicles must be operated in a safe and responsible manner. A speed restriction of 5mph will apply in and around the market area including Silver Street and King's Square.
28. Only traders in perishable goods shall be allowed to bring any vehicle into the market during the pedestrianised hours, this being for "topping-up" purposes, and only then, for no longer than is reasonably necessary. A day permit issued by the market operator is required for this and any emergency or exceptional circumstances in all cases.
29. Traders may only bring vehicles into the market after 17:00 (or close of trade in winter) to load for packing-up purposes. In the event of an emergency or an authorised early closure vehicles will be permitted in the market area after 09:30 and before 17:00. Permission must be sought from the market operator in such circumstances.
30. **Market environment:** During market hours a trader must not place anything beyond the boundaries of their stall unless specifically authorised to do so in writing by the market operator. The brass studs are indicative of the "building out" limits. Any "building out" privileges can be reduced, varied, withdrawn or charged for by the markets operator, with reasonable written notice, to ensure that all avenues, passages and other areas between stalls, the immediate approaches to the market and adjacent highways are kept free of obstruction.
31. Traders and those working on their stalls must be polite and helpful to the public, fellow traders and office staff at all times. Stall-holders shall use the stall(s) in a diligent and business-like manner and not do, or allow to be done, anything which might be or cause to be a nuisance or annoyance to the public or to the occupiers of neighbouring stalls, or which may be detrimental to the market. This includes obstructing or blocking the view of neighbouring traders' stalls.

32. Unless specifically authorised by the market operator, traders shall not attract other persons by hard selling, hawking or any form of outcry, nor permit or suffer any sale by auction. Traders in perishable goods may cry out in the selling of remaining produce after 2.00pm. Traders may not use any public address system or broadcast system.
33. Unless specifically authorised by the market operator, traders may not use any public address equipment or broadcast by amplifying the sound of any radio, recording, music or musical instrument. Where permission is given for sound systems to be used appropriate to the goods being sold these must be set at just above ambient noise levels and must be at levels acceptable to other traders and surrounding businesses.
34. Traders are expected to display their goods attractively. No uncovered banana boxes, cardboard boxes or equivalent will be allowed in any part of the stall. Where using the under stalls for storage this should be covered by floor length cloths.
35. Every trader or their employee shall during the day, store within the stall or put into the compactor or receptacle provided by the market operator, all empty boxes, cartons and refuse for his trade or business, including food waste, fruit and vegetable waste and or trimmings which should previously be put into a bag or box. All cardboard boxes must be flattened.
36. All reasonable precautions shall be taken to ensure that no loose wrappings or litter shall be dropped on to the ground or allowed to blow away. Refuse must not be allowed to accumulate on or around the stalls.
37. At the close of each day's trade, all litter, refuse and empty boxes on or about the stall shall be collected and removed or deposited into the compactor or other such place as may be set aside by the market operator, thus leaving the stall in a clean and tidy condition to the satisfaction of the market operator.
38. At the close of each day's trade all trader stall infrastructure and property must be removed from the market
39. No temporary awnings or covers will be permitted. The market operator may allow the use of temporary covers for weather protection or security in exceptional circumstances, but only following written permission.
40. All reasonable precautions shall be taken to avoid damages to stalls, electrical equipment, surfaces of the market area and other property of



the City Council, market operator or other traders. Payment shall be made as to the cost of repairing and making good any such damage which may be caused by the trader or his/her agents or employees except through fair wear and tear. All damages or deficiencies must be reported to the market operator

41. The electricity supply to the market is 110v and all equipment used on that circuit must be 110v. No electricity point should be overloaded; the maximum wattage being 300 watts per stall.
42. The market operator may at anytime enter any part of the market, including stalls and units, for the purpose of any of its functions, to inspect or repair any of the fixtures, fittings, facilities, appliances or structures.
43. Any trader who does not abide by these regulations will, in the first instance, be reminded of the need to comply with them. The market operator may issue a written warning or warnings. The market operator reserves the right to give notice to temporarily suspend or terminate the licence or lease of any trader who repeatedly contravenes these regulations or breaches their licence or lease obligations.
44. Traders, market operators and their respective staff or agents must comply with all reasonable requirements embodied within these regulations.
45. **Dispute resolution:** A formal appeal / dispute resolution procedure will be operated providing for the right of appeal against any action taken under provisions in the above regulations. Such procedure will be available in writing upon request. Appeals will be heard by a senior officer who has not been involved in the original decision. All parties have the right to be assisted or represented by a third party (e.g. trade union, CYC official, NMTF representative or other association). Written confirmation of the resolution will be issued by the market operator.
46. The market operator will hold regular, at least monthly, meetings with officially recognised representatives of the market traders to discuss and consult upon all matters concerning the day to day operation, layout and future development of York markets. Any future updating of these regulations must be mutually agreed in writing with the officially recognised representatives of the market traders. Elected traders' representatives will hold a yearly AGM and allow new members to vote and take part actively in leadership.