

WHITBY OPEN MARKET

DRAFT REGULATIONS

INTRODUCTION

Open Markets are held on specifically dedicated market places which may be used for other purposes when the market is not being held. Whitby Open Market is held 3 days per week, subject to weather conditions, on Tuesdays, Saturdays and Sundays.

There are 13 pitches available. 4 pitches are located underneath the old Town Hall building and 9 pitches are located within the Market Square. A pitch location plan is attached to these regulations.

Each trading day is treated as a separate market so you will need to register for each day that you wish to trade on.

Whitby Open Market is available to both regular and casual traders with preference given to regular traders.

Regular Traders

Regular Traders are allocated the right to occupy the same pitch on a given market day. Permanent pitches are offered on a 1yr Licence arrangement.

The current fee for a regular trader is £16 per pitch on Tuesdays and Saturdays and £26 per pitch on Sundays.

Preference for Sunday trading will be given to those traders who also attend to trade on a Tuesday and/or Saturday.

Casual Traders

Casual stall allocations are subject to the availability of vacant pitches at the market and the balance of goods sold from the market. This means that if the goods you wish to sell are already well represented at the market it is unlikely that your application will be successful. Stalls allocated on a casual basis are based on seniority - that is, those traders who have been attending the market longest receive the highest priority, however if any trader fails to attend for three weeks then they will be removed from the casual list and would need to reapply.

On the first visit, each trader will be required to complete an application form and provide two forms of identification with your name and address (i.e. household bills or bank statements), national insurance number and proof of third party liability insurance (minimum £5m cover). An attendance record is kept to ensure fair allocation. All traders must comply with the Market Regulations as detailed below.

The current fee for a casual trader is £20 per pitch.

After 6 weeks a casual trader will be offered a vacant stall as a regular trader subject to availability and will be issued with a Licence agreement.

CONTACT DETAILS

Market Superintendent
Scarborough Market Hall & Vaults
St Helen's Square, Scarborough
YO11 1EU

Email: regeneration@scarborough.gov.uk

Tel: 01723 373579

MARKET REGULATIONS

1. No trader will be permitted to sell reproduction firearms or weapons including knives (other than domestic cutlery), any weapon that can propel an object, fireworks, flammable liquids or gasses, alcohol, tobacco products, counterfeit goods, drugs or offensive publications or material. The Council reserve the right to limit product lines which are judged by the Market Superintendent to be inappropriate or offensive e.g. T-shirts with slogans which may be offensive.
2. Proposed goods/merchandise for sale from the allocated pitch must not conflict with goods already for sale on existing stalls at Whitby Open Market.
3. Any traders wanting to diversify their product line must gain written consent from the Market Superintendent.
4. Where there is a dispute between traders concerning any merchandise sold or proposed to be sold from the allocated stall, the Market Superintendent has the power in their absolute discretion after affording to the trader an opportunity to make oral or written representations to give direction accordingly. For the purpose of this condition, the Market Superintendents decision shall be final.
5. Lettings are on a daily basis only. In the event of a trader not attending in person, he / she must, on request, provide satisfactory documentary evidence of employment of staff.
6. Absence resulting from illness after the first week of absence will only be accepted with the production of a medical certificate. Failure to provide a certificate will result in the forfeiture of the pitch.
7. The assignment or sub-letting of pitches is not permitted.
8. The transfer of pitches to an immediate member of the family will be considered upon a written request to the Market Superintendent.
9. The Trader must display their name or trade name on their stall in legible writing not less than three inches high.
10. Traders must not display any advertisements or signs except with the written consent of the Market Superintendent.
11. Stallholders must not play music or display video images within the market.
12. Traders may not place goods, fixtures or fittings beyond the boundaries of the pitch allocated either on the ground or hanging from the stall.
13. The use of generators is not permitted.
14. All pitch fees are payable monthly in advance via direct debit collection on the 1st of each month. Payments will be non-refundable. However, credit will be given if trading is cancelled as per condition 15 below.
15. The Council reserve the right to close the market for official public and bank holidays, special events and in extreme weather conditions. Fees will not be payable in these circumstances and credit will be given and direct debit payments amended.
16. Preference will be given to those Traders who have a prior trading history at Whitby Market. However, casual Traders will be permitted to trade if any pitches remain unallocated within five days of the upcoming trading day.
17. Market Trading on Tuesdays and Saturdays will only be permitted between the hours of 08:30 - 18:00 and on Sundays 09:00 - 17:00.
18. Traders will not be permitted to commence set up of stalls prior to 07.30 on Tuesdays and Saturdays and 09:00 on Sundays. All Trader vehicles must leave the Market site by 08.30 on Tuesdays and Saturdays and 09:30 on Sundays.
19. If the Licensed trader fails to occupy their allocated pitch by 08:30 on Tuesday or Saturday or by 9.00 on Sunday, the Market Superintendent or their authorised representative may offer the use of the pitch for the day casually to another trader, in accordance with the provisions for allocating casual pitches.
20. Trader vehicles will not be permitted to return to the site until 17:00 on any market trading day and all Traders must have cleared and left the site by 18:00.
21. The Market Superintendent may from time to time in extenuating circumstances extend or reduce these hours at their discretion.
22. Traders must keep their stalls properly stocked and attended and open for business throughout the 'business hours' of the Market and must not vacate the pitch before the close of trading (unless prior permission has been given by the Market Superintendent)
23. Goods must not be hung or placed on the stall(s) so as to cause a danger to any other person(s).
24. All stalls and fittings must be in good condition and not cause danger to any other person(s).

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25. The Market Superintendent may, at any time, at their absolute discretion move the allocated pitch to another pitch on any market trading day.
26. All traders must possess at all times Third Party Public Liability Insurance for a minimum of £5million and provide evidence to the Council that the Policy is in force when requested to do so.
27. Traders must not do or permit to be done anything which in the opinion of the Market Superintendent may be a nuisance or annoyance to any member of the public, other traders or which may be detrimental to the efficient operation of the market.
28. The driving, nailing, screwing, stapling or other fixing of any device into Council property is strictly forbidden.
29. Traders must not park their vehicles on the market whilst unloading/loading in such a manner to cause obstruction and or inconvenience to Council employees or their representatives, members of the public or other businesses in close proximity to the market
30. Traders must inform the Market Superintendent immediately of any change in personal details i.e. new address, change of vehicle etc.
31. Pitch fees are payable for every market day registered. If a trader fails to occupy their pitch for 2 consecutive weeks without notifying the Market Superintendent, the pitch will be forfeited.
32. Pitch fees for a Tuesday and Saturday trading day are £16 per pitch and £26 per pitch on a Sunday. Preference for pitch allocation on a Sunday will be given to those traders who attend to trade on a Tuesday and a Saturday.
33. Any Trader who defaults in the payment of fees due, will automatically forfeit the right to their pitch.
34. Traders must keep the stall(s) and the area immediately around it clear and free from litter. It is the traders own responsibility to collect and store in a suitable receptacle all refuse/waste generated during the course of the trading day and to take all refuse/waste away at the end of the trading day. Traders must not deposit any refuse/waste in any public litter bins in the administrative area of Scarborough Borough Council.
35. Traders must maintain an accident book and first aid kit. Accidents should be reported to the Market Superintendent in writing at the earliest convenience who will update the Risk Assessment and implement any actions for improvement where necessary
36. All traders dealing with foodstuffs must comply with all regulations and conditions appertaining to the preparation and sale of foodstuffs including the registration of their business with the appropriate Local Authority Environmental Health service prior to commencing trading.
37. Any trader dealing in second hand goods are required to register with the Trading Standards Department at North Yorkshire County Council
38. Traders are required to comply with the provisions of the Children and Young Person Act 1933, the Education Act 1944/1948, the Employment of Children's Act 1973, and any other Act, Local Acts or Byelaws relating to the employment of young children.
39. One week's written notice is required by traders to terminate the holding of a pitch, but if there is a breach of any of these Regulations and Conditions, Scarborough Borough Council can terminate forthwith.
40. Traders must comply at all times with the directions of the Market Management (Scarborough Borough Council) and with the bylaws and regulations in respect of the Market which are in force from time to time and to comply with the provisions of all acts of Parliament and Statutory Instruments which are applicable.
41. Traders (and their staff if applicable) are expected to behave in a professional and socially acceptable manner at all times having regard to the interests of all traders and the market as a whole. Verbal abuse, harassment, bullying or physical aggression will not be tolerated in any circumstances towards any customer, other trader, local businesses in the area, the Market Superintendent or their representatives. Traders must not bring the market or Council into disrepute.
42. In the event of a serious breach of the open market regulations by traders or their employees, or persistent minor infringements, the Licence may be terminated with immediate effect in order to protect the Health and Safety of all people within the Market Place.
43. Any decision made by the Market Superintendent is final.
44. If a trader has a grievance with the Market Superintendent they can contact the Regeneration Services Manager (Scarborough Borough Council) on Tel. 01723 232323 or in writing to the Regeneration Office, Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough, YO11 2HG.
45. The Market Place remains the authority of the Council and traders must not impede or interfere with the Councils rights of possession and control of the market to carry out works as necessary.
46. The Council, its officers and servants, shall not be liable by contract or otherwise, for any loss of, or damage to property, however caused and whether or not due to the condition of the structure of any stall, building equipment or due to the condition of any floor surfaces

47. The giving of gratuities in any form by traders to any council employees or agents of the council is strictly forbidden.