



Market Rules

March 2009

These Market Rules shall apply to markets controlled by the Middleton Town Centre Management Company and shall come into operation on 10th March 2009.

These rules apply to ALL traders on the market, including casual traders and trailers etc.

PART I: Interpretation

In these Market Rules unless the context otherwise requires

“MTCM Co”	means the Middleton Town Centre Management Company whose office is Colmar House, Middleton Gardens, Middleton, Manchester, M24 4DB
“The Council”	means Rochdale Metropolitan Borough Council whose principle office is PO Box 39, Municipal Offices, Smith Street, Rochdale, OL16 1LQ
“Market Day”	means the day (or days) of the week upon which the Council have approved the holding of a retail market. This may be by means of a Charter or by the Council appointing a market. The current Market Days are Tuesday, Friday and Saturday.
“Market Supervisor”	means the officer appointed by MTCM Co to represent them in the day to day administration of the market and enforcement of market rules.
“Normal Trading”	means trading and ancillary activities in accordance with the Permit between 6.00 a.m. and 6.00 p.m. on Market Days.
“Permit”	means the authority of the MTCM Co which shall be personal to the permit holder to sell permitted commodities on the market from a specified pitch, subject to these Market Rules and such other conditions as may be included in the permit.
“Permit Holder”	means the person whom the MTCM Co has authorised to trade on the market. No sub-letting is allowed.
“Permitted Commodities”	means those goods and commodities for which the Permit Holder has authority to sell during the Trading Hours.
“Pitch”	means the area of land from which the Permit Holder is authorised to sell Permitted Commodities during the Trading Hours.

“Stall”	means the structure, vehicle or other device upon which the permitted commodities are displayed for sale.
“Trading Hours”	means the period of time between 8.00 a.m. and 4.00 p.m. (or such other period or periods as may be defined by the Council).
“Charter”	means the granting of a weekly market in a specific town.
“Permitted Goods”	which have been determined by the Market Commodities Supervisor as suitable for selling on the market

PART II: Rules

1. (a) Casual applicants to trade will be granted the temporary use of a vacant pitch subject to the Market Supervisor’s obligation to maintain a balanced market. The market supervisor’s decision in this respect is final and binding.

 (b) A permanent trader will normally have traded on a casual basis and then been offered a suitable permanent pitch as agreed by the Market Supervisor.

 (c) Traders who cannot be immediately accommodated will be put on the waiting list maintained by the Market Supervisor. Pitch allocation will be determined by the Market Supervisor and will be based on the need to maintain a balance of commodities within the market.
2. The Permit Holder shall pay the advertised market fees two weeks in advance to the Market Supervisor.
3. The Permit Holder shall not assign or sub-let his or her stall or pitch or any part thereof or sell it to another person.
4. Any trading on the street which has not been permitted under these market rules is known as ‘street trading’ for which a license should be applied for from the Council’s Licensing Section.
5. A Market Trader is not permitted to collect money or sell articles for the benefit of charitable or other purposes from a stall or pitch unless a street collection permit under the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 has been obtained from the Council’s Licensing Section.
6. Lottery tickets shall not be sold from a stall or pitch, irrespective of whether the promoter has registered as a small society lottery under the Gambling Act 2005 with the Council’s Licensing Section.
7. A Market Trader shall not sell alcohol from a stall or pitch unless a premises licence has been obtained from the Council’s Licensing Section or a Temporary Events Notice has been served on the Licensing Section in accordance with the Licensing Act 2003.
8. The Permit Holder shall not affix their stall to, or place any of their goods or produce on, any item of street furniture or public memorial.
9. The Permit Holder shall not deal in, sell or display goods other than those permitted commodities for the stall or pitch for which he or she shall holds a permit. The Market Supervisor has the authority to stop a Market Trader selling goods that he or she regards as unsuitable. The Market Supervisor’s decision on this is final.
10. The Permit Holder shall not place or display goods beyond the boundaries of their pitch or upon their stall in such a manner as may cause an obstruction to the passage of, or a danger to persons visiting the market. Permit Holders must be aware of their responsibilities under the Health and Safety at Work Act to their employers and the members of the public.

11. The Permit Holder shall not sell any goods or allow them to be sold by auction, pitching or touting nor shall amplifiers, loudspeakers or other noise-making devices or motors or generators be used to an extent which shall cause nuisance or annoyance to other stallholders, the occupants of nearby premises or members of the public.

12. Only authorised traders are permitted to engage in business within the market.

13. The Permit Holder shall complete and return to the Market Supervisor in legible writing an application form detailing such information as the MTCM Co may require and promptly thereafter shall notify the Market Supervisor in legible writing of any changes in such information or supply such further information as the MTCM Company require.

14. The Permit Holder shall occupy their stall or pitch after 6.30am and before 8.00 a.m. on each Market Day. Any stall or pitch not occupied by 9.00am may be re-let to another trader at the discretion of the Market Supervisor. All vehicles must be removed between 8.00 a.m. and 4.00 p.m. unless prior permission has been given by the Market Supervisor.

15. When for any emergency reason a Permit Holder is unable to comply with Rule 15 (above) they shall so inform the Market Supervisor at least one working day before the Market is held.

16. When for any reason a Permit Holder is unable to comply with Rule 16 (above) they shall inform the Market Supervisor as early as possible on the Market Day.

17. Except in exceptional circumstances the Permit Holder shall cause their stall or pitch to remain open for business throughout and to the end of the Trading Hours. (8.00 a.m. to 4.00 p.m.)

18. The Permit holder shall Arrange for the removal and disposal of all waste generated by their trading activity at the end of the day.

19. At the end of the trading hours the Permit Holder shall cause all goods or approved fittings to be removed from their pitch and the site to be left clean and tidy. The Council or MTCM may charge the trader for clearing away any waste or items left on their pitch.

20. The Permit Holder shall ensure that:
i) Loading and unloading in connection with their stall or pitch shall cause as little inconvenience to the public or other permit holder as possible
ii) After 8.30 a.m., except where the Market Supervisor has authorised a contrary arrangement, no vehicle or vehicles shall remain in Middleton Gardens. No vehicle shall return before 4 p.m. into Middleton Gardens area.

21. The Permit Holder shall indemnify the Council/MTCM Co against all costs, actions, claims and demands by any person or body arising from the exercise of their trading activities or those of their employees or agents and shall hold a valid insurance policy for public liability for claims up to £5 million and the Market Supervisor shall be at liberty to call for and inspect such policy of insurance and the receipt of the current premium.

22. Notwithstanding Rule 22 (above) the Permit Holder shall not be liable for any loss, damage or injury which shall arise from the negligence or default of the Council's/MTCM employees or staff.

23. The Permit Holder shall:
(a) provide appropriate facilities, equipment or material for stalls from which food is to be sold as required by law or by Environmental Health or Trading Standards Officers.
(b) maintain standards of hygiene and cleanliness as required by law, Environmental Health Officers, Trading Standards Officers or the market Supervisor.
(c) seek and comply with the requirements and advice of the Council
(d) Hold a Food Hygiene Certificate, issued by the Council's Environmental Health Department when serving or preparing food. N.B. An industry guide to good food hygiene practice entitled "Markets and Fairs Guide"

is recommended (ISBN No 1/902423/0013 as amended).

24. The Market Supervisor shall ensure that an appropriate standard of dress is adhered to by the Permit Holder and their staff at all times.

25. If without good reason a Permit Holder fails to attend a Market on four consecutive weeks without notifying the Market Supervisor then his or her Permit(s) may be deemed to be revoked.

26. If without notifying the Market Supervisor then a Permit Holder fails to attend a market on eight occasions in a twelve month period the Permit may be deemed to be revoked.

27. If a Permit Holder cannot attend a market on medical grounds, on the provision of a medical certificate to the Market Supervisor, credit of market fees will be made after the first week and up to a maximum of 2 weeks. During this time MTCM reserves the right to temporarily let the Permit to another trader. At the end of 2 weeks, the situation will be reassessed and after notice to the Permit Holder the Council may permanently let the pitch to another trader. Applications for extensions to this period may be made in writing.

28. A market trader shall give 4 weeks written notice of their intent to cease trading. Failure to do so will result in charging for the period.

29. A market trader shall give 4 weeks notice of their intention to take up to 2 weeks holiday in any 12 month period. Failure to provide the required notice will result in charging for this period.

30. The MTCM Co undertake not to increase stall and pitch charges without giving existing Permit Holders four weeks notice in writing of their intention to do so.

31. Any complaint with regard to these Market Rules must be made in writing to the Middleton Town Centre Manager.

32. Permit Holders shall comply with all reasonable directions of the Market Supervisor or any Bylaws relating to the Market .

33. It is a requirement of granting authority to trade that the Market Trader signs to say he or she has read, understands and intends to comply with these Market Rules.

34. Traders not complying with these Market Rules may have their Permit to trade suspended or revoked by the Market Supervisor. For serious offences, suspension can be immediate. The Market Supervisor's decision on this is respect is final.

35. The MTCM Co may add to or amend the Market Rules in the light of changing circumstances or for any other reason on the understanding that existing Permit Holders will be advised in writing in advance of any intended alterations.

36. Parking permits may be provided for regular traders on a first come, first served basis and may be withdrawn at any time.

37. Lost parking permits will incur a penalty charge shown in appendix 1.

38. All vehicles driving on to Middleton Gardens must;

- a). activate hazard lights
- b). drive at no more than 5mph
- c). drive only on areas directed by the Market Supervisor

39. No vehicle movements to take place between 9.00am and 4.00pm.

Appendix 1 Charges and rates

Single stall rates	Regular	Casual
Tuesday	15.50	20.50
Friday	12.50	17.50
Saturday	15.50	20.50

Trailers/Own stalls **On application**
Lost parking permits **£10.00**
Waste left on site **£5 min**
£20 max