

Subject: Market Policy

Report to: EMT - 7 July 2016

Economic Development Committee – 25 July 2016

Report by: Kate Watts Transformation Programme Manager

RECOMMENDATIONS

It is recommended that Economic Development Committee agree to

- Adopting the Market Policy – Members are asked to note that by approving this Market Policy, seven outstanding Marketplace audit requirements will be complied with
- Agree to a yearly review cycle of this document with traders being asked for feedback as part of this annual review
- That this committee recommends a review of the existing fees and charges schedule as part of the budget setting process for 2016/17

1. INTRODUCTION

1.1 In May 2015 Great Yarmouth Borough Council reconfirmed its commitment to its Town Centre Market as part of the Town Centre Initiative and has since undertaken a number of actions to improve the Market in terms of how it is managed and the physical market area, alongside the enhancement of a programme of events to boost footfall.

1.2 Specifically these actions have included

- A deep clean, repair and repaint of six day market canopy and structure
- A repaint of all market place furniture
- Establishment of a four weekly deep clean of the 6 day market indoor floor
- A pest control survey and subsequent pest control contract to include four weekly site visits
- Employment of a dedicated Town Centre cleaning operative
- Advertisement of four vacant six day market stalls, two of which are now occupied
- Introduction of trail days for potential two day traders
- Introduction of a market newsletter for traders
- Update of all traders information and significant improvements to record keeping

- An enhanced Town Centre events programme which significantly increased footfall during 2015/2016

1.3 Further planned actions include

- Formalisation of a new market management structure
- Improvements to trader's toilet facilities
- Marketplace office drop in opening times (with office IT enablement)
- Creation of a marketplace brand to be included on all promotional materials
- Improved advertisement to attract new business
- A review of how start up business could be supported on the market
- Further investment in Town Centre events

1.4 As part of this activity work commenced to move all of the existing policies regarding the Market into one central document to make it easier for Traders to understand the Council's requirements for trading.

2. MARKET POLICY CONSULTATION

2.1 A draft Market Policy was developed by reviewing existing policies and documents in place regarding the Market. This draft was then sent to all traders for consultation. The consultation period ran from Monday 4th April 2016 to Tuesday 3rd of May 2016.

2.2. Every response has been carefully considered and as a result a number of changes have been made to the Market Policy. Appendix 1 shows a breakdown of the responses received in relation to this Market Policy and where subsequent amendments have been made to the Market Policy. Appendix 2 show the final Market Policy.

2.3 As part of this consultation two areas have been identified for further consideration, the first is a review of the fees and charges for the Market. Traders feel these are high and have asked if the Council will reconsider its position when it sets its budget for 16/17.

2.4 Secondly traders made representation regarding this issuing of licenses for the 6 day Market. On investigating this further NPLAW have given advice that the Council needs to change from a licensing regime to issuing site leases. This is a process that officers are now working through and will be contacting traders to progress further.

3. REVIEW

- 3.1 It is clear that the new Market Policy is one that will be an evolving document and therefore it is suggested that this Policy is reviewed on a yearly basis, with traders being asked for feedback as part of this annual review.

4. RECOMMENDATIONS

- 4.1 It is recommended that Economic Committee agree to
- Adopting the Market Policy – Members are asked to note that by approving this Market Policy, seven outstanding Marketplace audit requirements will be complied with
 - Agree to a yearly review cycle of this document with traders being asked for feedback as part of this annual review
 - That this committee recommends a review of the existing fees and charges schedule as part of the budget setting process for 2016/17

MARKET PLACE CONSULTATION

MARKET LICENCE POLICY		
Policy Section	Feedback	Response
Section 1 Introduction	Great Yarmouth Market is a Charter Market granted by Royal Charter. To such ends traders on it should expect the Council to uphold the terms of that Charter irrespective of this policy document.	Note: Agreed.
Section 2 General Provisions	Regarding Sunday openings I know that most stalls do not want to open on Sundays, it would not be profitable to open every Sunday, but for the last few years we have operated on various Sundays. About 5 years ago I consulted Market Management proposing we did our own rota for opening, which they agreed to, although this was an unofficial agreement it has worked well and received well by the general public.	Policy Change: Sunday opening has now been built into the Policy with Sunday opening being subject to agreement from the Borough Council. See section 3.6.
	Although not in favour of Sunday trading, if any events are taking place on the market, we would support these by opening.	
	The six day licence was introduced many years ago when it was hard to remove stalls on a Saturday night and put them back on a Monday morning, as this no longer the case so why can't we now have a seven day licence.	
	Is it necessary to exclude Sundays. The law has changed in the last 20 years or so!	
	We have been open on a Sunday for 4-5 years now and have a rota with the three other chip stalls at our end. We think this should now be a 7 day licence as shops are open, customers want it and staff want to work.	
	Regarding hours of operation, we currently have an agreement with the market management for us to trade on a Sunday, at our discretion. This was instigated in an effort to increase our turn-overs against continually decreasing footfall across the market.	
	Re Christmas – Traditionally we have had extra markets on the run up to Christmas.	
	Regarding the maintaining of the toilets, there has been a leaking tap in the gents toilets for the last 2 years that must cost the tax payers a lot of	Note: Work is underway to improve the toilet facilities which will include new

	money.	windows to aid ventilation, a lock change to restrict access to existing traders only, alongside an enhanced cleaning schedule. The leaking tap has been fixed.
	Toilet facilities – dirty, smelly, unhygienic, not maintained, no ventilation, unsafe flooring, unsecure main door.	
	Toilets disgusting sometimes	
Section 3 Hours of Operation	Can you give valid reasons as to why traders cannot occupy their site before 5.00pm prior to market days? Considering the six day market is mostly shut by 4pm or just after and both roads running parallel to the market place are governed by the highways agency allowing loading between 4pm and 10am. I feel personally that it is a good thing that day trippers / holiday makers see market preparation activity on their return to their cars up to 5pm when the car park closes. This activity plants a realistic change of a return the next day as there are no signs around the market stating when it actually takes place.	Note: The restrictions are in place to match the rules of the market place car park. New signage has been designed and will be displayed by the end of July at the latest.
	The main reason that Traders are arriving prior to 5pm is that there is no procedure or signage in place that make clear to people parking that they must remove their vehicles from the market area by 5pm. If the traders do not manage the market section of the car park themselves it is not uncommon for cars to be parked up until 8pm and later. The sign at the entrance is not suitable as the entrance is difficult to get into, making sign the least of a drivers concerns. The sign is also rarely taken down causing people to become complacent and ignore it. The signs on the meters blend in and are faded, they are also over ridden by wording that says free parking after 4pm every day. I would suggest that barriers across the area to be used by the market should be put in place clearly showing that there is no parking in that area after say 4.30pm thereby giving 30 mins leeway to clear the cars. These suggestion have been made continually for years but as with most things in the past they have been ignored, leading to the traders having to manage the matter to the best of their ability. If we all knew that we could pull onto our pitches unhindered at 5pm there would be no problem. Procedures for removing cars after a sensible time should also be put into place. Issuing tickets achieves nothing except alienate people from the town and town Centre, especially the market.	Note: Agreed. Work is underway to liaise with the Council's car parks section to ensure adequate signage and that it is replaced as appropriate. Alongside signage a visible presence from the parking enforcement team from 16:00 would also be helpful.

	<p>Some stalls cannot be packed in 2 hours, if we are to trade until 16.00 hours we may need access to the market place until 19.00 hours.</p> <p>It is totally impractical for several of us to be clear of the market by 6pm. It was always 9pm. 7.30pm would be a more sensible time, especially during the summer months when hopefully we will be trading a little later than at present.</p> <p>6.00 pm should be 7.00 pm</p>	<p>Policy Change: The Market must be vacated by 7.30pm See section 3.5.</p>
	<p>(I) as most 6 day stalls are run as a small family business on the odd occasion there may be a time when we would like to take a week's holiday together if this rule applied this would not be possible.</p> <p>Due to being a family business with minimum staff we do shut from time to time for a holiday (not in the last 3 years) as there are seven other chip stalls, this should not matter.</p> <p>Does the five consecutive market days absent ruling apply to six day traders and no allowance for closure due to a personal holiday to be taken ?</p> <p>The effect of this is to ensure that traders are not allowed a one week break! Surely traders are entitled to reasonable holidays?</p> <p>No provisions made for licensee holiday time (I am the only one operating the stall). Also if I have to attend a member of family for more than five days if they are ill. Also, if the stall needs repairs for more than five days.</p> <p>I think that like any other jobs, market traders should be allowed a holiday so I don't agree that if a trader misses five days their licence should be terminated.</p> <p>5 consecutive markets? Leaves no possibility of having a 2 week holiday?</p> <p>Stating "if you fail to take up your site on three consecutive markets this is deemed as a termination of licence at, but no provision has been made for traders having holidays, can you inform me of your holiday procedure?</p> <p>This means a trader is not allowed a full week holiday! TOTALLY unreasonable.</p> <p>3 consecutive markets only??</p>	

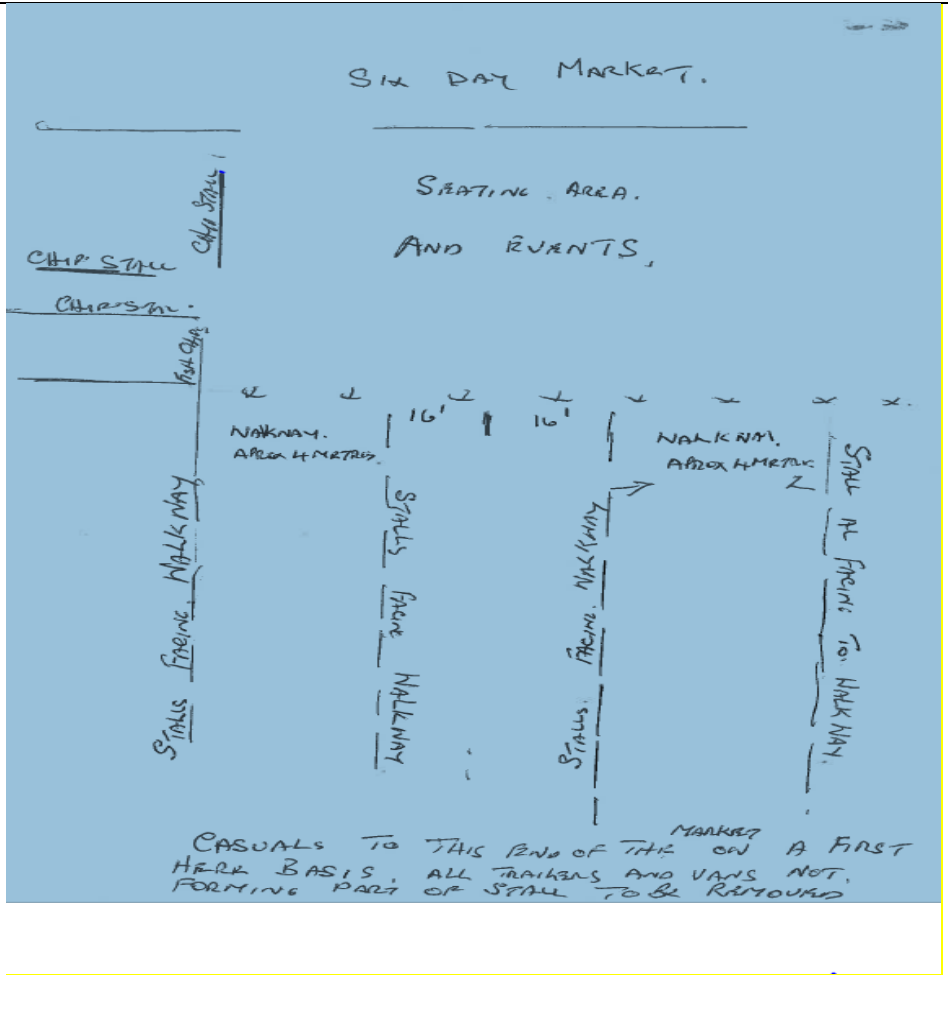
	<p>Unfair for traders wishing to go abroad as if flying out on a Wednesday or Saturday for example, one weeks holiday equals loss of pitch and livelihood.</p> <p>Traders are unable to get people to cover them for holidays due to the nature of the job, i.e. erecting and dismantling stalls, unloading vans, stock management and cash handling.</p>	
Section 4 Payment of Stall Fees	Under payment section should be a condition about refund of credits relating to cancelled markets. These should be refunded in the same financial year they are incurred.	Note: Agreed. See section 23.4.
	Why are we required to pay four weekly in advance when markets could be cancelled.	<p>Note: Monthly payments are required for all six day traders. The Borough Council has some discretion to reduce this payment period for traders, for example if a trader is struggling to make monthly payments the Borough Council may agree to a weekly payment. Any changes are noted on traders files and paperwork adjusted accordingly.</p> <p>Refunds for cancelled Markets are dealt with at the end of the year. See section 23.4.</p>
	All traders should pay for ALL the footage they occupy. If ANY trader gets “free footage” or a discount on fees all traders should be given the same discount.	<p>Note: Each two day trader will have different stall set ups, some of which will allow sideways trading while some don’t. A 15 foot depth amnesty is designed to take into account these differences. Any traders that exceed this depth will need to pay rent for this additional space.</p>
	<p>No special deals on rent. All should pay same price per foot.</p> <p>Are all market traders going to be treated the same way as regards to the amount of space they utilize, without paying any extra for the extra space they are using.</p> <p>Great Yarmouth is a market town, it can’t be without a market.</p> <p>The footage we have has been given to us over the years to aid the</p>	<p>Note: Agreed. All traders must pay rent as agreed by the fees and charges laid down by Members</p>

	<p>market and to try and slow down the decline, hitting us with an iron just will not “strengthen and grow the market” as you say in your first paragraph.</p>	
	<p>Also suggest one rate for 52 weeks a year. £1.50 per foot with a 15’ or 16’ depth. All trailers etc to be part of this</p> <p>Suggested rental payments for 2 day traders</p> <p style="text-align: center;">Trader A</p> <p style="text-align: center;">Trader A pays for 12ft but has 20ft</p> <p style="text-align: center;">Trader A is now paying</p> <p style="text-align: center;">Summer Rent £29.04 a day £232.32 a month and £1161.60 a Year</p> <p style="text-align: center;">Winter Rent £13.44 a day £107.52 a month and £860.16 a Year</p> <p style="text-align: center;"><u>Total Years Rent £2021.76</u></p> <p style="text-align: center;">Trader A pays for 20ft at £2.42 and £1.12</p> <p style="text-align: center;">Trader would pay</p> <p style="text-align: center;">Summer Rent £48.40 a day £387.20 a month and £1936.00 a Year</p> <p style="text-align: center;">Winter Rent £22.40 a day £179.20 a month and £1433.60 a Year</p> <p style="text-align: center;"><u>Total Years Rent £3369.60 that’s</u></p> <p style="text-align: center;"><u>£1347.84 increase</u></p> <p style="text-align: center;">Trader A pays for 20ft at £1.80 and 90p</p> <p style="text-align: center;">Trader would pay at new rate</p> <p style="text-align: center;">Summer Rent £36.00 a day £288 a month and £1440 a Year</p> <p style="text-align: center;">Winter Rent £18.00 a day £144.00 a month and £1152.00 a Year</p> <p style="text-align: center;"><u>Total Years Rent £2592.00 that’s</u></p> <p style="text-align: center;"><u>£570.24 increase</u></p>	<p>Note: A recommendation is being made to Members to review the fees and charges for 17/18.</p>
<p>Section 8 Transfer of Licence/Lease of the Six Day Market</p>	<p>Additional payment of four weeks site fee seems excessive to transfer the licence to a family member especially when no payment of sale is to be received by the licence holder.</p> <p>I disagree and think it is unfair that on the death or retirement of a trader and where no money has changed hands the council should charge 4 weeks rent (take my case as an example I have traded on Yarmouth</p>	<p>Policy Change: The Council will incur administration costs with any transfer of license/lease. This fee has been amended to reflect this. See sections 8.6 and 8.8.</p>

	market continuously since 1968 have always been on time with my rent and if I die or retire next week my family will get a bill for £740 very unfair) also I think that a close family member who has worked on the stall for over a year should be added to the licence free.	
	I don't agree with the retiring trader having to pay a four week site fee as the person who takes over the stall will be paying rent so the Council will receive double rent for 4 weeks.	
	There has never been a transfer fee involved when a family business is transferred within that family. I feel that should remain the case.	
Section 9 Balance of Trades and Product Lines	How will 'balance of trade' be decided if another trader wants to come on to sell a product that already exists? Will the existing trader be approached prior to the new trader coming on, or will it just be fast tracked to fill occupancy. I am particularly interested in this clause as we have previously been the victims of this act, now the so called demand for this additional stall (which was allowed to trade selling second hand goods) operates out of a six day unit only opening on market days and school holidays!! The demand was never there in the first place!!	Policy Change: The decision making process regarding balance of trades has been clarified and amended to include seasonal and new product considerations. See sections 9.4 and 9.5.
	If new Product Lines are being offered, we feel these should be different to what's already available on the market as this would just dilute business rather than enhance it. Traditionally we would all feed off each other, what you can't get from one stall you can get from the other stall. More choice is good but not more of what you can already get.	
	Balance of trade? Needs to take into account the time of year, year round trader or just summer?	
	We operate a chip stall in the market place. We have been trading from this site for over 20 years and have seen many changes in this time. In the past I have applied to sell additional items on our stall and have been refused I know in the past the council have had a strict policy on items sold on the market. I have just invested a large amount of money to renew our stall and equipment hopefully to improve our trade and the appearance of our site. As the council has now given permission for a previous chip stall to sell fish and chips I would like to apply to sell battered sausages to go with our chips. This would be a great product	

	to accompany our chips and it is the the most asked for product by our customers' At the moment we have to send them to the nearest chippy on regent road. This would not effect any other trade on the market and hopefully would be something new to encourage more people to the town centre. The quality of our chips would not be affected as we would have a separate pan for sausages. I have spoken to my near neighbour and if allowed they would be interested in doing the same as I suppose other chip stalls would also. I think the market needs encouraging to introduce new items to attract new business and I know from the feedback from the public this would be an asset to the market and a shame if it was refused.	
	The point of this is that yes we all want a strong market filled with a variety of shops, but to open up a similar stall selling some of the same items only hurts the original loyal stall holder and puts more pressure on them to leave. In turn this defeats the object of filling up the stalls without considering the existing stall holders. Nothing will be gained if you fill up one stall and cause another one to close, especially when the other stall is bigger and was not paying full rent!	
	The old bag stall has been empty for 3 years now and I know there were plenty of people wanting to rent it when it first became empty.	Note: This unit is currently being offered for sale.
Section 11 Conduct and Behaviour Standards	Does the wording 'Hawk or carry goods about for sale' extend to casual bird handlers offering photos with the birds as a breach of conduct?	Note: Not if offering this on stall site. This section refers to walking around the market trying to sell goods or services.
	Add Not to cause damage to a trader's property.	Policy Change: Added to section 11.3.
Section 13 Vehicle Manoeuvres	I have no problem with this section as far as it goes. However the most dangerous vehicle manoeuvres that take place in the market area are by Taxis entering through the "No Entry" sign and crossing the market area at high speed at all hours of the day and night and by the public ignoring the fact that the area is pedestrianised from 10am - 4pm. The public should not be driving through at anytime. I appreciate that it is in many ways a County Council problem by it still needs dealing with for the safety of all. I am also aware that the police wish to have nothing to do with the problem, someone however needs to address the issue before a serious accident occurs.	Note: Agreed. This is an area the Council is currently working with partners to resolve including exploring if the barrier can be locked. However enforcement can only be carried out by Norfolk Constabulary.

Section 14 Insurance	Casuals need to show Public Liability <u>BEFORE</u> setting up stall.	Note: This is Agreed and has now been extended to new traders undertaking trial days on the Market.
	Liabilities: If the structure of the market collapses on top of my stall, will the Council compensate me?	Note: The Council has in place various insurances in relation to the Market.
	Why ask for £5million insurance, most insurance companies only go up to £2million	Note: This is a standard request and complies with the Council's own insurance requirements.
Section 16 Stall Set Up	<p>So all stall that have products outside are breaking rules of the licence. Regarding site occupation – No. 7, the Licence will only be able to occupy the site area that has been paid for, who why does the Council allow some traders to extend their selling area well over the perimeter of their stall and up to the middle of the road, especially on the west side of the market. They obstruct and block neighbouring traders and make deliveries very difficult. I have to leave my car on the brown brick of the road to deliver causing obstruction. Also 'A' boards are left all over the road.</p> <p>Some traders taking too much liberty, they double their selling area but only pay for a single rent. If this is allowed could we all do the same? The entrances are being blocked and also the aisles. Why does the market inspector allow this?</p>	<p>Note: This Policy is clear that all traders will only get what they pay for and provides detail on how any such issues will be dealt with in the future.</p> <p>Policy Change: A section has been added regarding the use of A boards and obstructions. See sections 16.5 & 16.6.</p>
	I would suggest the market is laid out. to how is was intended when It was regenerated (plan attached)	Note: Work is already underway to improve the layout of the two day Market.

		
<p>Section 19 Electricity</p>	<p>In order to eliminate trailing wires/trip hazards, official walkways needs to be determined and these walkways then be the only ones used. The layout of the market in its current condition provides gaps between stalls where electric cables trail to the fixed supply posts. This creates extra walkways/cut throughs which either need to be barriered off on each market day or stalls repositioned to eliminate gaps.</p>	<p>Note: Agreed and in addition covering of exposed wires may also be considered.</p>
	<p>Not to block or obstruct electric supply box at any time.</p>	<p>Policy Change: Added to section 19.5.</p>
<p>Section 21 Health and</p>	<p>We are all aware of the current Health and Safety culture and fully</p>	<p>Note: Over the last year the Council has</p>

Safety	<p>agree that it is “in general” a good thing. However despite continually asking for the 2 day market area to be maintained to a safe standard, cobbles and paving slabs still present trip hazards. Whenever Council workers repair lifted areas, it generally to a poor standard and the problem reoccurs within a short period. If the Market and Town Centre is to “Grow and Strengthen” both parties need to be held to account on the way the area is presented to the Public. In general it must be said that as usual the policy document expects a lot of give on the part of the traders with little if any from the Council.</p>	<p>completed a number of works to improve the physical environment of the six day Market. This will be extended to consider improvements to the surface that the two day traders operate from.</p>
Section 23 Closures of the Two Day Market	<p>Where did 24 mph wind speed come from? A properly constructed stall should withstand higher speeds than this. Is 24mph the max speed recommended for the low quality gazebos foisted upon the council? If the market is cancelled on Health and Safety grounds a sign or (better) signs need to be erected around the market place as many customers do not understand why, especially if the wind has reduced later in the day.</p> <p>There should be a responsible member of management in attendance on the market place, this would allow responsible, sensible decisions to be made as sometimes irrespective of the forecast wind speed traders vans can be used to make a market viable</p> <p>Any repayment should be by the end of the current financial year.</p>	<p>Note: The 24mph wind speed is part of the Councils own insurance requirements, although the Policy does have provision to make an onsite decision where the wind speed is borderline – see section 23.2.</p> <p>Improved signage is now being progressed in relation to closed Markets due to bad weather which will also make clear the six day market is open for business.</p>
	<p>24mph constant wind speed? 1 hour time slot needs far more consideration and common sense and traders need to be consulted prior to market cancellation.</p>	
	<p>It does not help the traders on the six day market when it is advertised that the market is closed due to strong winds.</p>	
	<p>Most traders appreciate the problems with forecasting weather conditions. The one matter that is not covered is Time Scales for a decision. Many of us erect our stalls the night before and many more start work on the market at least 2 hours before council officials arrive. I would suggest that a general decision is made at 5pm the night before using your text system. Should the weather make a drastic recovery overnight, market management can make a secondary decision on their arrival for those who then are able/wish to set up in time to work. The</p>	<p>Policy Change: Section 23.5 has been added to give guidance on when traders will be informed of closure of the Market.</p>

	<p>register that is now being taken can be used to record who did and did not work.</p> <p>On the matter of Ice and Snow, It has not actually affected us for several years thankfully, however it has caused quite a few smiles this winter the fact that the County Council gritter goes along the road and grits, switches off the system to cross to the other side of the market and then switches back on,</p> <p>only to be followed 10 minutes later by the sweeper who sweeps it all up. Why is it not possible for the gritter to make one pass along the market and why, despite it being common knowledge and an ongoing joke with just about everybody , does the sweeper follow behind sweeping it up ?</p> <p>This refund date needs to be specified within the policy document and should be prior to the end of the financial year.</p>	
	Closure of the market once operational, personally causes a logistical problem for me as I attend a full time job on a Wednesday, although we would attend if the weather was borderline it would be for the duration of the market day. If snow or ice is forecast on market days are the council to salt the market or leave it and if so who becomes liable for any accident within a traders site?	
	Refunds for cancelled markets need to be paid back sooner. Why should we have to wait for a year to get our own money back.	Note: The Council's refund system is set up to give refunds on an annual basis which is well received by the majority of traders.
Section 24 Works Affecting The Market	On several occasions council workmen have taken to cutting paving blocks on market days and causing considerable dust. Issues of this type should have a procedural policy in place so that it can be quickly stopped	Policy Change: Section 24.2 has been added regarding works outside of the Council's control.
Section 25 Movement of Two Day, Six Day and or Casual Markets	Moving stalls often causes great upheaval to traders business; any proposed moves must take this into consideration. Many stalls are designed and constructed for a particular piece of ground. Moving pitches can cause safe stalls to become unsafe, also any movement can seriously disrupt trade from regular customers.	Note: The Council understands that there will be an impact from any request to move stalls on the traders. However it does need to reserve this right in certain circumstances, which will includes events as the Council works to broaden the

	<p>It is totally acceptable for the 2 day market to be moved except in “exceptional circumstances”. However all the traders agree that they do not accept that moving it to hold an alternative event is an “exceptional circumstance”. We do not believe that you fully understand the consequence that it would have even on the odd occasion. We understand that you wish to promote the Town and Town Centre it cannot however be at our expense. Generally whenever there is an event anywhere in the Town we take less.</p> <p>No matter how it was dressed up the Ice Rink made a 90k loss. The few people that it attracted compared with the draw of the market even at its current size, was attended mostly in the evenings after school time and at a time when the shops were shut by the time they had skated. If more respect to the market and its traders were shown and some of that money had been used to promote/improve the market, it could and would attract far more footfall and return to being a big asset to the town. You may ask what I mean by respect, when you are addressed by a council employed security officer as “You are only a market trader, you will do as you are told” it goes a long way towards showing how we are perceived by the council. If the council wish to get traders “onside” a lot of bridge building is needed. I know that you think that “The Mobbs Report” on Great Yarmouth Town Centre footfalls is out of date, it does however come to exactly the same conclusions that would have been true 100 or even 200 years ago, The 2 day Market brings extra footfall into the Town on Market Days. Some of that footfall is now historical rather than because of the market itself. It is likely however to dwindle away over time if the Market does not return to being a draw in its own right.</p> <p>Unfair to move traders or market, this is our living.</p> <p>It is unfair that the council can arbitrarily decide to move a loyal trader to allow outside traders to occupy their pitch. This has happened on several occasions in the past, particularly for food fayres and Christmas fayres . The council needs to appreciate that many customers walk along the market to a traders regular pitch, if the trader is elsewhere in the market place that customer assumes that that trader is not there!</p>	<p>Town Centre’s offer to attract residents and visitors. Section 25.1 provides for notice of movement to be given to traders where possible.</p>
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	Ridiculous but true. If a trader is to be moved it should be possible to give a few weeks notice as all events are preplanned.	Note: Movement of six day stalls would be a complex issue and only undertaken on direct consultation with Market traders with clear reasoning being given by the Council.
	Allocating us any site on the market is not feasible as we need to be on the outside to advertise.	
	Regarding right to allocate licensee to another site. As we tendered for our site our tender was based on location of our specific site and we based our bids on this.	
	Will the Council pay for the relocation of the stalls to a new site? The stalls are static and very difficult to move.	
	It would not be very easy to move the units on the 6 day market to another location.	
	The council must accept that not all trading units are of equal size and shape. Units will not always physically fit on different pitches	
Section 26 Enforcement Procedures	<p>The basic principles are not in question, however more exact time scales for decision making need to be in place.</p> <p>It is unacceptable that a trader if found not guilty of an offence should be caused financial loss.</p> <p>Also any CCTV evidence from any viable source should be allowed to be used and should be actively sort by all parties.</p>	Policy Change: Section 26.4 has been amended to include a 28 day hearing timescale.
Section 28 Complaints	Despite the continued on going problem that I have had with regards to council employees and ex council employees and continued assurances that it would be written into the new rules, there is still no complaints procedure regards traders making complaints against council officials. I am sure that I do not need to expand on this matter any further at present suffice to say a complete complaints procedure for all parties needs to be written into the policy document/licence. On saying that, I must say that the whole atmosphere on the market has improved dramatically since the recent market management changes. I appreciate that section 28.1 supposedly covers the issue. It clearly didn't work in my case. This time with copies retain by ALL parties.	Note: Section 28 outlines the Council's current complaints policy which is already in place.
All Sections	<p>With regard to your letter and proposed document of the 30/3/2016, we find this document totally unacceptable and will oppose all that it contains.</p> <p>We now require formal discussions regarding the legal position of the</p>	Note: Work is underway with NPLAW to review whether the current licensing framework on the 6 day Market requires changing to a lease agreement

	<p>six day market.</p> <p>The main point of discussion should be the fact that all permanent stall should have leases.</p> <p>As to your period of consultation, we tried during your absence to have consultations but no one was available.</p>	framework.
	<p>I am glad somebody finally seems to be wanting to sort out the market properly and with some more transparency and maybe fairness you will be able to achieve this. I also realise your taking on this job will not be easy due to previous problems which never seemed to be sorted out honestly in the past and you have already opened up a can of worms so to speak, not only at this level but higher up within the Council.</p>	Note: The Council is committed to supporting its Town Centre Market.
	<p>We are small independent retailers who should be helped for the benefit of the town, not hindered. The market place is a prime location and very little has been done to bring people to our part of the town.</p>	Note: The Council is committed to supporting its Town Centre Market.



**GREAT
YARMOUTH**
BOROUGH COUNCIL

MARKET POLICY

VERSION: 3
STATUS: FINAL
DATE: JULY 16

NOTES

Any trader who commences trading in the Market at Great Yarmouth with permission from the Borough Council agrees to abide by this Policy as part of and incorporated into all Licence agreements.

This Market Policy governs the use of stalls in the Market by traders. Any trader who contravenes the terms of their licence, which in turn requires compliance with this policy, may have their stall licence terminated by the Borough Council or otherwise be refused permission to use a stall in the market.

Unless otherwise stated this policy relates to the whole market, and applies to two day market traders; six day market traders and casual traders. As defined in section 2.1 of this document.

Great Yarmouth Borough Council may change this policy at any time upon giving four weeks written notice to traders. Prior to changing this policy the Borough Council will consult with traders and consider any representations made.

DEFINITIONS

“the Market” means the charter market held on the Market Place, Great Yarmouth

“Trader” means a person offering goods or services for sale from a stall on the Market

“Trading Day” means a day on which the Market is open for trading

“Market Hours of Operation” means the hours of operation set out in Section 3

“Severe Weather” means a severe weather warning for Great Yarmouth on the Met office website at www.metoffice.gov.uk

1. INTRODUCTION

- 1.1 Great Yarmouth Market is an important part of Great Yarmouth's Town Centre and a key priority for the Borough Council. It is an historical market which can be dated back to at least 1208 when it was granted a Royal Charter by King John.
- 1.2 The Market Place is 6,765 square meters in area and provides a six day covered market with 36 stalls and a two day market which operates on Wednesdays and Saturdays. Extra markets are also held throughout the year, often to support specialist events.
- 1.3 This policy governs the use of stalls in the Market by all traders and provides detailed procedures to support the licence agreements which are held by each trader. It also outlines the way the Borough Council will work to manage the market and provides a framework for this management.

2. GENERAL PROVISIONS

- 2.1 The Market will operate as follows
 - Six Day Permanent Market - Mondays to Saturdays and Sundays by agreement with the Borough Council
 - Two Day Market – Every Wednesday and Saturday
 - Casual Markets – Wednesday and Saturdays and other days as offered by the Borough Council
- 2.2 All traders must hold a valid and signed licence/lease Agreement for trading.
- 2.3 Two day and six day traders wishing to leave the Market or give up one or more of their stalls must give 28 days' written notice of their intention to the Borough Council. At the Borough Council's discretion this requirement may be waived in exceptional circumstances.
- 2.4 The Borough Council will provide and maintain adequate and hygienic toilets and washroom facilities for all licensed/leased traders.

3. HOURS OF OPERATION

- 3.1 All Traders must ensure that their stall is suitably manned throughout the Market Hours of Operation and is open for trade.
- 3.2 Two day market traders or casual traders who fail to take their stall by 8.30am on the day of trading may not be permitted to trade on that Trading Day unless prior arrangement is made with the Borough Council. No refund of stall fees will be paid in these circumstances. The Borough Council may re-allocate the stall for any absence to another trader.

- 3.3 Two day market traders or casual traders must not come onto the market before 5:00 pm on the day prior to the market day.
- 3.4 All vehicles must be removed from the market by 9.00am and traders must not bring their vehicles back to the market until after 4.00pm. Any exceptions to this must be agreed by the Borough Council with clear reasoning being given and available to anyone on request.
- 3.5 All two day traders and casual traders must vacate the market by no later than 7:30 pm, unless by agreement with the Borough Council.
- 3.6 Sunday trading may be offered from time to time by the Borough Council and may also be considered on request to the Borough Council by market traders. Likely reasons for agreement could include marketplace events taking place on a Sunday where traders will add to an event and are likely to gain income.
- 3.7 Where possible all traders are encouraged to make alternative arrangements to put in place cover when holidays are taken. If this is not possible six day traders may close their stall for a maximum of 14 days in a row and two day traders may not attend four consecutive markets (Wednesdays and Saturday), once a year, to allow for the provision of an adequate holiday break.

4. PAYMENT OF STALL FEES

- 4.1 Stall fees and other charges are determined by the Borough Council, with changes to the fees and charges schedule being notified to traders in writing once approved by the Borough Council. Notification will be at least four weeks prior to the date of the fees and charges coming into effect.
- 4.2 The fees and charges schedule includes a set monthly fee for six day traders based on goods sold, and a fee payable per foot for both two day and casual traders. All footage fees will be calculated after a depth amnesty of up to a maximum of 15 feet.
- 4.3 The Borough Council will usually review all stall fees and other charges annually but may also do so at different intervals. The Borough Council will notify traders of any review and will consider representations made by traders.
- 4.4 Stall fees must be paid by the trader. All six day traders must pay monthly by direct debit. This facility is also available to two day market traders, alongside other payment methods.
- 4.5 It is the Borough Council's aim to phase out cash payments by March 2017.
- 4.6 Any trader in arrears with their fee will be subject to the procedures detailed in section 26 of this policy.

5 IDENTITY

- 5.1 Traders must provide and display in a prominent and visible location on their stall, a legible, well presented sign of a minimum size of 300 mm x 300 mm showing their trading name. This sign must remain in position throughout the trading day.
- 5.2 Traders must register their permanent address and contact telephone number with the Borough Council who must be notified immediately of any changes.

6. APPLICATIONS FOR STALLS AND LICENSE

- 6.1 All applications for new stalls, including those from existing stall holders who want an extension to their pitch size, product changes or an alternative stall, must be made in writing to the Borough Council.
- 6.2 The Borough Council will consider extensions, product changes and alternative stall requests from existing traders considering section 9 of this policy.
- 6.3 Applications for vacant stalls and or new stalls will be evaluated under section 9 of this policy. Six day traders will be required to provide financial and personal references. All traders will be required to provide evidence of public liability insurance prior to trading.
- 6.4 Any such applications will not be considered if the applicant is in breach of this policy, including being in arrears with payment of the fee.
- 6.5 No successful applications will become effective until either a new or amended licence/lease has been signed and returned to the Borough Council. licences/lease not signed within seven days of issue will be withdrawn and a new application will then be required.

7. UNSUCCESSFUL APPLICATIONS

- 7.1 All unsuccessful applicants for stalls or product line extensions will be notified in writing with a summary of the reasons.

8. TRANSFER OF LICENSE/LEASE – SIX DAY MARKET

- 8.1 During the term of the license/lease, a permanent trader (the transferring trader) who wishes to cease trading will inform the Borough Council of their intention. It is the trader's responsibility to find a new trader. If the trader wishes to then advertise their business for sale they need to also notify this intention to the Borough Council at the same time they give notice to cease trading.
- 8.2 Any six day trader who is unable to find an alternative trader but wishes to cease trading must contact the Borough Council prior to ceasing trading as any unit that remains closed for fourteen days may result in section 26 of this policy being implemented, and as an ultimate sanction the trader may be required to remove their unit from the Market.

- 8.3 Once a prospective trader has been found the existing trader will inform the Borough Council of the name and address of the prospective trader. The Borough Council will in all cases then satisfy themselves as to the suitability of the transferee to become a trader and will require financial and personal references, before allowing the transferee to trade under that licence.
- 8.4 Such transfer is at the sole discretion of Borough Council. The Borough Council is not obliged to agree to transfer the licence to the transferee.
- 8.5 In the event that a transfer is refused, there is a right of appeal using the appeal process laid down in the policy in section 27 of this policy.
- 8.6 The retiring trader will then pay a transfer fee to the Borough Council equivalent to one week's site fees.
- 8.7 The new trader will then continue existing trade and will be required to abide by their licence conditions subject to signing a new or amended licence/lease and returning it to the Borough Council. Licences not signed within seven days of issue will be withdrawn and a new application will then be required
- 8.8 Upon the death, retirement or inability to trade due to ill health of a trader, the Borough Council will permit a husband, wife, civil partner, or relative to take over the licence subject to relevant checks to include financial and personal references alongside an additional payment of one week's site fee.
- 8.9 Whilst the Borough Council will undertake the administration of the licence transfer, the transferring trader will be responsible for managing the handover of their business to the transferee in a smooth and timely fashion.

9. BALANCE OF TRADES AND PRODUCT LINES

- 9.1 The Borough Council has a policy on the balance of trades on the market with an aim to create a lively and vibrant environment for shoppers with a wide mix of trades.
- 9.2 The Borough Council wishes to ensure the market has an appropriate mix of goods so it remains attractive to customers, trying to balance the needs of the customer by offering real choice, providing local business opportunities and ensuring the market maintains a diverse retail offer.
- 9.3 At the same time the Borough Council recognises the need to let vacant stall(s) whilst ensuring that no traders is provided with a direct covenant not to let other premises to a competing business to avoid a trader occupying a monopolistic position.
- 9.4 When deciding on a particular trade the Borough Council will take account of the following points:
- The current availability of particular trades and whether this is a new product

- Evidence of demand from customers for the continuation of the trade or product line concerned.
 - The quality of the product line being offered and its presentation.
 - The attendance record of existing traders in that business
 - Times of year the product will be offered for sale
- 9.5 Any request to diversity goods being sold should be made in writing to the Borough Council with any decision's being considered by the Market Management team in the first instance with their recommendations being passed to a Group Manager for consideration and final agreement.
- 9.6 The Borough Council may accept product lines that compete with existing traders. If a trader disagrees with such a decision they have a right to appeal under section 27 of this policy.
- 9.7 The Borough Council does, however, reserve the right to decline any application if it considers that any particular trade or line will be over-represented on the Market.

10. NEW BUSINESS SUPPORT

- 10.1 EnterpriseGY, based in the Catalyst and Novus Centres, at The Conge, Great Yarmouth, and provides free support, business advice and training for those persons planning a new start-up business. enterpriseGY also provides free guidance for existing businesses as well.
- 10.2 Any resident of the Borough who is looking to set up as a Market Trader, or are currently running a Market Stall in Great Yarmouth are able to contact enterpriseGY on 01493 336425 or 0800 458 0146 for further information and to make an appointment with a Business Advisor.

11. CONDUCT AND BEHAVIOUR STANDARDS

- 11.1 Traders are responsible for their own conduct and that of anyone working on or in connection with their stall at all times while they are on the Market
- 11.2 Traders are also responsible for complying with all legislation and regulations that apply to the individuals they employ or engage.
- 11.3 Traders and those working with them must not:
- Use abusive or bad language, shout or display intimidating behavior to other traders, market management, Borough Council Officers, elected Members or the general public
 - Do any act that might cause injury, anxiety or offence

- Discriminate against anyone on the grounds of age, gender, race, sexual orientation, disability, gender reassignment, religion or belief
 - Use or permit the use of illegal substances on the Market
 - Not to cause damage to a traders property
 - Smoke in the toilets or the storage areas or within the confines of any stall canopy on the Market
 - Hawk or carry goods about for sale
 - Use stalls for any purpose other than trading
 - Sell live animals on the Market
 - Cause or encourage any nuisance or annoyance to other traders, market management, Borough Council Officers, elected Members or the general public or occupiers of property in the vicinity of the market
 - Make any noise or play music that is considered by the Borough Council to be a nuisance or inconvenience to other traders, market management, Borough Council Officers, elected Members or the general public or occupiers of property in the vicinity of the market
 - Cook on their stall except where this is not part of the product line set out in a licence agreement
- 11.4 Any breach of section 11.3 may result in action being taken against the trader in line with section 26 of this policy.

12. OBSTRUCTION

- 12.1 When loading/unloading their vehicles, all traders shall cause as little obstruction and inconvenience to the general public, other traders or the Borough Council's employees and contractors as possible. In particular traders must comply with such requirements to ensure emergency access as the Borough Council deems necessary.

13. VEHICLE MANOEUVRES

- 13.1 Traders must ensure that they observe a maximum vehicle speed of five miles per hour when on or in the vicinity of the Market and that vehicles display hazard warning lights.
- 13.2 The Borough Council will not be responsible for vehicles brought onto the Market.

14. INSURANCE

- 14.1 Traders MUST provide evidence of third party public liability insurance to the Borough Council's minimum requirement as notified to traders in writing from time to time, currently £5,000,000 (FIVE MILLION POUNDS) and a trader shall display their policy of insurance on their stall or provide evidence of their insurance upon request.
- 14.2 Traders who are employers must hold Employers Liability Insurance. Under the Employers Liability (Compulsory Insurance) Act 1969 all employers* are required to have a minimum level of cover of £5 million.
- 14.3 Traders not displaying evidence of insurance or providing evidence of their insurance as required by clause 14.1 may not be permitted to trade until this has been rectified with action being taken under section 26 of this policy. No rebate of the stall fee will be given in these circumstances.
- 14.4 Traders must notify the Borough Council of any changes in insurance and provide copies on request and on renewal.

**If your business is not a limited company, and you are the only trader or you only employ close family members, you do not need compulsory Employers Liability (EL). Limited companies with only one employee, where that employee also owns 50% or more of the issued share capital in the company, are also exempt from compulsory EL insurance. However, there is nothing to prevent an exempt employer from choosing to buy EL insurance.*

15. INDEMNITY AND COST OF DAMAGE

- 15.1 Traders will indemnify the Borough Council against all costs, claims and damages arising from their use of the stall, or any other facility provided by the Borough Council in respect of the Market operation.
- 15.2 The Borough Council reserves the right to charge any market trader the full cost of repair or renewal to any Borough Council property related to the Market where in the reasonable opinion of the Borough Council that trader or anyone working with the trader has caused the damage.

16. STALL SET UP

- 16.1 All traders must supply, erect and dismantle their own stalls. All stalls must be kept in good and clean condition and be safe for use.
- 16.2 All stalls must have minimum headroom of two meters.
- 16.3 Any new or refurbished six day stalls must have their design approved by the Borough Council before any works take place. Notification in writing to the Borough Council must be made at least six weeks in advance of any such changes.
- 16.4 The use of amplified sound equipment is prohibited unless agreed by the Borough Council.

- 16.5 The use of A boards is discouraged on the Market and under no circumstances can these cause an obstruction or create a hazard.
- 16.6 The Borough Council will oversee where stalls are set up on the two day Market, working to ensure appropriate layout including walkways depending on the number of traders trading on that day.

17. GENERATORS

- 17.1 Generators are not permitted on the market.

18. GAS SUPPLY AND GAS CYLINDERS

- 18.1 A gas supply is currently available on the six day market only. Gas cylinders can be used by traders on the two day market.
- 18.2 The use of LPG/pressurised cylinder(s) will not be permitted without the prior written consent of the Borough Council and permission will be subject to such conditions as the Borough Council may require.
- 18.3 All traders using bottled gas must provide a controllable discharge type, dry powder fire extinguisher situated near the appliance, displaying a current test approval. Paraffin appliances are not permitted.
- 18.4 All LPG/pressurised cylinders shall be stored outside any stall, vehicle or building connected to the appliance via securely fixed metal piping or armoured flexible piping. Only cylinders using pressure relief valves will be allowed which must be positively secured in the upright position.
- 18.5 All LPG/pressurised cylinders not in use must be stored upright in the open air away from any fixed or temporary source of ignition, with suitable hazard warning signage provided, complying with the Health and Safety (Safety Signs and Signals) Regulations 1996.

19. ELECTRICITY

- 19.1 A 240v electricity supply is currently available on the Market.
- 19.2 Traders may only use electrical equipment that it is in good condition, weatherproof and suitable for outside use. All electrical equipment must have a valid up to date. PAT test certificate must be available for Borough Council to view upon request and or take copies.
- 19.3 Connections to the electricity supply must be made by a suitably competent person (using robust, moisture and tamper proof connections which are suitable for outside use). Suitable and sufficient earth-leakage protection must be installed and maintained as part of the fixed wiring installation.

- 19.4 Traders must ensure that trailing cables do not present trip hazards or any other hazard and are suitably protected and at a safe height.
- 19.5 Traders must not make any alterations to the market electrical system provided by the Borough Council. Traders must not block or obstruct electric supply boxes at any time.
- 19.6 Traders are only permitted to use the electricity supply for appropriate lighting, scales and tills and for other uses which are, in the reasonable opinion of the Borough Council, essential for the operation of their business as specified on the Trader's Licence Agreement.

20. LITTER AND TRADE WASTE

- 20.1 It is the sole responsibility of traders to ensure the safe management of waste in and around their stall.
- 20.2 The Borough Council will carry out the regular cleaning of the market area, and the drains and gullies on the Market as necessary to maintain their effective operation.
- 20.3 Traders must ensure that their stall and any adjoining passages, whether used by them alone or in conjunction with other traders, are properly swept from time to time and shall ensure that litter is not allowed to accumulate.
- 20.4 Throughout the day traders must ensure the area surrounding their stall is cleaned and clear of all refuse and to ensure that all stalls and immediate areas are cleared of all refuse generated by their business at the close of business each day.
- 20.5 Traders must remove all trade waste from their stall and for six day traders must place their trade waste in the service yards and move at the end of the day to the market refuse and recycling warehouse.
- 20.6 Traders who produce food waste must dispose of it at the end of the day at the market refuse and recycling warehouse.
- 20.7 Traders must not put their trade waste in public litterbins.
- 20.8 Traders must comply with any new initiatives introduced to improve the recycling of trade waste on the markets as advised in writing by the Borough Council from time to time.
- 20.9 Traders must only use the market refuse and recycling warehouse for disposal of waste produced whilst attending the market and not for the disposal of any other waste.
- 20.10 If a trader does not dispose of and/or remove trade waste in accordance with this policy the Borough Council may remove the waste the trader hereby

agrees to reimburse the Borough Council the reasonable cost of such removal and disposal.

21. HEALTH AND SAFETY

- 21.1 Traders have a legal duty of care to maintain the health and safety of their employees, other traders and visitors to their stall and must comply with the Health and safety at Work etc Act 1974 and regulations made under the Act.
- 21.2 Traders must also comply with directions issued from time to time by the Borough Council with a view to maintaining or improving the health and safety environment on the Market.

22. FOOD STALLS

- 22.1 All traders operating food stalls shall comply with any legislation for the time being in force relating to their business including (but not limited to) the provisions of the Food Safety and Hygiene (England) Regulations 2013.
- 22.2 All traders operating food stalls must be registered with the appropriate local authority and be able to provide evidence of this on request.
- 22.3 It is expected that all food stalls are in receipt of a food hygiene award scoring three or above. If not the trader may find themselves open to action under section 26 of this policy
- 22.4 It is a legal requirement that all food business operators are in possession of a food safety management system and that all staff are trained to appropriate levels in food hygiene.

23. CLOSURE OF THE TWO DAY MARKET

- 23.1 The Borough Council shall have the right to close the two day Market at their absolute discretion if they consider this to be necessary on the grounds of public safety.
- 23.2 The Borough Council's policy regarding cancellation of the two day market due to weather conditions is as follows:
- The Borough Council will monitor wind speed and direction each day prior to any Market in the Market Place using the UK National Weather Service provided by the Meteorological Office.
 - In the event of winds exceeding 24 mph constant velocity (not gusting) for a period exceeding one hour the Market will be cancelled either prior to the Market day or prior to opening on the Market day or during the Market day as conditions dictate.

- However there may be times when the predication sits just below or above this wind speed. In these cases the Borough Council may apply some discretion as to whether a Market is cancelled. In these instances close monitoring of the weather will take place both through forecasting information and onsite. If this monitoring subsequently identifies unsafe conditions, the Market will be cancelled.
- In the event of Snow, matters for consideration prior to cancellation will be Health and Safety of shoppers and traders, closure of public transport, closure of roads, distance of travel by traders amongst other considerations. These considerations will also apply to icy conditions.
- In the event of Flooding both localised from heavy rain or by ingress of floodwaters into the Town centre and or warnings by Emergency Planning Officers at Great Yarmouth Borough Council (GYBC) and Norfolk County Council (NCC) the market may be cancelled.

23.4 Where a Market has been cancelled prior to 12.00 noon on any Market day traders will be credited that day's fees. This will be at the end of the financial year payment period.

23.5 Where it is clear that due to weather conditions the two day Market will not be able to open the day before the Borough Council will seek to notify traders of this decision by 5.00pm.

24 WORKS AFFECTING THE MARKET

24.1 Whenever possible, traders will be given prior notice of maintenance and other work on and around the Market which could affect their trading activities, with steps being taken to minimise any impact as appropriate.

24.2 From time to time works on the Market may take place outside of the control of the Borough Council. In this instance traders can report concerns to the Borough Council who will try to resolve as appropriate.

25. MOVEMENT OF TWO DAY AND OR CASUAL MARKETS

25.1 The Borough Council may from time to time require the movement of its market or individual stalls. Traders will be notified about any such changes as soon as appropriate alongside alternative options.

26. ENFORCEMENT PROCEDURES

26.1 The following procedure relates to breaches of licence/lease conditions and or this Market Policy.

26.2 The Borough Council is able to issue verbal warnings, a note of which will be placed on the traders file. Written warnings can also be issued by the Borough Council for minor issues where a general improvement is being asked for. Again a record of this will be kept on the traders file.

- 26.3 Serious matters that may require immediate action such as suspension or termination of licence/lease can only be taken with approval from a Senior Officer from the Borough Council (Group Manager or above). Any such decision must be clearly documented and subject to the trader having an ability to lodge an appeal against the decision.
- 26.4 For all serious matters a formal hearing must take place, even if immediate action has been taken. For such a hearing at least three working days' notice must be given to the trader. The Council will aim to undertake any formal hearing by 28 days from the matter being raised, and that if this period is extended the trader will be notified in writing to include the reasons why.
- 26.5 At the hearing oral and written evidence can be presented and cross-examination can take place in accordance with the principles of natural justice. All such hearings will be heard by a Senior Officer from the Borough Council who will have available to them the following actions
- No action
 - First formal written warning
 - Final formal written warning
 - Termination of licence/lease with 28 days' notice
 - Termination of licence/lease with no notice
- 26.6 All breaches will remain on the trader's record (as held by the Borough Council) for a minimum period of twelve months.
- 26.7 Examples of serious issues which may warrant immediate action including termination of Licence are
- Serious misconduct or dishonesty
 - Assaulting a member of the public, a Borough Council Officer or another trader
 - Verbal abuse, harassment, intimidation, discrimination or bullying towards a member of the public, Borough Council Officers or other trader(s)
 - The trader has been convicted of selling counterfeit products or has received a formal caution, formal warning or such other similar measure from the Trading Standards Service or any other Enforcement Agency.
 - The trader has persistently failed to make payment of the Licence fee

- The trader has failed to comply with the health and safety legislation affecting the Market sites or any Health and Safety requirements notified to the trader by the Borough Council.

27. APPEALS PROCEDURE

- 27.1 Any trader subject to enforcement action outlined in Section 26 may appeal in writing to Director of the Borough Council (or such other officer as the Borough Council appoints) within seven working days from, but not including, the day the trader is notified of the decision against which they wish to appeal.
- 27.2 The decision of the Director or other appointed officer shall be final in all respects. An appeal hearing will then be scheduled within 28 days from the appeal being lodged. For such a hearing at least three working days' notice must be given to the trader.
- 27.3 In considering any appeal the Director or other appointed officer will have regard to any relevant documentation and may interview such persons, including the trader in question, as he/she considers appropriate.
- 27.4 The result of the appeal and the reasons for the decision reached will be conveyed in writing to the registered address of the trader

28. COMPLAINTS

- 28.1 If you have a problem or complaint with regard to management of the market you should first contact the Borough Council and or the Senior Officer responsible for Markets. The internal complaints procedure must be followed first.
- 28.2 However if you are still not satisfied the Local Government Ombudsman (LGO), may be able to help. The LGO can be contacted at:

Local Government Ombudsman
 The Oaks
 No 2 Westwood Way
 Westwood Business Park
 Park Coventry
 CV4 8JB
 Phone: 024 7682 0000
 Web: www.lgo.org.uk