



LEYBURN TOWN COUNCIL

Market and Burial Authority

RULES FOR TRADERS OPERATING ON LEYBURN MARKET

1. Leyburn Market operates on every Friday except when Christmas Day, Boxing Day or New Year's Day falls on a Friday in which case the market will be held on an alternative day, or when cancelled by Leyburn Town Council. A Seasonal Market will also run between April and September, to be held on the second Sunday of every month, unless otherwise agreed to alter the date, between Leyburn Town Council and the Market Traders, following any written request.
2. The Council retains the right to cancel a market if it deems the market should not be held for reasons of Safety or where other planned or unforeseen circumstances would render it impractical to facilitate a market. Traders who attend may be prohibited from setting up a stall to trade should the Superintendent deem that in doing so, the Safety of the stall holder and/or members of the Public could be jeopardised. No rent will be paid by the Trader for attending and being refused to trade. The Council will not be liable for any losses howsoever incurred for cancelled markets. Every endeavour will be made by Leyburn Town Council to contact traders in advance of any cancelled markets, however, this cannot be guaranteed due to unforeseen weather conditions. Traders should satisfy themselves before leaving home that the weather will not present the risk of cancellation before making a journey.
3. The design of stalls must be of a high standard, of sound construction and self-supporting. Stalls or canopies are not to be secured or attached in any way to buildings, or fixtures or Council property on the Market Square or other designated areas. The erection and removal of the stall is the responsibility of the Trader. If required, for a small fee, storage space may be available for collapsible stalls on application to the Market Superintendent; Traders are responsible for removal and collection of their stalls to and from the storage building on Market Days. Removal is not to be before 7.00 a.m. and noise must be kept to a minimum at all times. Leyburn Town Council accepts no responsibility for any damage caused to or by stalls.
4. Erection of stalls may not start **before 6.00 a.m. (8.00am for Sunday Markets)**. All stalls are to be clear of the Market area on Market Day by 5.30 p.m. Noise should be kept to a level as not to cause a nuisance to residents living in properties around the Market Place when erecting stalls, especially from dropping metal fixings when unloading vans and erecting the stall. **No trader attending a Sunday Market will sell goods before 9.00am.**
5. No trader may cease to sell their goods, or pack up their wares before 2 p.m. in winter (October to March) and 3 p.m. in summer unless the weather deteriorates and public safety is compromised. The Market superintendent will inform stalls when this applies. In such circumstances where the weather results in traders having to vacate the market early, the Trader will be reimbursed half rent for those attending. Traders leaving before the Market Superintendent has given permission to vacate early will not be entitled to the repayment of rent.
6. Trading from motor vehicles, caravans or trailers is not permitted unless they have been approved by Leyburn Town Council.

Adopted on 18th February 2019



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7. Traders are limited to parking one support vehicle behind their stall. This vehicle is to be parked wholly off the road and must not protrude onto the public highway or pavement. Other vehicles belonging to the Trader must be parked in the Richmondshire District Council car park.
8. All traders must hold current Public Liability Insurance when operating on Leyburn Market. Proof of Insurance will be required to be produced when first operating on Leyburn Market. Such proof will have to be produced to the Market Superintendent and a copy will be provided for the Town Council. Traders must clearly and unobtrusively display on the stall, the details of the business owner and the registered office of the trader so members of the public can identify the registered owner.
9. The allocation of sites is managed by the Market Superintendent who is also responsible for enforcing these rules, collecting rents and issuing receipts. In his absence, the Town Clerk or other responsible person so appointed will undertake this task.
10. Traders are only allowed to sell the type of goods declared on their application. Any changes must first be referred to the Leyburn Town Council for approval. Goods being sold that are not declared and agreed will be removed immediately by the trader/s at the request of the Market Superintendent. Refusal to remove the items could result in the Trader being requested to leave the Market. Traders of all goods must ensure they comply with all trading standards and safety legislation where applicable. Sellers of food products should ensure all legislation regarding the preparation, transport, storage and sale of such goods is compliant with the Health & Hygiene requirements applicable at the time.
11. Traders are responsible for ensuring that paper, packing materials and stall refuse of any description is not allowed to blow or spread outside the area of their site. The Town Council **may** appoint a waste carrier to remove general market waste, however, where this is not arranged, any debris and refuse is to be taken away by the Trader. No waste is to be disposed of in the litter bins in Leyburn; site areas are to be left clear of litter and debris at the end of the day. Any waste not removed by the Traders will result in a charge to the Traders for such removal by the Town Council. Responsibility for waste disposal on Sunday markets lies with each attending Trader and must be removed and disposed of appropriately. It must not be deposited in Town bins. Waste must not be allowed to litter the Town.
12. Once permission has been given to operate a stall on Leyburn Market no extensions, encroachments or increases in the size of the stall or site are permitted without the authority of the Leyburn Town Council. The application may be handed to the Market Superintendent. If the extension is agreed to by the Town Council a new rental for the site will be assessed and charged from the first Market Day from which the extension is operative.
13. Rentals are assessed on the total area taken up by a Trader. These areas will be checked by the Leyburn Town Council at least once a year on unspecified dates. Any alteration in site area will



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result in the rent being reassessed. Unannounced periodic measurements may be undertaken by/or on behalf of, the Town Council and any Traders exceeding the licenced space allocation will be asked to adjust the allocation to within the limits or to pay the increased rent due on the additional space. The decision to allow the increased allocation on a permanent basis will be at the discretion of the Town Council. Such a request should be made to the Town Clerk by the relevant Trader. See section 12.

14. Rentals are reviewed annually and any increases will operate from 1st May each year. The right to Trade may be rescinded for Traders who fail to pay the due rent on the due date. Where a Trader is refused the right to Trade for such reasons, an appeal can be submitted. The Trader may not be permitted to Trade in the interim between the appeal and the Council hearing the appeal.
15. If a Trader fails to attend the Market, a retaining charge of one half of the normal rental per Market Day missed is made, and after 3 weeks of non-attendance the right to the regular site on the Market will be reviewed by the Town Council. However, where a trader can validate a period of illness or other such extraordinary reason for non attendance resulting in an absence exceeding 3 weeks, the Council will “hold” such a right to the permanent pitch at a charge of one half of the normal rental per Market Day. The “holding period” will not exceed 12 weeks whereupon the space will be allocated to other permanent applicants. A Trader may apply to the Leyburn Town Council for an extension to the 12 week rule if he/she considers there are exceptional reasons why the extension should be approved. A pattern of non-attendance, abusing the three week absence rule, will not be tolerated. This will be considered a breach of the Market Rules and the right to the regular site will be cancelled.
16. The right to trade on Leyburn Market is granted to the applicant in person; selling, sub-letting or otherwise disposing of the interest by the Trader is not permitted. However, in the case of illness or holiday, the Trader may nominate someone to run his/her stall during that period but only with the agreement of the Leyburn Town Council. If the Town Council agrees to a stand-in, there must be no deviation from any other of the Rules for Leyburn Market, and the Council will give a date when the agreement will end. The details of the temporary staff must be notified to the Town Council when approval is given in advance of the period of absence. If, on being discovered that an attempt to make a substitute Trader the recognised Trader on the pitch, both the Trader and the Substitute Trader may be prohibited from attending future markets. A Trader can submit an appeal to the Council (see appeals and grievances). Neither the Trader nor the substitute Trader will be permitted to trade until the appeal is heard.
17. Leyburn Town Council does not allow any form of advertising on the land it owns. However, on Market days, traders may display on their stall, or on an A board on their stall, their trade name or special logo and may advertise a product if they so wish. All advertisements must relate to their own stall and not that of any other business. Any such A frame is to be within the boundaries of the permitted rental space of the stall and should not form a hazard to third parties. If such frames extend onto the pedestrian traffic areas or form a hazard, the stall holder will be asked to rectify the issue immediately or remove the frame. Repeated offending may result in the right to display such



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advertising being permanently refused. The Market Superintendent will have sole discretion as to any breach. Traders may lodge an appeal in accordance with the appeals and grievance process.

18. Any site not taken up by a regular Trader by 8.30 a.m. may be let to a Casual Trader by the Market Superintendent for that one Market Day only. This letting does not entitle the Casual Trader to a permanent site. The rental charged will be assessed by the Market Superintendent based on the total area required by the Casual Trader at the rates applicable for that year. Casual Traders must produce proof of Public Liability cover prior to setting up their stall.
19. No stalls or stands that promote or constitute religious or political canvassing will be permitted.
20. Leyburn Town Council reserves the right to:
 - a) Refuse permission for an applicant to sell wares on the Market Square or other land owned by the Council.
 - b) Cancel the permit of any Trader who fails to adhere to these rules or gives cause for the Town Council to consider and decide that the Trader is failing to provide an acceptable service to the Public, or brings the Town Council or any of its employees into disrepute.
 - c) To relocate stalls on the Market Place when it is considered that such moves would be beneficial to the Public or to the Market Area in general.
21. No generators will be permitted. Stalls requiring an electricity supply can use the points located on the square once the Market Superintendent is notified and an appropriate space allocated. All cables must be raised above head-height or covered by an appropriate ground cable cover. A charge will be levied for the electricity.
22. When the Town Council cancel a market, no rent or retention fees are payable by the Traders.
23. If, for any reason, 5 or less permanent traders attend a Friday market, the rent payable by those attending will be reduced by 100% for each such occasion to reflect the low attendance. No such deduction applies to Sunday markets.
24. Radio broadcasts or recorded music shall not be played at anytime except for the purposes of the sale of radios or similar apparatus or music which may be tested from time to time or at the request of the customer and then not operated for prolonged period or excessive volume.
25. No trader or their staff shall accost members of the public for purposes of conducting their business.



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26. Breaches of the Market rules will be documented by the Market Superintendent after bringing the matter to Traders attention and a copy of the notice will be given to the Trader. Written notice will come from the Town Clerk following a notification from the Market Superintendent. This will permit the Trader to lodge an appeal against any such notice and avoid ambiguity over the breach. Traders who repeatedly flout the rules may be refused a licence to trade on the Town Markets. The Council will issue a formal warning where repeated breaches occur, or where a major breach has occurred. A trader may be refused permission to trade immediately if a serious breach occurs or issued repeat warnings where there is a less serious but repeated breaches occurring. For the first breach a first warning will be issued, then a second warning for a repeated or another breach of equal importance, thereafter, a third and final warning and refusal will be issued. The Trader may at any stage lodge an appeal to the Council using the grievance process detailed below. Where a licence to trade has been refused, due to a stage 3 Warning or a major breach, the Trader cannot trade until the Council have heard the appeal and revoked the original decision, if such revocation is granted. The Council will hold the right of the Trader to an available pitch, if a permanent trader, until any appeal is heard and resolved by the Council. The Council may move straight to a level 3 Warning and remove the Traders licence to trade on the Market if the breach is so serious and warrants such action. The Trader retains the right to appeal in all stages. All such minor warnings remain active for a period of three months from the date of issue.

27. The Council agrees that each permanent Trader can take one week without paying a retention fee for whatever reason, and retain all rights as a permanent trader. Such notification should be made to the Market Superintendent who will record the "free" week and notify the Town Clerk.

Grievance and Appeals.

All disputes are to be referred to the Market Superintendent whose ruling must be accepted at the time. Any Trader who considers that the ruling is unfair or feels that there is just cause for further complaint or redress must do so in writing within 14 days of the incident and address it to:-

Mrs CE Smith
Clerk to Leyburn Town Council
Thornborough Hall
LEYBURN
DL8 5AB
Clerk@leyburntowncouncil.gov.uk

The matter will be put before the Leyburn Town Council for discussion and decision at the first Council meeting after receipt.



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