

**LEICESTER CITY COUNCIL
BEAUMONT LEYS MARKET
RULES AND REGULATIONS**

All Tenants/Licensees shall ensure the full compliance of all market rules and regulations as listed below:-

1. GOODS TO BE SOLD

1.1 The goods that the licensee is permitted to sell on their stall are listed on their licence.

1.2 No articles or goods other than those defined on this licence must be offered or exposed from the stall. In case of dispute as to the type of articles or goods included in the definition above, the decision of the Director of Property Services shall be final.

1.3 Request for a change in commodities may be granted after the licensee has held this licence for any period in excess of five years after the official date of commencement as shown above, subject to such changes complying with the council policies, regulating and controlling the clashing of goods. Requests for changes will not be granted if such change results in an increase in the number of traders selling, commodities which in the Councils opinion are already sufficiently represented on the market.

1.4 Any change or addition of commodities will require the issue of a new licence for the stall for which an administration charge, as determined from time to time by the Property Services Committee, shall be made.

2. PAYMENT OF FEES

All tolls and charges for the use of stall(s), as approved from time to time by the Property Service Committee, are to be paid each market day on demand to the Market Inspector appointed for the purpose of receiving the same.

3. MARKET HOURS

3.1 Trading hours shall be from 0730 to 1745 hours on each market day or during such times as the Market Manager may from time to time determine.

3.2 The licensee must not bring any goods into the market or marketplace after 1815 hours or at such times as the Market Manager may from time to time determine.

3.3 Skips or boxes will not be accepted for storage in the market after 1800 hours.

3.4 If the licensee fails to occupy the stall by 0900 hours on any day, the Market Manager or his authorised representative may offer the use of the stall for the day casually to another trader, in accordance with the provisions for allocating casual stalls.

3.5 The Market Manager may, in his absolute discretion, cancel the market on any given day and the council shall not be liable for any loss incurred as a result of such cancellation.

4. NON-OCCUPATION OF THE STALL

4.1 Non-occupation of the stall, for reasons other than certified sickness or authorised holiday, must not exceed nine market days in any calendar year, except in exceptional circumstances with prior approval of the Market Manager.

4.2 During any unauthorised absences the licensee shall indemnify the Council for the stall fee.

4.3 During the first six market days of any personal absence, the licensee will be entitled to a cancellation of the rent, subject to the licensee giving the council seven days notice in writing of the intended absence. The licensee should also be absent from all his stalls.

4.4 SICKNESS ALLOWANCE

- a) Any sickness claim must be accompanied by a medical certificate.
- b) There will be no allowance for the first two weeks of any claim.
- c) After the first two weeks a claim may be allowed for a further period, up to a maximum of four weeks in any calendar year.
- d) In order to claim an allowance, all allowances must be continuous.
- e) Any allowances are given at the discretion of management.

5. TRANSFER OF STALLS & SUB-LETTING

5.1 The sub-letting of stalls is strictly forbidden. All goods sold or offered for sale must be the sole property of the licensee. Any breach of this sub-section will result in the licence of occupation being terminated forthwith.

5.2 Any person using this stall shall, on request by the Market Manager or his assistant, furnish proof of his right to trade from the stall and shall, on request, furnish proof as to the ownership of any goods being sold or displayed for sale.

5.3 Once the licensee has held this licence for at least ten continuous years the licensee shall be allowed to transfer the licence in accordance with the conditions outlined below, and subject to the approval of the council. The date at which this licence commences for the purposes of this sub-section is the official date of commencement as shown on the licence.

5.4 Such transfer will only be allowed if the licensee's entire market is eligible to be transferred and the licensee arranges for the entire market holding to be transferred. Licensees may qualify for this regulation by terminating the occupation of any stalls, which are not eligible for transfer.

5.5 The transfer of the licence shall only be allowed on the grounds of ill health or retirement. In respect of ill health, the application must be supported by a letter from a qualified medical practitioner, and the Council reserves the right to require an independent medical, at the licensee's expense, to be undertaken by a medical practitioner nominated by the Council. In respect of retirement, the licensee must have attained the age of fifty-five, proof of which will be required in the form of a birth certificate.

5.6 Any licensee who so transfers their market undertaking shall not be allowed to trade, either permanently or casually on any of the Council's markets from the date of transfer for a period of five years.

5.7 No change in the class of goods to be sold shall be allowed at the time of transfer.

5.8 The new licensee shall be required to pay a stall fee based on a formula as may be determined from time to time by the Council.

5.9 Any transfer shall require the issue of a new licence for each stall for which an administrative charge, as determined from time to time by an authorised Council Committee, shall be made.

5.10 The Council reserves the right to refuse an application to transfer the stall if, in the opinion of the Markets Manager, the person to whom the stall is to be transferred is deemed unsuitable.

5.11 For the purpose of Clause 5 any licensee who occupies a stall or stalls in partnership with another person or persons or as Director or Shareholder of a company, shall give up his or her rights in respect of all stalls.

6. THE EMPLOYEMENT OF YOUNG PERSONS

6.1 Licensees are required to comply with the provision of the Children and Young Persons Act 1933, the Education Act 1944-48, the Employment of Children's Act 1973, and any other Act, Local or Byelaws relating to the employment of young children.

6.2 Under Section 18 of the 1933 Young Persons Act no child is permitted to participate in assisting with any employment connected to a market stall.

6.3 For the purpose of this Act, the expression 'child' means a person who is no older than the compulsory school age.

6.4 A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he/she receives no reward for his/her labour.

7. CONDUCT OF TRADERS

7.1 The licensee shall be responsible for the actions of all servants and agents and ensure that all servants and agents comply with the conditions of this licence.

7.2 The licensee shall comply with, and ensure that all servants and agents comply with all reasonable directions of the Market Manager or his authorised representatives.

7.3 The licensee must be actively engaged in the business and in trading from the stall except as provided for in Section 4 above. No person other than the licensee, servants or permitted agents shall use the stall or sell or offer for sale any articles from the stall.

7.4 The use of obscene language or of any act or conduct, which may cause offence to members of the public, is strictly forbidden. In particular, abusive or discriminatory behaviour of a racist or sexist nature is strictly forbidden

7.5 Any act, including shouting, which is performed to a degree or extent, which is likely in the opinion of the Market Manager to be a nuisance or annoyance, is forbidden. Licensees are not allowed to perform any act, which may cause persons to congregate around the stall so as to cause an obstruction in any gangway or roadway.

7.6 The use of radios, tape recorders, record players or the production or reproduction of music is forbidden.

7.7 No licensee shall offer goods for sale by wholesale or by auction.

7.8 Hawking or carrying goods for sale in the market is forbidden.

7.9 The licensee shall comply with and ensure that all servants and agents comply with all relevant Statutes, Statutory Instruments, Local Acts and Bye Laws.

7.10 The Market Manager, or his duly authorised representative for this purpose, may where reasonably necessary for the well being of the general public, the market itself, or other licensees, prevent any licensee from employing in any capacity whatsoever and whether paid or unpaid any person, provided that such refusal may only be exercise after representations have been made by the licensee to the Market Manager.

8. CONDITIONS RELATING TO USE OF STALLS

8.1 The licensee must display prominently at the stall at all times while trading a standard name board of a type as approved by the Council and stating legibly and conspicuously either:

- a) the name of the licensee; or
- b) the full trading name of the licensee, provided that full details of such trading name shall have been given, in writing to the Market Manager for the endorsement on this licence.

8.2 No sign, other than any connected with the retail business being undertaken at the stall, may be displayed without the Market Manager's permission. All such signs shall comply with the Trades Description Act and shall not be in any way misleading or offensive to members of the public.

8.3 When displayed, the price of any goods offered for sale must be in large plain figures.

8.4 All goods must be stored, exhibited or exposed for sale within the defined area of the stall only and no goods must be hung from the front of the stall or placed on the ground in front of the stall or allowed to encroach into the public alleyways of the market, except under rules determined from time to time by Market Management. Occupiers of stalls selling fruit, vegetables or horticultural produce shall be allowed to store a limited amount of produce directly in front of the stall, subject to such terms and conditions as may be determined by the Council.

8.5 Goods must not be displayed on stalls in such a manner as to obscure the view of the public of adjacent stalls. Clothing which is hanging so as to contravene this condition shall be positioned not less than nine inches from the front edge of the stall and will only be allowed to go upwards to such a height as determined by the Director of Resources or his authorised representative.

8.6 The licensee shall be responsible for the control, collection and removal of trade refuse in such a manner as may prescribed from time to time by the Council

and for the cleanliness of the stall and fixtures and fittings during and at the close of the market

8.7 The licensee shall ensure that no goods, boxes, crates or like articles, no trucks, trolleys or like vehicles and no litter shall be left or deposited in any gangway, open area, public highway or other private property.

8.8 The licensee nor any servant nor agent shall not remove or interfere with any property of the Council whatsoever either at the stall or any other stall.

8.9 The driving, nailing, screwing, stapling or other fixing of any device into Council property is strictly forbidden.

8.10 No lighting, electrical equipment or heating equipment is permitted other than by the Council.

9. REGULATION OF TRAFFIC

Vehicles must be parked in the designated area of the goods yard.

10. GENERAL PROVISION

10.1 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, and equipment or due to the condition of any floor services.

10.2 The licensee is required to have public & products liability insurance in respect of third party claims up to such a limit as may from time to time by the Council. A licensee shall upon request of the Market Manager or his authorised representative, furnish proof of such insurance.

10.3 The Market Manager may, in exceptional circumstances, alter, vary or rescind any of these regulations, either in respect of individual traders or groups of traders, subject to such alteration, variation, or rescinding being of a temporary nature only.

10.4 The official date of commencement of this licence shall be the authorised first day of standing after completion of this licence unless such licence is issued as a result of any changes in conditions by the Council in which case the official date of commencement shall be the same as on the previous licence,

10.5 A licensee is required to notify the Market Manager in writing of any change of address.

11. NOTICES TO SUSPEND OR TERMINATE

11.1. In the event of any breach of these conditions or of any conduct prejudicial to the efficient management of the Market, the Market Manager may, in his absolute discretion:

1. Suspend the licensee from standing for such a period as thinks fit.
2. Determine the use and occupation of the stall forthwith. A formal enforcement procedure, as determined from time to time by the Council, shall apply to this sub-section.

11.2 In the event of any disciplinary action being taken, it shall apply equally to all licences on all trading days.

11.3 Except under Sub-Section 1.1. notice in writing must be given of either parties intention to determine the occupation of a stall. Such notice to expire at close of the next appropriate market day after receipt of such notice.

11.4 Any notice required to be served by the Council, shall be deemed to be served if delivered personally to the licensee or if sent by post to licensee's last known address.