

Retail Markets Rules and Regulations

These Regulations are applicable to the usage by traders of the stalls and pitches of Glasgow City Council's Open Retail Markets wherever situated, together with their environs, public and vehicular thoroughfares and toilet facilities, and to the conduct of the traders within this context.

ATTENDANCE

1. Traders with regular reservations on stalls or pitches must occupy their stalls or pitches by 8.00am or notify the Markets Superintendent of their late arrival by this time; otherwise, the stall or the pitch may be allocated to another trader. In the event of unavoidable delay, illness, vehicle breakdown or other reasonable cause, a delay in taking occupancy up to 9.00am may be considered at the discretion of the Markets Superintendent. At 8.30 am all stalls and pitches still vacant will be allocated (for that day only) to members of the Casual List without prejudice to the liability of the regular stallholder to pay the relevant charge for that day. Where notification of late arrival has been given, the Markets Superintendent may allocate the stall or pitch to another trader prior to 9.00am, solely at his discretion.
 - a. Traders must be open for business from 9.00am to 3.00pm unless prior permission to the contrary has been obtained and a satisfactory explanation is given for the absence or delay. Traders are not permitted to commence packing away goods, removing canopies or dismantling stalls until after 3.00pm. These hours may vary at the discretion of the Markets Superintendent.
 - b. A Medical Certificate must support absences due to sickness extending beyond one week and further certificates must be presented on request to the Markets Superintendent. Other absences must be notified to the Markets Superintendent at least one week in advance and must not exceed four weeks in any calendar year, unless exceptional circumstances exist and the prior approval of the Markets Superintendent is granted. Absences exceeding four weeks in any calendar year and absences, which have not been notified to the Markets Superintendent, at least one week in advance will be subject to the full charge appropriate to the space reserved.
 - c. The Council reserves the right to limit the number of authorised absences at any market at any one time.
 - d. New traders will be granted authorised absences on a pro-rata basis dependant upon their length of record of attendance on each market.
 - e. Traders may be refused permission to trade where there are reasonable grounds for refusal, such as breaches of the Open Retail Market Rules and Regulations, or failure to comply with legislative requirements.

CONDUCT

1. The use of violence or racist, sexist, sectarian, obscene or abusive language or behaviour towards any other traders, members of the public or Council staff is prohibited.
2. Traders, their staff and all attending the market will observe and carry out the instructions and directions of any authorised Officers of the Council and/or the Police.
3. Traders will be responsible for the conduct of any person, whether paid or unpaid, employed by them in connection with their business on the market. The Council reserves the right to refuse to allow any person to work (whether paid or unpaid) at any time on a stall or pitch who, in the opinion of the Council, is unsuitable due to age or conduct for such employment.
4. Traders and their employees, whether paid or unpaid, 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 as to cause obstruction to another stall or pitch or pedestrian avenue.

GENERAL

1. Vehicles may not be brought on to a market between the hours of 9.00 am and 3.30 pm.
2. A regular reservation of a stall or pitch will only be granted 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.
3. Traders and their staff, whether paid or unpaid, will be registered under the Council's Trader Registration Scheme. Each person registered under this scheme will be issued with an identity card. Identity cards must be worn, and be visible to the Markets Superintendent, other Council Officers and visitors to the market, at all times.
4. The number of traders on any market permitted to sell a particular class of goods will be solely at the discretion of the Council.
5. Approval to sell a fixed class of goods is granted subject to all agreed lines within this class of goods being displayed for sale at all times. Where a trader fails to display for sale for a continuous period of 4 weeks a particular line then permission to sell this line will be withdrawn.
6. Traders with approval to sell fresh produce, e.g. Butcher meat, Fish, Poultry, Fruit and Vegetables and Bakery Products, are required to provide appropriate equipment for the display and sale of such produce, e.g. chilled cabinets, to the satisfaction of the Council. The minimum requirement in this respect is equipment that enables compliance with all European, Central and Local Government Legislation in respect of the display and sale of foodstuffs; however, the Council reserves the right to demand the provision of equipment not required by legislation.

7. Additional lines or changes of lines may be permitted at the discretion of the Council either permanently or for a specified period. Requests for additional lines and/or changes of lines must be made in writing to the Markets Superintendent. Written permission from the Markets Superintendent must be obtained before selling any new lines and a new undertaking completed. Acknowledgement of receipt of requests for changes or additions to lines will be made in writing within 7 days of receipt of the request. Notification of the decision of the Markets Superintendent in respect of requests for additions or changes to lines will be made within 14 days, wherever practicable, of receipt of the request.
8. The Council reserve the right to control the type of goods permitted to be sold, e.g. No cigarettes, tobacco, animals (domestic or otherwise), fireworks, firearms, offensive weapons, (or replicas of the same), laser pens, counterfeit goods (e.g. clothing, perfume, aftershave, computer software, CDs, videos/audio tapes) i.e. No product in breach of copyright legislation may be sold. No items of a sectarian nature or items, which could encourage or assist the taking of illegal substances, may be sold. Moreover, traders are prohibited from selling to any person under the age of 18 any product of whatever kind containing any of the following chemicals, vide licit: compound, liquid or chemical, containing Acetone, Amyl Acetate, Benzene, Butane, Carbon Tetrachloride, Cyclohexanone, Ethyl Acetate, Hexane, Isopropopanol, Methyl Ethyl Kentone, Methyl Isobutyl Kentone, Methyl Cellosolve Acetate, Methylene Chloride, Petroleum Hydrocarbons, Tetrachloethylene, Toluol, Toluene, Trichloroethane, Trichloroethyene, Xylene, Amyl Nitrate and Isobutyl Nitrate unless such product contains also an inhalation repellent. This list is not exhaustive.
9. Market charges must be paid immediately and at the time and to the office designated for payment of such charges. Relief from charges will only be granted to traders for absences up to four weeks in any calendar year where such absences have been notified to the Markets Superintendent at least one week in advance of the period of absence. Any reservations or other charges outstanding for absences from the market must be paid in full on the first day of return to the market. Any trader who refuses to pay outstanding charges will have his/her right to trade on all Council markets withdrawn.
10. Traders must not place anything out with their designated trading area without the prior consent of the Markets Superintendent. Where such approval is given, additional space will be charged at the full rate in multiples of 1.83 metres (6 feet).
11. Traders must comply with all relevant European, Central and Local Government legislation relating to their business. The Council reserves the right permanently to exclude traders who have been convicted of, or formally cautioned for: (1) offences relating to their trade or business on any market or (2) offences, which, in the opinion of the Council, place users of the market at risk from the presence of the trader.
12. Traders must inform the Markets Superintendent of any change of address.
13. The Council may alter the position or alignment of stalls or pitches either temporarily or permanently if, in the opinion of the Council, such alterations are beneficial to the market or to accommodate installation, repairs or reinstatement of services, roadways, public access walkways etc.

14. The Council reserves the right to allocate any available stall or pitch without regard to the lines being sold by traders in adjacent stalls or pitches.
15. Traders are responsible for maintaining the cleanliness of the space that they occupy. Rubbish and waste must be placed in the receptacles and/or refuse sacks provided. Particular attention should be given to plastic bags and wrapping. Coat hangers must not be left loose on the ground but must be collected together and placed in the receptacles and/or refuse sacks provided. The Council reserves the right to insist that individual traders take responsibility for disposing of any refuse generated by them in the conduct of their businesses.
16. Traders are required to produce on request proof of identity, including address, and proof of their National Insurance number, which will be recorded by Markets Group staff and retained on file.
17. Stalls or pitches made vacant by termination of a regular reservation will normally be let as follows: (1) firstly by transfer to a regular trader upon his relinquishing his current stall or pitch. Where more than one such trader applies, length of service on the market in question, will usually decide the allocation. (2) Secondly to the casual trader with the most attendance points. Notwithstanding the same, stalls and pitches may, at the discretion of the Markets Superintendent, be allocated out with the normal priority system where it is found that by doing so the diversity of goods sold within the market would be widened.
18. Traders with more than one stall or pitch may not surrender a stall or pitch for a limited period.
19. The sub-letting of stalls or pitches or any part thereof is prohibited. Traders may not dispose of or transfer the reservation of any stall or pitch.
20. 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.
21. Each trader will be allocated a sign with a number unique to him/her. Each number will be recorded opposite the relevant trader's name in the Open Retail Markets ledger. Numbered signs must be displayed in a prominent position on the front of traders' stall or pitches and must remain displayed from the start to the close of each day's business.
22. Traders are not permitted to move any stall, or part thereof, away from or within the market without the prior consent of the Markets Superintendent.
23. Traders shall not use, or permit the use of, any oil, solid fuel, electrical or gas heaters in their stalls or pitches.
24. Traders shall not ring any bell, 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.

25. Traders shall not use the method of selling known as “demonstrating” without the prior consent of the Markets Superintendent. The Market Superintendent has authority, where such consent is granted, to designate an area within the market to be used for “demonstrating”. The decibel, that is, noise level, of such will be entirely at the discretion of the Markets Superintendent.
26. Traders shall conduct their 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 a 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.
27. Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches without the prior consent of the Markets Superintendent when such is required in connection with the traders business. The bringing onto the market of such equipment 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, copyright, or otherwise. The decibel, that is, noise, level of such will be entirely at the discretion of the Markets Superintendent.
28. The Markets Superintendent can seek the immediate removal of any trader, his employees, or any other person associated with the trader, who, in his opinion, is causing a nuisance, annoyance or danger to other traders, Council staff or the public or who damages any property of the Council.
29. Damage or failure of any plant or equipment belonging to, or hired or leased by, the Council shall be reported immediately to the Markets Superintendent and no attempt whatsoever shall be made to affect a repair. No person shall interfere with any plant or equipment belonging to, or hired or leased by, the Council.
30. The giving and receiving of gratuities is strictly against the policy of the Council.
31. All privately owned stalls, canopies, sales vehicles or stands must be constructed to a specification acceptable to the Markets Superintendent and maintained in a state of repair acceptable to the Markets Superintendent, totally at the expense of the traders.
32. Stall canopies must be in place from start to close of business on each market day.
33. The trader in whose name the stall or pitch is reserved shall be present at the stall or pitch throughout each market day and not delegate this save for periods of up to a maximum of four weeks in any calendar year and to notify the Markets Superintendent in writing of such periods. Requests to delegate attendance for periods over four weeks may be granted at the discretion of the Markets Superintendent. Before any request to delegate attendance is considered, the trader in whose name the stall or pitch is reserved will be required to provide confirmation of validity of Public Liability Insurance cover for the proposed period of delegated attendance.
34. A trader shall secure any carpets and/or vinyl floor coverings on display with retaining clips of a type to be approved by the Markets Superintendent.

35. Traders shall not use generators without the prior consent of the Markets Superintendent when such is required in connection with the traders business. The decibel, that is, noise level of such will be entirely at the discretion of the Markets Superintendent.
36. Stall overhangs may be permitted to the front and (where appropriate) side of stalls. The distance such overhangs may protrude from the front and side of stalls will be solely at the discretion of the Markets Superintendent. A minimum clearance of 2 metres must be maintained between the ground and any goods hanging from the overhang.

LIABILITY AND INSURANCE

1. Casual traders attending the market for the first time must provide proof of identity, including address, proof of possession of public liability insurance to a minimum of £5million and proof of their National Insurance number.
2. Traders must possess valid public liability insurance to a minimum of £5million and must on demand, produce their certificate of insurance for inspection by Markets Group staff.
3. Traders and their employees (whether paid or unpaid) shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.
4. 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.
5. A Traders shall have no claim for compensation for loss of goodwill or otherwise on the termination of his reservation or at any other time.
6. Traders shall indemnify the Council from and against all actions, proceedings, damage, claims, losses or outgoings of whatever nature arising out of the trader's use of any stall, pitch, vehicle or stand etc. on the market.
7. 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.

CASUAL TRADERS

1. Casual traders must be open for business from 9.00am. to 3.00 pm. Casual traders are not permitted to commence packing away goods, removing canopies or dismantling stalls until after 3.00pm. These hours may be varied at the discretion of the Markets Superintendent.
2. Casual traders may be refused permission to trade where there are reasonable grounds for refusal, such as breaches of the Open Retail Market rules and regulations, failure to comply with legislative requirements or occasions where the balance of the market would (in the opinion of the Council) be adversely affected.
3. 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 Markets Superintendent whose decision shall be final and binding on the trader. One point will be received for attendance on each market day.
4. 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, but not withstanding the same, stalls or pitches will, at the discretion of the Markets Superintendent, be allocated out with the normal priority system where it is found that by doing so the diversity of goods sold within the market would be widened.
5. Casual traders must inform the Markets Superintendent of any change of address.
6. Applications for stalls or pitches must be made to the Markets Superintendent by 8.30am on the day of the market by members of the casual list personally (a person and their partner shall count as one member of the casual list).
7. 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 Superintendent may, at his absolute discretion, remove the trader's name from the casual list.
8. No proxy attendance will be allowed or registered regarding the casual list members.
9. A casual trader who refuses to accept the offer of a regular reservation may be removed from the casual list and may be required to re-register on the casual list.
10. A casual trader offered a vacant stall or pitch on any market day, which is refused, will be removed from the casual list and will require to apply to be re-registered.
11. The 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 any market entirely at its own discretion.
12. The Council reserves the right to suspend registration of casual traders from time to time.

PENALTIES

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, and Ban for a set period, Permanent Ban.
2. The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.
3. If a trader is suspended by the Markets Superintendent the facts will be reported to the appropriate Committee which will determine further action, including – Immediate termination of any reservation for any stall or pitch for a period determined by the Committee, OR – The permanent barring of the trader from any market operated by the Council.
4. The trader will be notified in writing of such a report and may, if he so wishes: Submit a written defence to the Committee and/or appear in person (with a right to be represented by a friend or Solicitor).
5. Any decision made by the Committee 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.

OPTIONS

First offence – warning letter that remains on file for 52 weeks

Second offence within 52 weeks – suspension for 1-3 weeks

Third offence within 52 weeks – barred for a period to be determined by the Council.

Notwithstanding the above, serious breaches will result in an immediate suspension and the Council will decide on the length of the ban.

PROCEDURES FOR DEALING WITH COMPLAINTS

1. Complaints by traders in respect of any matter affecting the market must be brought to the attention of the Markets Superintendent, in writing. An investigation into the matter will take place any relevant action will take place and, if necessary, the complainant will be informed of the result. Acknowledgement of receipt of complaints will be made in writing within 7 days of receipt of the complaint and notification to the complainant of the result will be made, where necessary, within 14 days of the receipt of the complaint, where this is practicable.
2. If a complainant is not satisfied with the action taken by the Markets Superintendent on any complaint then the matter may be referred by letter to the Group Manager of Markets.