

Welcome

The Council acting through it's markets section either operate or propose to operate a number of separate outdoor markets. In addition they control operation of all rival markets whether managed for personal gain or to provide funds for non-profit making organisations. Any person considering holding a market must contact the markets section (see below). A market is described as a concourse of buyers and sellers of articles. One full calendar month's notice must be given on application for the grant of such licence.

All traders attending a Council outdoor market are subject to control through Regulation and Byelaw. These are currently listed as Open (general) Markets presently held each Monday, Thursday and Saturday, Craft Market held on the 2nd Friday in each calendar month, Farmers Market held on the 3rd Friday in each calendar month, French & Continental Market held twice per year generally in April & October, Christingle Market held on Thursdays during December. These may be supplemented by larger scale events which incorporate a degree of market trading.

Regulations cover conduct of traders, attendance, stall lettings, insurance liabilities, toll payments and complaints/enforcement. They are designed to allow clear understanding of how the market is operated and demonstrate responsibility from both traders and the market operator (Council). Equally they provide protection in areas of dispute and insurance cover against claims for all attending the market.

These have been in use for a number of years and are regularly reviewed to reflect necessary amendments/statutory changes. The Council do however welcome any comment you may wish to make to improve either content or style of presentation. The markets are operated to give traders and their customers access to many goods and services and we should all seek to maintain these in a quality environment, demonstrating our joint approach to good service.

Useful Contacts

www.darlington.gov.uk

www.darlington.towntalk.gov.uk

e-mail: markets@darlington.gov.uk

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Open Market Regulations

These regulations are applicable to the usage by traders on stalls, pitches or ancillary equipment at the Borough of Darlington Open Market together with its environs, public and vehicular thoroughfares and other facilities within the same, and also the conduct of traders within this context.

1. Vehicles and other articles of carriage

- 1.1 Subject as hereinafter provided vehicles will not be allowed on the open market between 9.00 a.m. and 5.00 p.m. and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches.
- 1.2 Traders allocated stalls or pitches on a casual basis at 8.00 a.m. will be allowed until 9.00 a.m. to clear their vehicles from the open market.
- 1.3 Hampers, boxes or containers must only be brought by traders on to the open market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.
- 1.4 Discretion may be exercised by the Market Officer in respect of vehicles entering the open market before 5.00 p.m. if for some reason he considers circumstances warrant such a decision.
- 1.5 All persons manoeuvring vehicles on the market shall be appropriately qualified to drive/propel the type of vehicle and hold valid insurance cover.

2. Attendance at Markets

- 2.1 Traders and all attending the open market will observe and carry out the instructions and directions of the Market Officer.

- 2.2 The normal open market hours are 9.00 a.m. until 5.00 p.m. but these hours may be varied by the Market Officer where required.
- 2.3 The trader shall be present at the stall or pitch throughout the market day and not delegate this save for periods of up to a maximum of four weeks as hereinafter provided in any calendar year and to notify the Council in writing in advance of such periods. Agreement for periods over four weeks may be agreed at the discretion of the Market Officer.
- 2.4 Regular traders shall ensure that the stalls or pitches in their occupation are open for business during the normal hours of the open market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
- 2.5 Casual traders shall ensure that they are open for business by 9.00 a.m. and shall continue trading until the close of the open market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
- 2.6 Save as hereinafter provided in Regulation 2.7 no stalls or pitches regularly reserved for a regular trader will be reserved after 8.00 a.m. and will be re-allocated for that day to another trader. Where prior notification is given before 8.00 a.m. on the market day, a toll (hereinafter referred to as the 'reservation fee') will be charged for that day to the maximum number permitted for that calendar year. Absences not notified in advance will result in the full toll for that day being charged.
- 2.7 In the event of delay, illness, vehicle breakdown or other reasonable cause, which is notified by the regular trader prior to 8.00 a.m. on that day to the Market Officer, a delay in starting may be authorised at the discretion of the Market Officer. At 8.00 a.m. all stalls or pitches still vacant will be allocated for that day to another trader without prejudice to the liability of the regular stall holders to pay the relevant reservation fee for that day.

- 2.8 Absences due to sickness extending beyond one week must be supported by a medical certificate and further medical certificates must be furnished on request to the Market Officer. Other absences must be notified in advance and must not exceed four weeks in any year unless exceptions circumstances exist and the absences are agreed by the Market Officer.
- 2.9 Reservation fees charged against absence by a trader may be waived in respect of long term sickness subject to the following provisions:
- The trader shall have had a regular reservation for a period of no less than six months.
 - The appropriate reservation fee shall still apply during the first four weeks.
 - Sick notes shall be required in all cases before the lowering of these reservation fees.
- 2.10 A trader shall inform the Market Officer immediately of any change of address.

3. Allocation of stalls or Pitches - Casual Lettings

- 3.1 Attendance by a casual trader will be entered on a register, after completion of a signed undertaking to sell only a fixed class of goods upon the official form provided. Requests for a change to a different class of goods must be made in writing to the Market Officer whose decision shall be final and binding upon the trader. One mark will be received for attendance on each market day.
- 3.2 Casual lettings will be made from the casual list for each market day and the priority for allocations will be decided by the number of previous attendances recorded unless there are exceptional circumstances. Whether or not circumstances are exceptional would be at the discretion of the Market Officer.
- 3.3 Applications for stalls or pitches must be made to the Market Officer by 8.00 a.m. on the day of the market by members of the casual list (a person and their partner shall count as one member of the casual list).
- 3.4 Save as provided in Regulation 3.3, traders will only be allowed to register for the casual list by giving individual names and home addresses and will not be allowed to register under a trading name or in partnership or as a limited company.
- 3.5 A break in attendance by a casual trader without a justifiable reason, for three consecutive weeks, will result in his name being removed from the casual list and in any other case where a casual trader fails to attend the market regularly, the Market Officer may, in his absolute discretion remove the traders name from the casual list.
- 3.6 A casual trader who refuses to accept the offer of a regular reservation may result in that traders name being removed from the casual list and application to be re-registered will be necessary.
- 3.7 A casual trader offered a vacant stall or pitch on any market day, which is refused, will be removed from the casual list and application to be re-registered will be necessary.
- 3.8 Discretion will be exercised by the Market Officer when allocating casual lettings in regard to 'clashing' as hereinafter defined with goods sold on neighbouring shops, stalls or pitches.
- 3.9 This Council reserves the right to control the size of any casual list on the Council's markets to a number proportional to the efficient management of their market entirely at its own discretion.
- 3.10 Casual traders may be allowed up to four weeks holiday with an attendance mark credited to them subject to a toll being paid prior to the absence for the purpose of taking a holiday in any twelve month calendar period subject to the following conditions:

- (a) Casual traders must have attended the open market for a period of no less than six months.
- (b) Casual traders must give advance notice to the Market Officer of the intention to take a holiday.

3.11 Regular traders will be allowed to stand as casuals subject to casual attenders with no regular reservation being given priority in the allocation of one day only lettings.

4. Regular Lettings

- 4.1 Any regular trader may, at the discretion of the Market officer, request the daily transfer of their stall or pitch. The hours of operation for this will be strictly between 7.45 a.m. and 8.00 a.m. each market day. Such transfer will be subject to the 'clashing' rule.
- 4.2 Stalls or pitches made vacant by termination of a regular reservation will be let as follows:
 - (a) Firstly by transfer to a regular trader upon his relinquishing his current stall or pitch. Where more than one such trader applies, scoring on the matrix, will usually decide the allocation.
 - (b) Secondly to a casual trader with the most attendance marks.
 - (c) Both offers of a regular reservation will be subject to there being no 'clashing' as hereinafter defined.
- 4.3 The Council does not accept any limited company or partnership as a casual trader on the casual list of its open markets.
- 4.4 A regular reservation of a stall or pitch will only be registered after the completion by the prospective regular trader of a signed undertaking to sell

only a fixed class of goods upon the official form provided. Requests for a change to a different class of goods must be made in writing to the Market Officer whose decision shall be final and binding upon the trader. Only one classification of goods to be sold from each stall or pitch.

- 4.5 Regular traders are limited to a maximum of two stalls or pitches.
- 4.6 Regular traders with more than one stall or pitch may not surrender a stall for a limited period of time and if occupancy of any stall or pitch has not been taken by the time of 8.00 a.m. by any trader attending the open market the full toll for that day will be incurred whether the vacant stall or pitch is let or not on a particular day by the Council. Dispensation may be made to this Regulation by the Market Officer in exceptional circumstances. His decision will be final and binding.
- 4.7 The sub-letting of stalls or pitches or any part thereof is prohibited. Regular traders may not dispose of or transfer the reservation of any stall or pitch thereof.
- 4.8 The grant by the Council of each stall or pitch will be on a daily basis only, despite any references to reserved stalls or pitches in these regulations.

5. Use of stalls or Pitches

- 5.1 No alteration or addition to the structure or fitting of any stall belonging to the Council shall be made or on behalf of a trader except with the approval of the Market Officer. Traders must not damage or deface the property in any way.
- 5.2 A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the stall or pitch.

Darlington Markets - Well Worth A Visit!

- 5.3 A trader shall secure any broadloom carpets on display with retaining clips of a type to be approved by the Market Officer.
- 5.4 Stalls or pitches must occupy a designated place which must be approved by the Markets Officer. This stall or pitch cannot be moved without prior approval.
- 5.5 A trader shall not provide any lighting to his stall or pitch other than those types accepted by the Council.
- 5.6 No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters, provided always that an appliance necessary for the trade or business of the trader and approved by the Market Officer may be so used and the decision of the Market Officer as to whether any appliance is necessary and suitable shall be final and binding upon the trader.
- 5.7 Every trader is required to exhibit his name and stall or pitch number and to register his name and address with the Council.
- 5.8 No trader may make a change in the class of goods sold as prescribed on the signed undertaking (see Regulations 3.1 and 4.4) except with the prior permission of the Market officer of this Council and the completion of a new undertaking.
- 5.9 Nothing herein contained shall be construed as requiring the Council to permit a trader to transfer from one stall or pitch to another, but if such is permitted a trader shall continue to sell goods previously permitted to be sold on his usual stall or pitch.
- 5.10 A trader selling foodstuffs shall comply with the Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1961 or any statutory modification or re-enactment thereof from time to time in force.
- 5.11 All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with the Byelaws made thereunder.
- 5.12 A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the market except where the animal is a guide dog for a registered blind person.
- 5.13 No trade shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.
- 5.14 A trader shall not conduct an auction at or on any stall or pitch without the prior approval of the Market Officer.
- 5.15 A trader shall not, without the prior approval of the market Officer, during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- 5.16 A trader shall not use the method of selling known as 'demonstrating' except in areas approved by the Market officer.
- 5.17 A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the open market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.

- 5.18 Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Market Officer when such is required in connection with the traders business and the bringing of such equipment on to the open market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of the sound or pictures or copyright or otherwise.
- 5.19 The decibel (noise) level of such will be entirely at the discretion of the Market Officer.
- 5.20 No trader shall sell or permit to be sold ornamental weapons or replica guns, fireworks or anything else which, in the opinion of the Market Officer, is considered to be a risk to anyone attending the Open Market.
- 5.21 No trader shall sell or permit to be sold any item that contravene:-
Copyright Design and Patents Act 1988;
Trade Descriptions Act 1968;
Trademarks Act 1994
Video Recordings Act 1984;
and similar associated legislation.
- 5.21 Traders must comply with the minimum age requirements as determined from time to time by Trading Standards on Age Restricted Sales.
- 5.22 Traders must not permit anyone to smoke within the stall or pitch or give cause to be in contravention of the Smokefree Premises & Enforcement Regulations 2006 or any statutory modification or re-enactment thereof from time to time in force.

6. Liability and Insurance

- 6.1 A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
- 6.2 The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.
- 6.3 A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his reservation or at any other time.
- 6.4 A trader shall indemnify the Council from and against all actions, proceedings, damage, claims, losses or outgoings of whatever nature arising out of the traders use of any stall, pitch, vehicle or stand etc., on the open market and shall take out a policy of public liability and products liability insurance for a sum of £5,000,000 each or other sum as determined from time to time by the Council and provide a copy of the current policy to the Markets Officer on request.
- 6.5 It shall be the responsibility of the trader to insurance his stock, fixtures, fittings and any other valuables brought into the market against damage by fire, theft or flood.

7. Conduct of Traders

- 7.1 Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall or avenue or behave in such manner as to bring the Market into disrepute.
- 7.2 A trader, employee or attendant shall not act in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public, or damages any property of the Council.

- 7.3 A trader shall be responsible for the actions of his employees and attendants, and if, in the opinion of the Market Officer, an employee or attendant has acted in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public or damages any property of the Council, the trader should seek the immediate removal of that employee or attendant.
- 7.4 The Market Officer can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in his or her opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
- 7.5 Damage or failure of equipment belonging to the Council shall be reported immediately to the Market Officer and no attempt whatsoever shall be made to effect a repair. No person shall interfere with any plant or equipment belonging to the Council.
- 7.6 The giving and receiving of gratuities is strictly against the policy of the Council.

8. Payment of Tolls and Charges

- 8.1 The tolls and charges levied for any stall or pitch shall be such sums as may be laid down by this authority from time to time.
- 8.2 All tolls and charges levied by the Council will be paid each market day for that day only between the hours of 10.00 a.m. and 12.00 p.m. Payments to be made by the trader direct to the designated office. Any reservation or other charges outstanding for absences from the open market shall be paid in full on the first day of return to the open market.

9. Privately owned stalls, vehicles, stands

- 9.1 All privately owned stalls, vehicles or stands on the open market must be constructed to a specification acceptable to the Market Officer and kept in a good state of repair, totally at the expense of the trader.
- 9.2 Traders who have such equipment or vehicles, irrespective of whether such traders are the actual owners or hirers, must indemnify the Council as provided for in Section 6.4 of these Regulations against any claim for damages or injury to persons or property arising from such equipment, however this may be caused.

10. Procedure for dealing with complaints

- 10.1 Complaints by traders in respect of any matters affecting the open market must be brought to the attention of the Market Officer in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.
- 10.2 If a complainant is not satisfied with the action taken by the Market Officer on any complaint then the matter may be referred by letter to the relevant Director.

11. Penalties

- 11.1 Any act or omission which contravenes one or more of these Regulations may be subject to a penalty. The penalties are as follows :-
- Verbal warning (confirmed in writing);
 - Written warning;
 - Final written warning;
 - Suspension;
 - Permanent ban.

- 11.2 The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.
- 11.3 If a trader is suspended by the Market Officer the facts will be reported to the relevant Director:-
- 11.4 The trader will be notified in writing of such a report and may, if he so wishes:
- (a) Submit a written defence to the Director; and/ or
 - (b) Appear in person (with a right to be represented by a friend or Solicitor) before an appeals panel.
- 11.4 Any decision made by the panel will be notified to the trader in writing and the action will be implemented on the first open market day after the date of the letter which will be clearly stated

12. Meaning and interpretation in these regulations

- 12.1 'Council' means the Council of the Borough of Darlington.
- 12.2 'Open Market' means the place designated by the Borough of Darlington Council being the place where the market is held.
- 12.3 'Stalls' or 'Pitch' shall include, unless the context otherwise requires, and wheresoever situated upon the market, any stall, table, stand, equipment or any other device used by a trader shall for the purpose of the regulations be considered within this meaning.
- 12.4 'Clashing' shall mean goods considered of a similar nature by the Market Officer. For this purpose referral to the goods classification list will be made.
- 12.5 'Pitch' shall mean the placing of goods within the environs of the market other than on a market stall.

- 12.6 'Demonstrating' shall mean that by action a person includes the functional purposes of the goods displayed and all that this implies.
- 12.7 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.
- 12.8 'Regular trader' shall mean a person who regularly occupies a stall or pitch on the open market and is not subject to the allocation of stalls or pitches from the casual list.
- 12.9 'Casual trader' shall mean a person whose name appears on the casual list and who must attend the Market Office for the allocation (subject to availability) of a stall or pitch.
- 12.10 'Market Officer' shall mean the person for the time being designated by the Council as holding the post of Markets Manager or Markets Officer.
- 12.11 'Casual List' shall mean that list (if any) of traders without a reserved stall or pitch.
- 12.12 Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.
- 12.13 'Trader' shall mean any person who attends the Open Market to expose for sale any goods or who seeks to distribute information or promotional literature.
- 12.14 "Vehicle" means a motor vehicle as defined in Section 190(1) of the Road Traffic Act, 1972, (*See footnote) and any cycle, tricycle, cart, wagon or trailer.

*(In the Road Traffic Act, 1972 "Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on the roads).
The foregoing regulations were made by the Council of the Borough of Darlington on and shall come into operation on

(Farmers) Market Regulations

These regulations are applicable to the usage by traders of the stalls or pitches together with its environs, public and vehicular thoroughfares and other facilities within the same, and also the conduct of traders within this context.

Vehicles and other articles of carriage

- 1 Subject as hereinafter provided vehicles will not be allowed on the market between 9am and 5pm and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches.
- 2 Hampers, boxes or containers must only be brought by traders on to the market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.
- 3 Discretion may be exercised by the Market Officer in respect of vehicles entering the market before 5pm if for some reason he considers circumstances warrant such a decision.

Attendance at Markets

- 4 Traders and all attending the market will observe and carry out the instructions and directions of the Market Officer.
- 5 The normal market hours are 9am until 5pm but these hours may be varied by the Market Officer where required.
- 6 The trader shall be present at the stall or pitch throughout the market day and not delegate this.

- 7 Traders shall ensure that the stalls or pitches in their occupation are open for business during the normal hours of the market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
- 8 A trader shall inform the Market Officer immediately of any change of address.

Allocation of stalls

- 9 The Council does not accept any limited company or partnership as a trader on its market.
- 10 The sub-letting of stalls or pitches or any part thereof is prohibited.
- 11 The grant by the Council of each stall or pitch will be on a daily basis only.

Use of stalls or Pitches

- 12 A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the stall or pitch.
- 13 Traders must not under any circumstances move any stall or part thereof away from or within the market without the prior approval of the Market Officer.
- 14 A trader shall not provide any lighting to his stall or pitch other than those types accepted by the Council.

- 15 No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters, provided always that an appliance necessary for the trade or business of the trader and approved by the Market Officer may be so used and the decision of the Market Officer as to whether any appliance is necessary and suitable shall be final and binding upon the trader.
- 16 Every trader is required to exhibit his stall number and to register his name, address and vehicle registration number with the Council.
- 17 A trader selling foodstuffs shall comply with the Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1961 or any statutory modification or re-enactment thereof from time to time in force.
- 18 All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with the Byelaws made thereunder.
- 19 A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the market except where the animal is a guide dog for a registered blind person.
- 20 No trade shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.
- 21 A trader shall not conduct an auction at or on any stall or pitch without the prior approval of the Market Officer.
- 22 A trader shall not, without the prior approval of the market Officer, during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- 23 A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.
- 24 Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Market Officer when such is required in connection with the traders business and the bringing of such equipment on to the market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of the sound or pictures or copyright or otherwise.
- 25 The decibel (noise) level of such will be entirely at the discretion of the Market Officer.
- 26 No trader shall sell or permit to be sold ornamental weapons or replica guns.
- 27 No trader shall sell or permit to be sold any item that contravene:-
Copyright Design and Patents Act 1988;
Trade Descriptions Act 1968;
Trademarks Act 1994
Video Recordings Act 1984;
and similar associated legislation.
- 28 Traders must not permit anyone to smoke within the stall or pitch or give cause to be in contravention of the Smokefree Premises & Enforcement Regulations 2006 or any statutory modification or re-enactment thereof from time to time in force.

Liability and Insurance

- 28 A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
- 29 The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.
- 30 A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his stall or pitch or at any other time.
- 31 It shall be the responsibility of the trader to insure his stock, fixtures, fittings and any other valuables brought into the market against damage by fire, theft or flood.

Conduct of Traders

- 32 Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall, pitch or avenue.
- 33 A trader, employee or attendant shall not act in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public, or damages any property of the Council.
- 34 A trader shall be responsible for the actions of his employees and attendants, and if, in the opinion of the Market Officer, an employee or attendant has acted in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public or

damages any property of the Council, the trader should seek the immediate removal of that employee or attendant.

- 35 The Market Officer can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in his or her opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
- 36 Damage nor failure of equipment belonging to the Council shall be reported immediately to the Market Officer and no attempt whatsoever shall be made to effect a repair. No person shall interfere with any plant or equipment belonging to the Council.
- 37 The giving and receiving of gratuities is strictly against the policy of the Council.

Payment of tolls and Charges

- 38 The tolls and charges levied for any stall or pitch shall be such sums as may be laid down by this authority from time to time.
- 39 All tolls and charges levied by the Council will be paid in advance for each market. Payments to be made by the trader prior to allocation of the stall or pitch.

Privately owned stalls, vehicles, stands etc.

- 40 All privately owned stalls, vehicles or stands on the market must be constructed to a specification acceptable to the Market Officer and kept in a good state of repair, totally at the expense of the trader.

Procedure for dealing with complaints

- 41 Complaints by traders in respect of any matters affecting the market must be brought to the attention of the Market Officer in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.
- 42 If a complainant is not satisfied with the action taken by the Market Officer on any complaint then the matter may be referred by letter to the relevant Director.

Penalties

- 43 Any act or omission which contravenes one or more of these Regulations may be subject to a penalty. The penalties are as follows :-
- Verbal warning (confirmed in writing);
 - Written warning;
 - Final written warning;
 - Suspension;
 - Permanent ban.
- 44 The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.
- 45 If a trader is suspended by the Market Officer the facts will be reported to the Relevant Director.
- 46 The trader will be notified in writing of such a report and may, if he so wishes:
- i Submit a written defence to the Director; and/ or
 - ii Appear in person (with a right to be represented by a friend or Solicitor) before an appeals panel.

- 47 Any decision made by the panel will be notified to the trader in writing and the action will be implemented on the first market day after the date of the letter which will be clearly stated.

Meaning and Interpretation in these Regulations

- 48 'Council' means the Council of the Borough of Darlington.
- 49 'Market' means the place designated by the Borough of Darlington Council being the place where the market is held.
- 50 'Stalls' or 'Pitch' shall include, unless the context otherwise requires, and wheresoever situated upon the market, any stall, table, stand, equipment or any other device used by a trader shall for the purpose of the regulations be considered within this meaning.
- 51 'Pitch' shall mean the placing of goods within the environs of the market other than on a stall.
- 52 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.
- 53 'Market Officer' shall mean the person for the time being designated by the Council as holding the post of Markets Manager or Markets Officer.
- 54 Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.

The foregoing regulations were made by the Council of the Borough of Darlington on and shall come into operation on

(Continental) Market Regulations

These regulations are applicable to the usage by traders of the stalls or pitches together with its environs, public and vehicular thoroughfares and other facilities within the same, and also the conduct of traders within this context.

Vehicles and other articles of carriage

- 1 Subject as hereinafter provided vehicles will not be allowed on the market between 9.00am and 5.00pm and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches.
- 2 Hampers, boxes or containers must only be brought by traders on to the market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.
- 3 Discretion may be exercised by the Market Officer in respect of vehicles entering the market before 5pm if for some reason he considers circumstances warrant such a decision.

Attendance at Markets

- 4 Traders and all attending the market will observe and carry out the instructions and directions of the Market Officer.
- 5 The normal market hours are 9.00am until 5.00pm but these hours may be varied by the Market Officer where required.
- 6 The trader shall be present at the stall or pitch throughout the market day and not delegate this.

- 7 Traders shall ensure that the stalls or pitches in their occupation are open for business during the normal hours of the market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
- 8 A trader shall inform the Market Officer immediately of any change of address.

Allocation of stalls

- 9 The Council does not accept any limited company or partnership as a trader on its market.
- 10 The sub-letting of stalls or pitches or any part thereof is prohibited.
- 11 The grant by the Council of each stall or pitch will be on a daily basis only.

Use of stalls or Pitches

- 12 A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the stall or pitch.
- 13 Traders must not under any circumstances move any stall or part thereof away from or within the market without the prior approval of the Market Officer.
- 14 A trader shall not provide any lighting to his stall or pitch other than those types accepted by the Council.

- 15 No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters, provided always that an appliance necessary for the trade or business of the trader and approved by the Market Officer may be so used and the decision of the Market Officer as to whether any appliance is necessary and suitable shall be final and binding upon the trader.
- 16 Every trader is required to exhibit his stall number and to register his name, address and vehicle registration number with the Council.
- 17 A trader selling foodstuffs shall comply with the Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1961 or any statutory modification or re-enactment thereof from time to time in force.
- 18 All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with the Byelaws made thereunder.
- 19 A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the market except where the animal is a guide dog for a registered blind person.
- 20 No trade shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.
- 21 A trader shall not conduct an auction at or on any stall or pitch without the prior approval of the Market Officer.
- 22 A trader shall not, without the prior approval of the market Officer, during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- 23 A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.
- 24 Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Market Officer when such is required in connection with the traders business and the bringing of such equipment on to the market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of the sound or pictures or copyright or otherwise.
- 25 The decibel (noise) level of such will be entirely at the discretion of the Market Officer.
- 26 No trader shall sell or permit to be sold ornamental weapons or replica guns.
- 27 No trader shall sell or permit to be sold any item that contravene:-
Copyright Design and Patents Act 1988;
Trade Descriptions Act 1968;
Trademarks Act 1994
Video Recordings Act 1984;
and similar associated legislation.
- 28 Traders must not permit anyone to smoke within the stall or pitch or give cause to be in contravention of the Smokefree Premises & Enforcement Regulations 2006 or any statutory modification or re-enactment thereof from time to time in force.

Liability and Insurance

- 28 A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
- 29 The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.
- 30 A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his stall or pitch or at any other time.
- 31 It shall be the responsibility of the trader to insure his stock, fixtures, fittings and any other valuables brought into the market against damage by fire, theft or flood.

Conduct of Traders

- 32 Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall, pitch or avenue.
- 33 A trader, employee or attendant shall not act in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public, or damages any property of the Council.
- 34 A trader shall be responsible for the actions of his employees and attendants, and if, in the opinion of the Market Officer, an employee or attendant has acted in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public or damages any property of the Council, the trader should seek the immediate removal of that employee or attendant.

- 35 The Market Officer can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in his or her opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
- 36 Damage nor failure of equipment belonging to the Council shall be reported immediately to the Market Officer and no attempt whatsoever shall be made to effect a repair. No person shall interfere with any plant or equipment belonging to the Council.
- 37 The giving and receiving of gratuities is strictly against the policy of the Council.

Payment of tolls and Charges

- 38 The tolls and charges levied for any stall or pitch shall be such sums as may be laid down by this authority from time to time.
- 39 All tolls and charges levied by the Council will be paid in advance for each market day. Payments to be made by the trader prior to allocation of the stall or pitch.

Privately owned stalls, vehicles, stands etc.

- 40 All privately owned stalls, vehicles or stands on the market must be constructed to a specification acceptable to the Market Officer and kept in a good state of repair, totally at the expense of the trader.

Procedure for dealing with complaints

- 41 Complaints by traders in respect of any matters affecting the market must be brought to the attention of the Market Officer in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.
- 42 If a complainant is not satisfied with the action taken by the Market Officer on any complaint then the matter may be referred by letter to the relevant Director.

Penalties

- 43 Any act or omission which contravenes one or more of these Regulations may be subject to a penalty. The penalties are as follows :-
- Verbal warning (confirmed in writing);
 - Written warning;
 - Final written warning;
 - Suspension;
 - Permanent ban.
- 44 The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.
- 45 If a trader is suspended by the Market Officer the facts will be reported to the Relevant Director.
- 46 The trader will be notified in writing of such a report and may, if he so wishes:
- i Submit a written defence to the Director; and/ or
 - ii Appear in person (with a right to be represented by a friend or Solicitor) before an appeals panel.

- 47 Any decision made by the panel will be notified to the trader in writing and the action will be implemented on the first market day after the date of the letter which will be clearly stated.

Meaning and Interpretation in these Regulations

- 48 'Council' means the Council of the Borough of Darlington.
- 49 'Market' means the place designated by the Borough of Darlington Council being the place where the market is held.
- 50 'Stalls' or 'Pitch' shall include, unless the context otherwise requires, and wheresoever situated upon the market, any stall, table, stand, equipment or any other device used by a trader shall for the purpose of the regulations be considered within this meaning.
- 51 'Pitch' shall mean the placing of goods within the environs of the market other than on a stall.
- 52 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.
- 53 'Market Officer' shall mean the person for the time being designated by the Council as holding the post of Markets Manager or Markets Officer.
- 54 Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.

The foregoing regulations were made by the Council of the Borough of Darlington on and shall come into operation on

(Christingle) Market Regulations

These regulations are applicable to the usage by traders of the stalls or pitches together with its environs, public and vehicular thoroughfares and other facilities within the same, and also the conduct of traders within this context.

Vehicles and other articles of carriage

- 1 Subject as hereinafter provided vehicles will not be allowed on the market between 10am and 10pm and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches.
- 2 Hampers, boxes or containers must only be brought by traders on to the market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.
- 3 Discretion may be exercised by the Market Officer in respect of vehicles entering the market before 10am if for some reason he considers circumstances warrant such a decision.

Attendance at Markets

- 4 Traders and all attending the market will observe and carry out the instructions and directions of the Market Officer.
- 5 The normal market hours are 12 noon until 8pm but these hours may be varied by the Market Officer where required.
- 6 The trader shall be present at the stall or pitch throughout the market day and not delegate this.

- 7 Traders shall ensure that the stalls or pitches in their occupation are open for business during the normal hours of the market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
- 8 A trader shall inform the Market Officer immediately of any change of address.

Allocation of stalls

- 9 The Council does not accept any limited company or partnership as a trader on its market.
- 10 The sub-letting of stalls or pitches or any part thereof is prohibited.
- 11 The grant by the Council of each stall or pitch will be on a daily basis only.

Use of stalls or Pitches

- 12 A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the stall or pitch.
- 13 Traders must not under any circumstances move any stall or part thereof away from or within the market without the prior approval of the Market Officer.
- 14 A trader shall not provide any lighting to his stall or pitch other than those types accepted by the Council.

- 15 No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters, provided always that an appliance necessary for the trade or business of the trader and approved by the Market Officer may be so used and the decision of the Market Officer as to whether any appliance is necessary and suitable shall be final and binding upon the trader.
- 16 Every trader is required to exhibit his stall number and to register his name, address and vehicle registration number with the Council.
- 17 A trader selling foodstuffs shall comply with the Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1961 or any statutory modification or re-enactment thereof from time to time in force.
- 18 All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with the Byelaws made thereunder.
- 19 A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the market except where the animal is a guide dog for a registered blind person.
- 20 No trade shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.
- 21 A trader shall not conduct an auction at or on any stall or pitch without the prior approval of the Market Officer.
- 22 A trader shall not, without the prior approval of the market Officer, during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- 23 A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.
- 24 Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Market Officer when such is required in connection with the traders business and the bringing of such equipment on to the market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of the sound or pictures or copyright or otherwise.
- 25 The decibel (noise) level of such will be entirely at the discretion of the Market Officer.
- 26 Traders must not permit anyone to smoke within the stall or pitch or give cause to be in contravention of the Smokefree Premises & Enforcement Regulations 2006 or any statutory modification or re-enactment thereof from time to time in force.

Liability and Insurance

- 27 A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
- 28 The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.

- 29 A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his stall or pitch or at any other time.
- 30 It shall be the responsibility of the trader to insurance his stock, fixtures, fittings and any other valuables brought into the market against damage by fire, theft or flood.

Conduct of Traders

- 31 Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall, pitch or avenue.
- 32 A trader, employee or attendant shall not act in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public, or damages any property of the Council.
- 33 A trader shall be responsible for the actions of his employees and attendants, and if, in the opinion of the Market Officer, an employee or attendant has acted in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public or damages any property of the Council, the trader should seek the immediate removal of that employee or attendant.
- 34 The Market Officer can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in his or her opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
- 35 Damage nor failure of equipment belonging to the Council shall be reported immediately to the Market Officer and no attempt whatsoever

shall be made to effect a repair. No person shall interfere with any plant or equipment belonging to the Council.

- 36 The giving and receiving of gratuities is strictly against the policy of the Council.

Payment of tolls and Charges

- 37 The tolls and charges levied for any stall or pitch shall be such sums as may be laid down by this authority from time to time.
- 38 All tolls and charges levied by the Council will be paid in advance for each market. Payments to be made by the trader prior to allocation of the stall or pitch.

Privately owned stalls, vehicles, stands etc.

- 39 All privately owned stalls, vehicles or stands on the market must be constructed to a specification acceptable to the Market Officer and kept in a good state of repair, totally at the expense of the trader.

Procedure for dealing with complaints

- 40 Complaints by traders in respect of any matters affecting the market must be brought to the attention of the Market Officer in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.
- 41 If a complainant is not satisfied with the action taken by the Market Officer on any complaint then the matter may be referred by letter to the relevant Director.

Penalties

- 42 Any act or omission which contravenes one or more of these Regulations may be subject to a penalty. The penalties are as follows :-
- Verbal warning (confirmed in writing);
 - Written warning;
 - Final written warning;
 - Suspension;
 - Permanent ban.
- 43 The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.
- 44 If a trader is suspended by the Market Officer the facts will be reported to the Relevant Director.
- 45 The trader will be notified in writing of such a report and may, if he so wishes:
- i Submit a written defence to the Director; and/ or
 - ii Appear in person (with a right to be represented by a friend or Solicitor) before an appeals panel.
- 46 Any decision made by the panel will be notified to the trader in writing and the action will be implemented on the first market day after the date of the letter which will be clearly stated.

Meaning and Interpretation in these Regulations

- 47 'Council' means the Council of the Borough of Darlington.
- 48 'Market' means the place designated by the Borough of Darlington Council being the place where the market is held.

- 49 'Stalls' or 'Pitch' shall include, unless the context otherwise requires, and wheresoever situated upon the market, any stall, table, stand, equipment or any other device used by a trader shall for the purpose of the regulations be considered within this meaning.
- 50 'Pitch' shall mean the placing of goods within the environs of the market other than on a stall.
- 51 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.
- 52 'Market Officer' shall mean the person for the time being designated by the Council as holding the post of Markets Manager or Markets Officer.
- 53 Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.

The foregoing regulations were made by the Council of the Borough of Darlington on and shall come into operation on

(Car Boot Sale) Market Regulations

These regulations are applicable to the usage by traders of the stalls or pitches together with its environs, public and vehicular thoroughfares and other facilities within the same, and also the conduct of traders within this context.

Vehicles and other articles of carriage

- 1 Subject as hereinafter provided vehicles will not be allowed on the market between 9.00am and 5.00pm and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches.
- 2 Hampers, boxes or containers must only be brought by traders on to the market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.
- 3 Discretion may be exercised by the Market Officer in respect of vehicles entering the market before 5pm if for some reason he considers circumstances warrant such a decision.

Attendance at Markets

- 4 Traders and all attending the market will observe and carry out the instructions and directions of the Market Officer.
- 5 The normal market hours are 9.00am until 5.00pm but these hours may be varied by the Market Officer where required.
- 6 The trader shall be present at the stall or pitch throughout the market day and not delegate this.

- 7 Traders shall ensure that the stalls or pitches in their occupation are open for business during the normal hours of the market unless prior permission of the Market Officer has been obtained for the closing of the stall or pitch.
- 8 A trader shall inform the Market Officer immediately of any change of address.

Allocation of stalls

- 9 The Council does not accept any limited company or partnership as a trader on its market.
- 10 The sub-letting of stalls or pitches or any part thereof is prohibited.
- 11 The grant by the Council of each stall or pitch will be on a daily basis only.

Use of stalls or Pitches

- 12 A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the stall or pitch.
- 13 Traders must not under any circumstances move any stall or part thereof away from or within the market without the prior approval of the Market Officer.
- 14 A trader shall not provide any lighting to his stall or pitch other than those types accepted by the Council.

- 15 No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters, provided always that an appliance necessary for the trade or business of the trader and approved by the Market Officer may be so used and the decision of the Market Officer as to whether any appliance is necessary and suitable shall be final and binding upon the trader.
- 16 Every trader is required to exhibit his stall number and to register his name, address and vehicle registration number with the Council.
- 17 A trader selling foodstuffs shall comply with the Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1961 or any statutory modification or re-enactment thereof from time to time in force.
- 18 All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with the Byelaws made thereunder.
- 19 A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the market except where the animal is a guide dog for a registered blind person.
- 20 No trade shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.
- 21 A trader shall not conduct an auction at or on any stall or pitch without the prior approval of the Market Officer.
- 22 A trader shall not, without the prior approval of the market Officer, during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- 23 A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.
- 24 Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Market Officer when such is required in connection with the traders business and the bringing of such equipment on to the market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of the sound or pictures or copyright or otherwise.
- 25 The decibel (noise) level of such will be entirely at the discretion of the Market Officer.
- 26 No trader shall sell or permit to be sold ornamental weapons or replica guns.
- 27 No trader shall sell or permit to be sold any item that contravene:-
Copyright Design and Patents Act 1988;
Trade Descriptions Act 1968;
Trademarks Act 1994
Video Recordings Act 1984;
and similar associated legislation.
- 28 Traders must not permit anyone to smoke within the stall or pitch or give cause to be in contravention of the Smokefree Premises & Enforcement Regulations 2006 or any statutory modification or re-enactment thereof from time to time in force.

Liability and Insurance

- 29 A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
- 30 The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.
- 31 A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his stall or pitch or at any other time.
- 32 It shall be the responsibility of the trader to insure his stock, fixtures, fittings and any other valuables brought into the market against damage by fire, theft or flood.

Conduct of Traders

- 33 Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall, pitch or avenue.
- 34 A trader, employee or attendant shall not act in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public, or damages any property of the Council.
- 35 A trader shall be responsible for the actions of his employees and attendants, and if, in the opinion of the Market Officer, an employee or attendant has acted in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public or

damages any property of the Council, the trader should seek the immediate removal of that employee or attendant.

- 36 The Market Officer can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in his or her opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
- 37 Damage nor failure of equipment belonging to the Council shall be reported immediately to the Market Officer and no attempt whatsoever shall be made to effect a repair. No person shall interfere with any plant or equipment belonging to the Council.
- 38 The giving and receiving of gratuities is strictly against the policy of the Council.

Payment of tolls and Charges

- 39 The tolls and charges levied for any stall or pitch shall be such sums as may be laid down by this authority from time to time.
- 40 All tolls and charges levied by the Council will be paid in advance for each market. Payments to be made by the trader prior to allocation of the stall or pitch.

Privately owned stalls, vehicles, stands etc.

- 41 All privately owned stalls, vehicles or stands on the market must be constructed to a specification acceptable to the Market Officer and kept in a good state of repair, totally at the expense of the trader.

Procedure for dealing with complaints

- 42 Complaints by traders in respect of any matters affecting the market must be brought to the attention of the Market Officer in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.
- 43 If a complainant is not satisfied with the action taken by the Market Officer on any complaint then the matter may be referred by letter to the relevant Director.

Penalties

- 44 Any act or omission which contravenes one or more of these Regulations may be subject to a penalty. The penalties are as follows :-
- Verbal warning (confirmed in writing);
 - Written warning;
 - Final written warning;
 - Suspension;
 - Permanent ban.
- 45 The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.
- 46 If a trader is suspended by the Market Officer the facts will be reported to the Relevant Director.
- 47 The trader will be notified in writing of such a report and may, if he so wishes:
- i Submit a written defence to the Director; and/ or
 - ii Appear in person (with a right to be represented by a friend or Solicitor) before an appeals panel.

- 48 Any decision made by the panel will be notified to the trader in writing and the action will be implemented on the first market day after the date of the letter which will be clearly stated.

Meaning and Interpretation in these Regulations

- 49 'Council' means the Council of the Borough of Darlington.
- 50 'Market' means the place designated by the Borough of Darlington Council being the place where the market is held.
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- 52 'Pitch' shall mean the placing of goods within the environs of the market other than on a stall.
- 53 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.
- 54 'Market Officer' shall mean the person for the time being designated by the Council as holding the post of Markets Manager or Markets Officer.
- 55 Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.

The foregoing regulations were made by the Council of the Borough of Darlington on and shall come into operation on

Market Bye Laws

Made by the Borough Council of Darlington in exercise of their powers under Section L1(51) of the Darlington Local Board of Health Act, 1861 (which incorporates therein the provisions of the Markets and Fairs Clauses Act, 1847) with respect to their Market Hall and Open Market.

Interpretation

- 1 In these byelaws
“the council” means the Borough Council of Darlington;
“goods” includes provisions, commodities and articles brought into the market for the purpose of sale;
“market” means the markets held in the market place and the market hall maintained by the Council;
“market hall” shall mean the building in Darlington where the Council’s retail general market is held;
“market hours” means the hours appointed by the Council for the holding of a market;
“market place” means the place in Darlington where the Council’s Retail General Market is held;
“market officer” means the person appointed by the Council to exercise general management, supervision and control of the market, or his duly authorised representative.
“sell” and “sale” include exposing and exposure for sale;
“stall” includes any building, shop, office, compartment, standing, bench,

table, place or space used or intended to be used for the sale of goods; “vehicle” means a motor vehicle as defined in Section 190(1) of the Road Traffic Act, 1972 (*See footnote) and any cycle, tricycle, cart, wagon or trailer.

Regulation of traffic and prevention of obstruction

- 2 No person in charge of a vehicle shall allow it to be halted in any avenue, passage or roadway in the market place, or in the immediate approaches thereto, for longer than is reasonably necessary for the loading or unloading of goods.
*(In the Road Traffic Act, 1972 “Motor Vehicle” means a mechanically propelled vehicle intended or adapted for use on the roads).
- 3 No person shall bring into the market place or the immediate approaches thereto or allow to stand therein, any vehicle, goods, receptacle for goods, or animals in such a manner as to cause obstruction.
Provided that this byelaw shall not apply to any vehicle being used for fire brigade, ambulance, police or refuse disposal purposes in pursuance of statutory powers or duties.
- 4 No person shall cause or permit any vehicle to be driven in the market place otherwise than in a direction indicated by signs or road surface marking erected or laid by or on behalf of the Council for the purpose of indicating the direction to be taken by vehicles in the market place.
- 5 No person driving or riding any vehicle in the market place or in the immediate approaches thereto shall proceed at a greater speed than five miles an hour.

- 6 No tenant or occupier of a stall shall cause or permit any goods or any receptacle for goods to be placed on any stall so as to project beyond the limits of such stall.
- 7 No person shall wilfully obstruct, disturb or hinder any person in the proper use of the market place or of the immediate approaches thereto.
- 8 No person shall allow any goods to remain in the market place more than one hour after the market closes.
 - (b) cause all refuse from the stall, and all refuse arising from the loading and unloading of goods, required in connection with the stall, to be placed in a receptacle provided or approved by the Council for the purpose of his exclusive use;
 - (c) as often as is necessary cause the contents of such receptacle to be removed, without creating a nuisance or obstruction, to such place or deposit within the market place as shall be designated therefore by the Council and indicated by a public notice to that effect displayed in a conspicuous place.

Authority to use space

- 9 No person shall occupy or take possession of any stall or deposit or cause to be deposited any goods (equipment or utensils) on any stall unless and until such stall has been duly let or otherwise allocated by the market officer for the use of such person.
- 10 No person shall erect or fix or attempt to erect or fix any stall in the market place without the previous written consent of the market officer.
- 11 Where the Council:-
 - (a) designate any part of the market place for the sale of goods or any class of goods, or for sales by auction and,
 - (b) display in a conspicuous place a public notice to that effect,no person shall sell goods, or hold sales by auction, except in accordance with the terms of that designation.

For maintaining cleanliness

- 12 Every tenant or occupier of a stall shall:-
 - (a) cause the stall to be properly cleansed before and after market hours and as often as may be necessary during those hours;

For preservation of order

- 13 No person shall wilfully or negligently throw, drop or leave in or upon any avenue, roadway or passage in the market place, or in the immediate approaches thereto, any fruit or vegetable matter or any other litter in a manner likely to cause injury or nuisance to any person
Provided that this byelaw shall not apply in respect of any place in the open air to which the Litter Act, 1983 applies.
- 14 No person shall light a fire in any part of the market place.
- 15 The tenant or occupier of a stall in the market place or the market hall shall extinguish every light used in connection with the stall not later than 30 minutes after the market closes.
- 16 No person shall, to the annoyance of any person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.

Darlington Markets - Well Worth A Visit!

- 17 No person, other than an officer or servant of the Council acting in the proper execution of his duty, shall post or display any bill, placard or poster, other than a description of goods, in or on any part of the market place:

Provided that this byelaw shall not apply to any bill, placard or poster being posted or displayed pursuant to Regulation 13(1) of the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations, 1966.

- 18 Unless the written consent of the market officer be first obtained no person in the market place shall, except by way of sale, distribute or attempt to distribute to the public in the market place any leaflets, handbills, cards, pamphlets, booklets or other literature.

Explosives

- 19 No person shall, to the danger of any person, keep, store or sell any gunpowder, fireworks or other explosive substance or any naphtha bottled gas, petroleum or paraffin oil or other flammable substance in the market place.

Animals

20. No person shall bring into or allow to remain:-
- (a) in the market place any dog or animal belonging to him or in his charge unless it is attached to a lead and kept at all times under his control or is otherwise kept sufficiently secured and under his control, or
 - (b) in the market hall any dog or animal belonging to him or in his charge;

Provided that nothing in this byelaw shall prevent a blind person from bringing into the market hall and keeping with him any guide dog belonging to him or in his charge.

Penalties

- 21 Any person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding £50.

Revocation

- 22 The byelaws relating to their markets, which were made by the Borough Council of Darlington on the 2nd day of April, 1908 and allowed by the Local Government Board on the 30th day of May, 1908 are hereby revoked.

GIVEN under the common seal of the Council of the Borough of Darlington this 2nd day of October, 1986.

THE COMMON SEAL of the Council
was hereunto affixed in the presence of:-

K. Fairer **Mayor**

H. R. C. Owen **Chief Executive**

DET 6511

The foregoing byelaws are hereby confirmed by the Secretary of State for the Environment and shall come into force on 1st September 1987.

P. G. Iredale
Signed by authority of the
Secretary of State

24 July 1987

P. G. Iredale
A Senior Principal in the
Department of the Environment