

# LANCASTER AND MORECAMBE

## MARKETS COMMITTEE

### Festival Market, Morecambe 3<sup>rd</sup> February 2005

### Report of Head of property Services

#### PURPOSE OF REPORT

To provide background information to issues relating to the Festival Market, Morecambe

Key Decision

Non-Key Decision

X

Referral from  
Cabinet Member

This report is public

#### 1. RECOMMENDATIONS

##### 2. Introduction

1. This report sets out the background information relating to the Festival Market at Morecambe. The market has been successful since its opening in 1996 and many customers and traders indicate that it is one of the best markets in the north-west. However, it is important that the market remains successful, and the Committee may wish to consider the issues raised below and make recommendations relating to the future of the Market.
2. **Market Opening** - The Market consists of 93 free-standing, demountable stalls and 15 lock up units. From time to time, there is a need to set up outside stalls to meet demand from traders. The market operates on Tuesday, Thursday, Saturday and Sunday each week and most Bank Holidays throughout the year. During the summer months (April – September) the Market is open to the general public from 9.00a.m. – 5.00p.m. During the winter months the Market is open to the general public from 9.00a.m. – 4.30p.m. Generally speaking the traders adhere to the opening/closing times. Persistent cases of poor time keeping are, in accordance with the Market rules, dealt with by the Market Manager. This would take the form of an oral warning, written warning and, in extreme circumstances, termination of the licence.

3. Following the relocation of the Market from Poulton Square to its present location in 1996, the number of trading days was increased from two to four. From time to time one of the issues discussed with traders has been the possibility of extending the number of opening days; opening on Wednesdays throughout the summer has been the specific suggestion. The former Estates Service Group considered this matter at its meeting on 16<sup>th</sup> June 1998 at which time only 33 traders out of a potential 108 traders were in favour of opening. The Service Group was advised that such a low turn out would not cover costs and therefore it was agreed at that time not to open. However, I was given discretion to open on other days provided that there was no operational loss. Since that time there has been no demand to open and extra days have therefore been restricted to Bank Holidays and certain days at the Christmas period. From an operational/authority point of view certain issues would need to be addressed:
4. Members may wish to consider the potential for extra opening of the market. It should be noted that the following issues may need to be addressed:
  - a) Would the Market operate successfully on the extra day(s)?
  - b) Should extra opening be considered for the whole year or just April to September?
  - c) Cost of publicising the extra opening.
  - d) Staffing levels would increase to cover the extra opening.
  - e) To what extent should the views of existing traders be considered?
  - f) Would the potential additional income warrant the additional trading?
  - g) Security on the extra trading day(s).
5. **Staffing** - The Council has recently approved the restructure of the Market staff and the new Market Manager commenced duties on 24<sup>th</sup> January 2005. The Manager is responsible for the overall operation of the Market including staffing, budget management, advertising and promotion, rules enforcement (in consultation with Supervisors), and health and safety, as well as day to day issues such as complaints and commodity issues. The Manager will be assisted by a part-time Assistant Manager (to be appointed) and a Market Assistant.
6. The Market Manager and Assistant Manager are responsible for the day to day running of the Market being responsible for the allocation of stalls to casual traders; collecting fees on a daily, weekly, or monthly basis and issuing the necessary fee accounts. They also offer help or advice with regard to stall lettings, and oversee the general day to day operation of the Market including any Health & Safety issues.
7. The Market Assistant works under the direct supervision of the Market Manager and is responsible for the opening/closing of the Market; assisting market traders whenever possible; cleaning duties; general maintenance duties; light clerical duties; Health & Safety issues. (Fire panel test, Emergency lights etc.).
8. All Market staff hold a current First Aid at Work Certificate.
9. **Daily Events** – As communication plays an important part of the working environment the Market has a system in operation called the ‘Daily Events’. Information is entered onto the computer by the Manager or Assistant Manager and contains details regarding events which have taken place during a Market day. This will include information such as general enquiries, traders not trading, trader’s holidays, complaints, problems etc. This information can be accessed by all the staff at the Market.
10. **Call Out List** – following the recent changes to the Council’s policies on standby and call-out arrangements, new procedures need to be put in place at all the Markets. The recently appointed Managers will be considering this issue.

11. **Traders** are classified as either “permanent” or “casual”. Those traders who are regularly on the market and have a licence to do so are classified as permanent, whilst those who are on the waiting list and trade when there is a vacant stall are classified as casual.
12. **Permanent Traders**. All permanent traders are issued with a licence to trade at the Festival Market. The licence (a copy of which is attached) includes stall details, commodity details and payment details. Monthly accounts are issued in advance to all permanent traders. They are given three payment options – to pay monthly in advance on the first trading day of the month – weekly in advance on the Tuesday of each week – or daily. The Market office is open for fee payments between 10am and 12noon each Market day. The Manager is then available to address any problems and answer any queries, carry out clerical duties, patrol the Market and make general contact with Market traders and members of the public. Permanent traders are guaranteed the same stall each Market day. However, should other stalls become available they will be given the opportunity to move providing the commodity does not conflict with other stalls in the area. When the Market first opened at Central Drive it was not possible for some existing traders to open for all four days, some could only trade for two or three days. However, market traders are now encouraged to trade on all four Market days. Permanent traders can only take a lock up unit if they can guarantee opening on all four Market days. The aim is to have a fully operational four-day Market which is close to being achieved. Permanent traders who wish to terminate their licence must give one calendar month notice in writing. Likewise the Authority would have to give a trader one calendar month notice to quit.
13. **Casual Traders** – Casual traders must register at the Market office by 9am on each Market day. They are requested to complete an application form if it is their first visit. A copy of the rules is issued and an explanation given as to how the Market operates. This is a tried and tested system that has been in operation for many years. The Manager carries out a full check of the Market to determine how many, if any, empty stalls there are and their position on the Market. This duty is carried out as early as possible in the morning. On completion of the check, the Manager can then allocate any empty stalls to the casual traders. Providing there are enough stalls available all casual traders can be allocated a stall. Any clash of commodities will be dealt with at the same time. In the event of too many applicants the Manager will try to find an alternative solution rather than turn traders away. The casual list of traders works on a points system with each trader gaining 1 point each time they register regardless of whether they trade or not. The trader with the most points is usually allocated a stall first and so on working down the list. Once a casual trader has gained 10 points they can then apply for a permanent stall. Casual traders who fail to turn up to trade for a period of two weeks will automatically lose their points. They are able to continue trading after this but must start at the bottom again. It should be noted that some casual traders do not wish to become permanent and continue to turn up on the days they wish to trade.
14. **Security** – As the Festival Market became more established, the permanent traders looked at ways in which they could increase the range and volume of goods that could be offered to the customers. They therefore identified that if they could leave their stock on the market between market trading days, then more stock could be “carried” and traders would not have to spend time setting up and taking down at the start and end of a Market day. This issue was discussed at meetings between City Council Officers and the Market Traders’ Committee at the time. Lancaster City Council would not agree to let the traders leave stock on stalls out of Market trading hours without security and would not agree to funding additional staff. The Market traders asked if Lancaster City Council would agree to the request of leaving goods on the Market if a Security Company was employed and funded by the traders themselves. This request was agreed to. The Market traders have since asked if Lancaster City Council would contribute to the

funding of Security as they feel having a presence in the Market is deterring vandalism thus saving the Council money on any repairs that may occur. This request was refused. (The Festival Market has CCTV cameras installed inside and outside.) From a customer view-point, the greater variety of goods on the stalls has made big improvements to the market and customer numbers have increased over the years since this operation was introduced.

15. There are some downsides to the leaving of stock on the market in that the market does become more difficult to clean. Occasionally, traders arrive late or leave early as they have no stock to deal with.
16. If the Committee wished to reconsider the way that the classification between permanent and casual traders operates, together with the leaving of stock on the stalls, then the following matters need to be considered:
  - a. The potential to return to a daily operation with no stock left on the market.
  - b. The extra security to the market as a whole afforded by the security company employed by the traders.
  - c. There could be a potential loss of traders who would not wish to bring their full stock to the market on a daily basis.
  - d. Possible 'tighter' control with regard to the day to day running of the Market if a change were undertaken.
  - e. Improved cleanliness if 'daily' option taken.
  - f. Advance fee payments are made at present on a monthly basis with some traders, although if the daily option were taken, all fees would be paid on the day.
  - g. The possible need to increase the number of lock up storage cages.
  - h. Less clash of commodities than at present – although there would inevitably be daily arguments as traders disagree with the numbers of commodities.
17. **Vacant Stalls** – If a stall becomes vacant it is advertised on the notice board in the traders' mess room and the Market Office window. In the first instance this gives a permanent trader the opportunity to move stalls if they wish providing it is acceptable to the Market Manager. The commodity being sold would also be a consideration, as would the number of trading days. If there are no traders wishing to move then the traders on the casual list will be considered and the stall offered to the 'top' casual on the list providing there is no conflict of commodity. A casual trader does not have to accept a permanent stall. If this is the case then the next person on the list is given the opportunity and so on. The other consideration would be the number of trading days. If it is a four-day stall that is available the casual trader who accepts the stall must trade for all four days. Having established whom the trader will be and the start date confirmed the Manager will issue a licence, monthly account and determine the preferred method of payment. If it is a permanent trader who is moving stalls then the existing licence and account would be amended. The stall that the permanent trader has vacated would then be offered in the same way.

18. **Fees** – The current fee structure is as follows:

Summer Fees (1<sup>st</sup> April – 30<sup>th</sup> September)

Stalls:

Tuesdays/Thursdays/Saturdays	£14
Sundays	£22

Shop units:

Tuesdays/Thursdays	£17.25
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Saturdays	£19.75
Sundays	£22.25

Café – fee as per shop unit plus 50%

Outside pitches – charges as per stall or unit fees depending on size of “pitch”.

Winter Fees (1<sup>st</sup> October – 31<sup>st</sup> March)

Stalls:

Tuesdays/Thursdays	£10
Saturdays	£12
Sundays	£17

Shop units:

Tuesdays/Thursdays/Saturdays	£14.75
Sundays	£17.25

Café – Fee as per shop unit plus 50%

Storage cages - £8 per week throughout the year.

19. The fees set out above were agreed as part of the current financial year’s budget process. Following discussions with the Market staff and traders, I am of the opinion that there should be no further increase for 2005/06.

20. Banking procedure - The Market Office has an electronic cash register installed. All fees collected from traders are input into the cash register. Each permanent trader is issued with a named button on the keypad. When payments are received all traders are issued with a receipt which includes their name, amount paid, change if applicable and date. The cash register also has the facility to issue a copy receipt for office use. The copy is attached to the account which is kept on file in the Market Office. This procedure is used to check that fee payments are up to date and for audit purposes. At the end of each Market day the cash register will print out a full list of all monies that were input on that day showing a total of cash/cheques. The money is counted and balanced against the reading from the cash register. All cash/cheques are kept in the safe until collected. Each Tuesday and Saturday the money is collected by Securicor and taken to the central counting point at Preston before being distributed to Barclays Bank. Details of all monies collected by Securicor are sent to the Cashiers Department at Lancaster Town Hall and shown on the cash analysis sheets. At regular intervals the Market Manager will randomly check some of the accounts paid for audit purposes. It should be noted that this system was set up following consultations with the Audit section.

21. Commodities – At present there are no set rules as to how many of each commodity should be allowed on the Market. The Management try to keep the commodities as varied as possible as it is felt the wider the range of goods the bigger the attraction to the Market. If there is any doubt as to whether a certain commodity is required, or if it were felt that there is enough of a certain commodity which could be detrimental to the Market and other traders, then this would be discussed between the Market staff. However, the current process does not always find favour with traders who would prefer there to be a list of known commodities and the number of stalls allowed to sell those commodities on the market. Clearly this would remove any flexibility to keep up to date with particular trends. It is also unlikely the list could be exact enough to deal with all cases that traders may suggest and flexibility in dealing with this is important for the Manager.

22. There are always discussions between traders relating to the commodities to be sold. Market staff do try to keep an eye on these issues. If a trader completely oversteps the mark then he/she is asked to remove the inappropriate articles. There are times however, when the matter is so small that the stock is allowed to be sold off with a quiet warning from staff. From time to time, however, it is necessary to undertake a full survey to ensure that traders are following the commodities on their licence. This will sometimes result in licences being amended to update the commodity that a trader can sell.
23. It is possible that the market could operate without a commodity being shown on the licence to trade – effectively, traders could all sell what they like. If this arrangement were to be agreed, then it is quite possible that the variety of goods sold on the market would reduce along with the attractiveness of the market to customers.
24. **Advertising** – At the present time, there is an overall advertising budget for the markets that the Council runs. The Council advertises in the tourism brochures and the local press. From time to time new areas are considered e.g. advertising in the Heysham ferry terminals when new services were introduced.
25. At one point, the traders used to collect income to undertake further advertising, as it is their own businesses that benefit from the advertising. As this became difficult to collect, the Council agreed that it would add an amount to the fees and hold it on behalf of the traders. However, this process eventually failed, as more traders did not want to be included on the system. To my knowledge there is currently no advertising undertaken by the traders as a group although individual traders do sometimes advertise their own businesses.
26. **Traders' Committee** – Meetings take place between traders and market staff. These meetings cover the whole range of issues that arise in the markets. They have proved to be a very useful way of undertaking the council's duty to consult. However, following concerns over the arrangements for last years punk festival, the committee resigned and it is only recently that it has reformed as part of the National Market Traders' Federation.
27. The current rules of the market indicate that the Council recognises the Market Traders' Committee as representatives of the Festival Market Traders. It is important that the Traders are represented for discussions with the market management and that the Traders' Committee is elected by the traders on the market.
28. **Licences** – The market traders occupy their stalls/units on the basis of licences issued by the Council. A copy of a licence is attached as is a copy of the current market rules referred to in the licence agreement.
29. The current situation at the market is that when traders occupied the market in 1996 licences were signed. These licences form the basis of their occupation and bind the traders to comply with rules of the market that are from time to time introduced. Since 1996 there have been further updates to the rules that have been agreed by the Council having been the subject of discussions with the traders committee.
30. **Rules** – The market rules are attached to this report. The last amendments to the rules were agreed in January 2000.
31. **Festivals** – Prior to the Market moving to the new location on Central Drive in Morecambe a meeting took place with all traders at which was discussed the proposals for the future of the new Market. It was proposed that the new Market be open on 48 weekends each year as well as the traditional Tuesdays and Thursdays. The remaining

4 weekends would be available for use for festivals. To ensure that the use for festivals could proceed the building was constructed to a slightly higher roof level and glass walling was introduced. This created more of an undercover/indoor Market than at the former Poulton Square Market. The Market Hall was then linked into the lottery application to create the Platform venue and some of the costs of constructing the Festival Market Hall were used as matching funding in that application. The outcome is that there is a requirement to continue using the Market Hall for festivals.

32. The Market rules were amended following a suggestion from a market trader, to include 8 days per year instead of 4 weekends to accommodate future festivals. These are the rules that are now in operation.
33. The traders at the Festival Market have made it very clear in the past that they did not agree with the market being used for Festivals. However, there is now a greater acceptance of the circumstances, and the Council's Cabinet considered the matter at its meeting in July 2002 and resolved that Festivals should continue.

The Festival Market has been a successful venture for the City Council. It has been a major step forward in providing an attraction in Morecambe as part of the central redevelopment area. It is a major employer and assuming that there is only 1 person operating each stall there are 108 people employed there excluding market staff and security staff.

### **3. Options and Options Analysis (including risk assessment)**

The report contains no options or analysis but is to enable the committee to formulate a work programme for future meetings if desired. This will enable more detailed reports to be prepared for members to discuss relevant matters in detail.

#### **RELATIONSHIP TO POLICY FRAMEWORK**

Task 17.4 of the Corporate Plan refers to the need to "support local markets" and to "Develop strategies to better support the existing traders in Lancaster Market whilst improving its financial viability".

#### **CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability etc)**

As this report contains only background information there are no impacts identified.

#### **FINANCIAL IMPLICATIONS**

There are no specific financial implications arising from this report.

#### **SECTION 151 OFFICER'S COMMENTS**

The s.151 Officer has considered the report and has no further comments to add.

**LEGAL IMPLICATIONS**

There are no legal implications arising from this report.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and his comments reflected in the report.

**BACKGROUND PAPERS**

**Cabinet Minutes – July 2002**

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## MORECAMBE FESTIVAL MARKET RULES

The following Rules have been made and adopted by Lancaster City Council for observance by traders and all engaged at Morecambe Festival Market.

### 1. DEFINITIONS

In these Rules the following definitions shall apply:

- (a) 'The Council' means the Lancaster City Council.
- (b) 'Market Manager' means the Market Manager for the time being appointed by the Council and any Duty Supervisor authorised to act on his/her behalf.
- (c) 'Summer months' means the calendar months of April, May, June, July, August and September.
- (d) 'Winter months' means the calendar months of October, November, December, January, February and March.
- (e) 'Stall' means a market stall within the Market which measures 7'6" x 9'6"
- (f) 'Unit' means a lock up shop within the Market which measures 9' x 12'.
- (g) 'Permanent Trader' means a trader who has a licence to occupy a stall for a fixed number of days each week.
- (h) 'Casual Trader' means a trader who applies for a stall on a daily basis, the allocation of a stall depending on availability.
- (i) 'Market days' are Tuesday, Thursday, Saturday and Sunday of each week and any Bank Holidays or other days on which the Council, in its discretion, determines that the market shall be open for business.
- (j) 'Commodity' means the goods a trader is allowed to sell and each commodity is defined by the Market Office.
- (k) 'Trailer Space' is the area of car park which is used for additional space when needed.
- (l) 'Waiting List' is a list of traders names and addresses who are unable to obtain a stall or unit on the Market as either Permanent or Casual traders due to either shortage of vacant stalls/units or excess of particular commodities.

### 2. OPENING HOURS AND OCCUPATION OF STALLS

- (a) The market shall be open for business on market days during the summer months from 9.00 a.m. to 5.00 p.m. and on market days during the winter months from 9.00 a.m. to 4.30 p.m.
- (b) Stalls must be occupied and unsheeted by permanent traders by 9.00 a.m. on market days, failing which a stall may be re-allocated for that day by the Market Manager.
- (c) No trader shall sheet up or pack away before the closing time specified in Rule 2(a) – Note: the reference to sheeting up of stalls applies only during the presence of the Security Company. The sheeting up of stalls will not be acceptable should the security arrangements cease.
- (d) Permanent traders with a licence for two or more days each week must trade on all those days specified in the Licence. Traders with four day Licences must open for any Bank Holidays when the Market is open in addition to their usual trading days.
- (e) In the event of any unavoidable delay, through illness, breakdown or any other reasonable cause, the Market Manager may at his/her discretion reserve a stall provided that notification of the reason for the delay is received before 9.00 a.m. on that day (telephone 01524 414251).
- (f) Permanent traders intending to be absent from their stall(s) shall notify the Market Manager by 9.00 a.m. that day.
- (g) Permanent traders must not be absent for a period exceeding two weeks unless a leave of absence has been agreed in advance by the Market Manager or unless, in the event of illness, medical certificates are supplied for the period of absence.

### PROPERTY SERVICES

Market Office (Morecambe) Tel. (01524) 414251

Market Office (Lancaster) Tel. (01524) 66627

July 2004

### **3. ALLOCATION OF STALLS TO CASUAL TRADERS**

- (a) The allocation of stalls to casual traders will be on a daily basis.
- (b) Casual traders must report to the Market Office at 9.00a.m. on market days and register and complete any application form required by the Market Manager.
- (c) A points system will be in operation and one point will be awarded for each day's attendance at the market. If a stall is not allocated on that day due to no fault of the trader, a point will be issued. However a point will not be given if a trader refuses to take a stall. On each market day any available stalls will be allocated at the discretion of the Market Manager. Preference will generally be given to the casual trader with the most points, but the nature of the commodity to be sold will also be taken into consideration.
- (d) Payment of rent and/or fees must be made prior to the allocation of a stall to a casual trader.
- (e) Casual traders who do not attend the market for a period of two weeks will lose all points accumulated, unless the absence has been agreed in advance by the Market Manager or unless some other reasonable explanation for the absence is accepted by the Market Manager.

### **4. ALLOCATION OF STALLS FOR PERMANENT TRADERS**

- (a) Allocation of stalls and consideration of applications from permanent traders wishing to move stalls will be at the discretion of the Market Manager. The Manager will endeavour to give preference to any 2-day trader who wishes to move stalls and increase their trading days to 4 days.
- (b) If a stall occupied by a permanent trader for two market days each week becomes available for the remaining market days, preference will be given to that trader in allocating the stall for the remaining days.
- (c) In the allocation of a permanent stall to a casual trader account will be taken of casual attendances and a minimum of ten points under Rule 3(c) will be required. The commodity to be sold will also be taken into account in the allocation of permanent stalls.
- (d) Any permanent trader who applies for an additional stall will have to trade as a casual trader and adhere to rules 3 and 4.
- (e) A separate waiting list will be maintained for market units. In allocating units, account will be taken of the date of application and the commodity to be sold. If there are no suitable traders on the waiting list, it will be advertised for any permanent trader who may wish to move stalls/units. Unit traders will be given preference over stallholders if their commodity is only suited to units. If these options are unsuccessful it will then be offered to any traders on the casual list – commodity and points obtained will be taken into consideration. Any stalls or units which are un-let for over one month will be advertised for external applicants.

### **5. TRAILER SPACE**

- (a) The trailer space is only to be used for traders who have goods which are unsuitable for the inside Market or as an over-spill area when there are no stalls vacant inside the Market.
- (b) Any stalls occupying the trailer space will be charged for at the same rate as Market stalls, therefore 100 square feet will cost the equivalent to the current stall daily rent.
- (c) Traders requiring space on the trailer space will need to give prior warning to the Market Office to enable the area to be cordoned off.
- (d) Any trader who brings their own stall to the trailer space must ensure that their stall is of sound construction and stability and would not cause any danger to the public.
- (e) Traders must not encourage members of the public to stand on the car park area but must serve onto the pavement area.

### **6. USE OF STALLS**

- (a) All market stalls are owned by the Council and must not be extended or altered without the prior written authority of the Market Manager. Any alterations which involve stall boards or bars will only be allowed if the boards and bars are re-incorporated into the stalls from which they belong – they must not be removed from the Market.
- (b) Goods shall not be placed (whether on the stall or on the floor) so as to obstruct the free passage of persons using the market.

- (c) There is an additional charge for any extra space which is used over and above the stall allowance, this is 10p per square foot per trading day inside the Market and 5p per square foot per trading day outside the Market. These charges will be made on a monthly basis, and one month's notice must be given to the Market Office before extra space is reduced or increased. Extra space will only be allowed if safety is not compromised.
- (d) Traders must not remove parts from one stall to be placed on another under any circumstances.

## **7. VEHICLES AND TRUCKS**

- (a) Vehicles (including delivery vehicles) must be clear of the unloading areas by 9.30a.m. and must not return before 5.00p.m. during the summer months or 4.30p.m. during the winter months on any market day, except in exceptional circumstances and with the prior authorisation of the Market Manager.
- (b) No vehicles are permitted inside the market and no vehicles, except emergency vehicles, shall be permitted to park on the paved area at any time.
- (c) Trucks must be clear of the market between 9.30a.m. and 5.00p.m. during the summer months and between 9.30a.m. and 4.30p.m. during the winter months.

## **8. GOODS**

- (a) A permanent trader shall not stock, display or sell any goods other than those specified in his/her licence and shall at all times keep the stall fully stocked with those goods specified in the licence.
- (b) A permanent trader must obtain prior written consent from the market Manager for any change to the goods specified in the licence.
- (c) Goods may be stored or left on the market, but the Council, its officers, servants and agents shall not be liable for any loss or damage however caused to such goods (including goods in storage cages).
- (d) Traders selling food shall be responsible for due compliance with the Food safety Act 1990 and Regulations thereunder.

## **9. GENERAL**

- (a) Pitching will be allowed at the discretion of the Market Manager.
- (b) The lighting of the market will be at the discretion of the Market Manager, and traders must not touch or interfere with any electrical point or fitting.
- (c) The opening and closing of all market doors shall be at the discretion of the Market Manager.
- (d) Traders must arrange for their stalls to be supervised at all times to the satisfaction of the Market Manager.
- (e) Traders are required to keep and leave stalls in a reasonably clean condition at all times. Bins and bin liners will be provided for traders to dispose of waste.
- (f) Traders must arrange suitable public liability insurance in respect of their occupation of a stall at the Market. Evidence of such insurance must be produced to the Market Manager prior to the first days trading on the Market and subsequently on an annual basis.
- (g) The Council recognised the Market Traders Committee as representatives of the Festival Market Traders.
- (h) The Council may close the market and use the site for any purpose other than a market on a maximum of eight market days in any year, but shall give at least one month's prior notice to the Market Traders Committee to this effect.
- (i)

## **10. FEES**

- (a) All rents and fees shall be paid daily, weekly or monthly in advance, and no trader will be allowed to be in arrears at any time.
- (b) Permanent traders will be responsible for all fees relating to their stall for the days specified in their licence whether they are trading or absent on those days.

- (c) A schedule of current fees is available from the Market Office.
- (d) Rents must be paid at the Market rent payment office (front office) between 10 am to 12 noon.

#### **11. SALE OF BUSINESSES**

- (a) Traders wishing to sell their business – i.e. stock, fixtures and fittings and good will - must notify the Market Manager in writing advising of the proposed date of termination of the licence and the value and asking price of the business.
- (b) The Market Manager will write to any permanent two day traders and traders on the casual list and the waiting list, advising that the business is for sale and the price required. Priority will be given to two-day traders who wish to increase their trading days from two days to four days. Following this it will pass to the casual traders who have accumulated the most points, then to those lower down the list and finally the waiting list.
- (c) If a purchaser is not found from the above mentioned sources, then the vendor may forward the names of any interested parties to the Market Manager. The Market Manager will then interview the proposed trader/traders. If terms for a sale are agreed, the proposed purchaser must provide 2 trade references and a banker's reference to the Council prior to the sale proceeding. If these references are not satisfactory, the sale cannot proceed.
- (d) It will be a condition of any sale that the incoming trader must agree with the City council that the commodity available on the stall will not be changed for a period of 12 months from the date of purchase, and then only in accordance with Rule 8(b).
- (e) If a two day trader on the same stall wishes to purchase the business they will be allowed to sell their own commodity alongside the existing commodity for a period of 3 months. They may then decide which of the two commodities they would like to continue to sell, but must remove one of them.
- (f) Traders who change their commodity will not be allowed to sell their business for a period of 12 months.
- (g) The Market Manager reserves the right to refuse any applicant as he/she sees fit.
- (h) The Market Stalls are owned by Lancaster City Council and would therefore not be included in any business sale.

#### **12. COMPLAINTS**

- (a) Complaints by traders of any matters affecting the market must be brought to the attention of the Market Manager, who will investigate and deal with the complaint and notify the complainant of the result within four market days.
- (b) If a trader is not satisfied by the action taken on any complaint, he/she may refer the matter to the Head of Property Services.

#### **13. TRADERS RIGHTS**

- (a) The trader, having kept these rules, the Council will provide a stall suitable for trading, will cleanse the Market area and provide general lighting as necessary.
- (b) The Council will provide necessary supervision during market hours.

#### **14. CONDUCT**

- (a) A trader shall not cause a nuisance or annoyance to any other trader, the Market Manager, market staff or the general public.
- (b) A trader shall not assault, harass or be verbally abusive to any trader, the Market Manager, market staff or the general public.
- (c) Any trader who brings a child or children under the age of fourteen to the Market shall be responsible for the conduct of the said child or children, and in particular for any damage or nuisance caused by them.

#### **15. FAILURE TO OBSERVE RULES**

In the event of a trader failing to comply with or contravening any of these Rules, the Council may in its absolute discretion forthwith terminate the licence of a permanent trader or, in the case of a casual trader, require the trader to leave the market, and may re-allocate the stall. Any trader who re-applies to attend the Market after contravening any of the Rules will only be re-instated at the discretion of the Market Manager.

**LICENCE FOR USE OF STALL IN THE FESTIVAL MARKET, MORECAMBE**

THIS LICENCE is granted the \_\_\_\_\_ day of \_\_\_\_\_ by the LANCASTER CITY COUNCIL of  
Town Hall, Lancaster (“the Council”)  
To \_\_\_\_\_  
of \_\_\_\_\_ (“the Stallholder”)

**WHEREAS**

The Council is the owner of the Festival Market, Morecambe and the Stallholder has requested the Council to grant him the licence to use a stall in the said market

IT IS AGREED as follows:

1. The Council hereby grants to the Stallholder the right to use on Specified Days in each week throughout the year when the market is open, the stall numbered \_\_\_\_\_ or such other stall of equivalent size as the Council may from time to time in its absolute discretion determine
2. The Stallholder may display and sell the following goods from the stall: STATE GOODS and shall not display or sell any other class of goods from the stall
3. The Stallholder shall pay daily, weekly or monthly in advance such rent and fees in respect of the stall as shall from time to time be prescribed by the Council
4. The Stallholder shall at all times observe and comply with the Morecambe Festival Market Rules for the time being in force
5. The Stallholder shall not permit any person other than the Stallholder’s employees to operate the stall
6. This Licence may be determined by the Stallholder giving to the Council one full calendar month’s notice, in writing, to expire on the last market day of the calendar month
7. This Licence may be determined forthwith by the Council in the event of any contravention by the Stallholder of the Morecambe Festival Market Rules for the time being in force, or may be determined at any time by the Council giving to the Stallholder one calendar month’s notice, in writing, to expire on the last market day of the calendar month
8. This Licence is personal to the Stallholder and may not be assigned or transferred by the Stallholder
9. Nothing in this Licence shall be construed as creating the relationship of landlord and tenant between the parties

**SIGNED BY THE STALLHOLDER**

In the presence of \_\_\_\_\_

**SIGNED ON BEHALF OF THE COUNCIL**

In the presence of \_\_\_\_\_