

Market Regulations & Bye-Laws Open Markets



 peter.hayes@flintshire.gov.uk

 07919 166279

2022-2025

07711 438412

07880 052277

FLINTSHIRE COUNTY COUNCIL
PLANNING, ENVIRONMENT AND ECONOMY
MARKETS SECTION
COUNTY HALL
RAIKES LANE
MOLD, CH7 6NF

FLINTSHIRE COUNTY COUNCIL

OUTDOOR MARKET REGULATIONS

MARKET PLACES AND HOURS

1 The Council's Markets shall be held in the following places, together with such other places as the Council may determine.

TOWN	DAYS	TIMES	SITUATION
CONNAH'S QUAY	THURSDAY	8.30am-5.00pm	In the area in front of the shopping precinct.
MOLD	WEDNESDAY SATURDAY	6.00am-6.00pm	In the area of High Street situated between its junctions with Chester/New Street and King Street, together with the Daniel Owen Square.
HOLYWELL	THURSDAY	7.00am-4.30pm	Tower Gardens and area of High Street situated between The Cross and Tower Gardens.

ALL TRADERS

PITCHES

2 A permanent trader is a trader who has been allocated a permanent pitch for each market day and has agreed to comply in full with the Council's Regulations relating to the payment of fees and the operation of the market.

3 A pitch reserved for permanent traders which is not occupied by 8.00am will be re-let.

4 On occasion it may be necessary for the Council to cancel the allocation of a particular pitch on a specific market day in order to permit maintenance and other works to proceed in connection with adjacent premises and/or the highway or for other similar reasons.

5 A pitch let to a permanent trader not occupied for three weeks in succession will be considered vacant unless the trader has contacted a Market Officer and given an acceptable reason e.g. medical certificate provided as proof of illness.

5.1 In the case of casual traders such absence will result in loss of seniority on the waiting list.

6 Should a permanent pitch become vacant, allocation of the vacant pitch will follow a sequence:

- a) Permanent traders on a seniority bases.
- b) Casual traders on a seniority basis.

NB Consideration will also be made in relation to the type of goods being sold.

7 Traders shall only occupy the positions allocated to them by the Market Officer.

8 Individual stalls must be manned by the registered trader and/or their bona fide representative during market hours. The control of more than one pitch by any trader and/or their representatives will not be permitted. (This Regulation is not intended to prevent traders from taking their usual food breaks).

9 The registered trader must complete a registration form for any individual that will be manning their stall.

10 The sale, assignment or sub-letting of stalls, or any part thereof, is prohibited.

11 Traders are required to keep their stalls and fittings and the space below the stalls clean and free from litter. All fittings, fixtures and appliances owned by traders must be kept in good condition and must not constitute a danger to the public.

12 The Council disclaim all liabilities for accidents caused by, or arising from, the disrepair, condition or construction of any stall.

13 Each trader is responsible for their own safety and that of the public within the footprint of their own stall.

14 All accidents must be reported to the Market Officer immediately.

15 Every trader or occupier of a stall shall satisfactorily store all loose waste in suitable receptacles and all cardboard must be flattened so as to prevent its spread by adverse weather conditions. At the close of the market all waste arising from the business must be placed tidily as approved by the Market Officer for collection by the Council.

15.1 Traders shall not use public litter bins to dispose of their waste.

GOODS

- 16 Traders shall not sell any type of goods other than those for which they are registered. Any request from a trader to add or change types of goods being sold must be submitted in writing to the Market Officer. These additional goods must not be displayed for sale until written confirmation has been received from the Council.
- a) Traders selling the same primary item (e.g. clothing) will be allocated on a pitch at least three stalls away from each other, where possible.
 - b) Additional items added to a permanent trader's licence will not be considered as a primary item.
- 17 Traders will be required to display all goods for which they have requested permission to sell and for which approval has been granted. Failure on a trader's part to display any of the approved goods within a twelve month period will result in those goods being removed from the trader's registration form.
- 18 Applications from existing traders to change their primary item can be considered by the Council, however will remain subject to 16a. A change of primary item will not result in a loss of seniority for permanent traders. In the case of casual traders, such requests will result in the loss of seniority.
- 19 Traders shall not place goods beyond the boundaries of their stalls either on the ground or hanging from any part of the stall unless prior permission has been received from the Market Officer.
- 20 All traders who sell food within the meaning of the Food Safety Act 1990 must comply in full with the said Act and any Regulations made thereunder.
- 20.1 Traders must register with the Food Safety Section in accordance with the Food Premises (Registrations) Regulations 1991, as amended.
 - 20.2 Food hygiene ratings must be displayed clearly by the trader.
 - 20.3 Food allergen labelling regulations must be adhered to.
- 21 All food which is handled, stored, packaged, displayed and transported shall be protected against any contamination likely to render the food unfit for human consumption, contaminated or injurious to health. Food must be so placed and/or protected as to minimise any risk of contamination.
- 22 Where applicable, food which is likely to support the growth of pathogenic micro-organisms or the formation of toxins, shall be kept at a temperature at or below +8C or at or above +63C.
- 23 The sale of live animals, fish, birds and other fowl is prohibited.
- 24 The sale of dangerous weapons is prohibited.
- 25 Acupuncture, ear-piercing, tattooing or electrolysis will not be permitted from any stall within the Council's Street Markets.
- 26 Traders are responsible for making customers aware of any age limits on the sale of certain goods by displaying the law appertaining to them.
- 27 All market traders are to trade until 3.30pm. Traders must not start to pack away goods until 3pm at the earliest, unless there are adverse weather conditions. Any decision to allow trading to finish early will be made by the Market Officer on the day.

MARKET CHARGES

- 28 Traders are required to pay for all the space that they occupy which includes any area of ground underneath any overhanging part of the stall and any ground used for storage or display of goods.
- 29 Once a pitch has been allocated, fees will be payable on demand whether or not it is fully occupied unless it is in the best interest of the market to reduce the size of the pitch.
- The Council reserves the right, however, to re-allocate any part of a pitch not utilised by a trader.
- 30 Traders shall have pitch fees available before commencement of trading
- 31 All permanent traders must pay fees in accordance with the Council's current charging policy i.e.
- (i) Traders must pay fees whether they attend the market or not with the exception that fees will not be payable in respect of non-attendance on TEN market days (singularly or consecutively) during the twelve monthly period which ends on 31st March in any year.
 - (ii) in the event of continuous periods of long-term sickness absences, duly certified, the reservation fee for a pitch shall be half the normal fee for the first month and then one-quarter the normal fee for the following two months. Registration will be automatically terminated at the end of the three month period, together with all rights on the market. These arrangements shall not affect a permanent traders' entitlement to Ten non-attendance days each financial year.
 - (iii) a trader who suffers a close family bereavement will be allowed one trading days absence, without forfeiture of rights, and free of market charges.
- 32 A trader who defaults in the payment of fees due will automatically forfeit the right to a pitch and all other rights on the Council's markets.
- 33 An official receipt shall be obtained for fees paid. The receipt shall be retained and made available for inspection on demand by the Market Officer, or authorised auditor acting for the Council.
- 34 The Market Officer decides whether or not 'Adverse Weather Conditions' apply having regard to prevailing weather conditions in the market place. High winds would be an example of adverse weather conditions.
- (i) Market Traders who are in attendance at the time adverse weather conditions are declared can opt not to trade, or cease trading. Traders will then be using one of their non-attendance days (detailed in regulation 31
- NB Should weather conditions be so serious as to affect the total operation of the market, the market can be cancelled and market fees may be waived in full or in part at the discretion of the Market Officer.
- 35 The Council reserves the right to review charges annually, or as they see fit.

VEHICLES

- 36 Vehicles will not be allowed to remain in the market area. The Market Officer may relax these provisions during adverse weather conditions for safety reasons.
- 37 Should a trader wish to trade from a lockable mobile vehicle, this can be allowed at the discretion of the Market Officer, but by allowing such trading the Council hereby confirm that a 'business' tenancy will not be created. Such vehicles must comply in full with relevant Hygiene and Health and Safety requirements.
- 38 Unloading of vehicles must be carried out before the commencement of the sale of goods to the public and in any case not later than the time set for the commencement of the market, unless prior permission has been received from the Market Officer.
- 39 Traders shall observe the following timelines when unloading and loading vehicles (Mold only):
 - (i) First shift unloading shall have vehicles removed from market area before 8am.
 - (ii) Second shift unloading shall not enter market area until 8am and shall have vehicles removed from market area before 9am.
 - (iii) First shift loading shall not enter the market area with vehicles until 3:30pm.
 - (iv) Second shift loading shall not enter the market area with vehicles until 4:30pm.
- 40 Stalls and all other goods must be removed from the market area not later than one hour following the time set for the close of the market.

GENERAL

- 41 All registered, casual or otherwise, traders must be aged 18 or over.
- 42 A trader must notify the Market Officer of any change in the operation of the stall, including any amendment to registration details.
- 43 Notice of non-attendance must be given by contacting a Market Officer directly before 8:00am on the day of the market. (Office Number 07919 166279). (Market Officers 07880 052277, 07711 438113)
- 44 A trader may transfer their pitch to a member of their family. This must be submitted in writing to the Market Officer. A written response will then be provided by the council.
- 45 Every trader trading from the Council's open markets shall indemnify the Council against all actions as a result of such activity and shall maintain adequate Public Liability Insurance cover a minimum of £5 million, and upon being requested, shall produce to the Council evidence of such insurance.
- 46 All permanent traders must have their own Public Liability Insurance. In the event that Public Liability Insurance has expired awaiting renewal, then a permanent trader will be required to make use of the Council's own insurance on a temporary basis only. This will only be allowed for a maximum of four weeks.
- 47 No trader shall hawk or carry about any article for sale. In addition, no trader shall call or make any noise to seek to attract attention of customers to any stall.
- 48 Traders and their assistants shall not do anything which may cause a danger, nuisance or annoyance to other traders or visitors to the markets.
- 49 Traders must not place any article against or on any tree, post or other item of street furniture.
- 50 Traders shall contact a Market Officer in the event of any issues or disputes involving other traders and not attempt to deal with the issue themselves.
- 51 Traders shall comply with the reasonable instructions and requirements of the Market Officer.
- 52 Traders shall not harass, threaten or otherwise prevent the Market Officer from managing the market or enforcing these Regulations. Contravention of this requirement will be viewed as a serious breach of the Regulations and may result in a trader's registration being terminated.
- 53 In the event of any trader not complying with these Regulations during the holding of the market, the Market Officer may require the trader to immediately leave and take their belongings. The Market Officer's decision cannot be contested on the day, however traders may appeal in writing, within 7 days, to the Senior Markets Officer.
If a trader is unhappy with the response and wishes to appeal further, this must be in writing to the Business Develop Manager.
Address: Flintshire County Council, County Hall, Mold. Flintshire CH7 6NA
- 54 The Council reserves the right to refuse a stall to a registered or other trader who has contravened any of the above Conditions.

CASUAL TRADERS

- 1 Casual lettings are for the day of the market only, fees being payable on demand to the Market Officer.
- 2 Traders wishing to apply for registration will be required to pay a Registration Fee fixed by the Council.
- 3 Each day, vacant pitches are normally allocated on a seniority basis and remains subject to 16a. Longest serving casual traders will be considered first, however a casual trader selling goods that are not represented on the market that day may be considered first and given priority over the most senior casual trader.
- 4 Should the Market Officer believe that a particular type of trade will be of detriment to the market i.e. a trader selling goods that are already well represented on the day, then the Market Officer may refuse the casual trader a pitch.
- 5 Casual traders without public liability insurance will be required to use the Councils insurance on a temporary basis only. This will only be allowed for a maximum of four weeks.

HOLYWELL OUTDOOR MARKET

SPECIAL CONDITIONS RELATING TO THE OPERATION OF THE MARKET

The use of Tower Gardens, and the main High Street, by the Council for its Holywell Outdoor Market operations is subject to certain planning and other restrictions. Pitches are allocated on the basis that traders are aware of, and agree to comply with, these conditions in addition to the Market Regulations and Market Bye-Laws.

- 1 Traders will be charged for the full area of the pitch whether or not they occupy the full area of the pitch on any particular market day.
- 2 No encroachment beyond the pitch areas will be permitted for canopies, the storage of goods or guy ropes etc.
- 3 Traders will not be permitted to obstruct accesses to adjoining premises.
- 4 On occasion, it may be necessary for the Council to cancel the allocation of a particular pitch on a specific market day in order to permit maintenance and other works to proceed in connection with adjacent premises and/or the highway
- 5 Pitches will be allocated to achieve a good mix of trades. Should traders not be allocated a permanent pitch, a casual list will be maintained on the usual basis.
- 6 Traders shall be responsible for removing any waste they have accumulated at the end of each shift.
- 7 Traders shall observe the following timelines when unloading and loading vehicles:
 - (i) Unloading – Traders vehicles should be removed from market area before 9am.
 - (ii) Loading - Traders shall not enter the market area with vehicles until 2:30pm.
- 8 Traders' vehicles will not be allowed to remain in the market area, unless adverse weather is deemed to be present by the Market Officer.
- 9 With regards to stalls on Tower Gardens, loading and unloading may only take place from the adjacent car park and will not be permitted from any highway.
- 10 Trucks or trolleys used for conveying goods to or from the market area must be removed from the market area before trading commences and at the close of the market.
- 11 New traders on Holywell market only will be entitled to stand for half pitch fee, for 8 consecutive weeks.
- 12 Gazebo's can be hired for the day at a cost of £25. Traders wishing to use one of the Councils Gazebo's will need to give 24hrs notice by speaking to the Markets Officer on 07919 166279. Traders will then be fully responsible for collecting, erecting, dismantling and returning gazebos to storage.

MOLD STREET MARKET EXTENSION

DANIEL OWEN SQUARE

These conditions are supplementary to the Council's Market Regulations:

- 1 Vehicles must not drive onto the Square or onto or over the footway.
- 2 Trucks used for conveying goods must be fitted with either plastic or rubber wheels. No metal wheeled trucks will be permitted.
- 3 Refuse and litter must not accumulate in and around the pitches. All refuse and litter must be placed in suitable containers.
- 4 There shall be no storage of stalls on the site.
- 5 Nothing shall be placed, erected, sited on, or shall overhang any part of the adjacent highway, footway or carriageway.
- 6 No stall shall be sited closer than one metre to the back of the highway footway.
- 7 All market traders are to trade until 3.00pm. Traders must not start to pack away goods until 2.30pm at the earliest, unless there are adverse weather conditions. Any decision to allow trading to finish early will be made by the Market Officer on the day.

CONNAH'S QUAY MARKET

Special Conditions relating to the operation of the market:

These conditions are supplementary to the Council's Market Regulations and concern the movement of vehicles from the market area at the end of the day which are as follows:

- 1 No vans are to be moved from the market area before 3pm.
- 2 Any actions which are likely to cause a danger or nuisance or annoyance to other traders or visitors to the market and shall comply without question with the reasonable instructions and requirements of the Market Officer.
- 3 Traders shall be responsible for removing any waste they have accumulated at the end of each shift.

FLINTSHIRE COUNTY COUNCIL

MARKET BYE-LAWS

Made by the County Council of Flintshire in exercise of its powers under Section 60 of the Food Act 1984 in respect of its open markets at Connah's Quay, Flint, Holywell and Mold.

INTERPRETATION

- 1 In these Bye-laws:
 - (a) "the Council" means the County Council of Flintshire;
 - (b) "open market" means the open markets at Mold, Holywell, Connah's Quay and Flint respectively;
 - (c) "market place" means an open market;
 - (d) "goods" includes provisions, commodities and articles brought into the market place for the purpose of sale;
 - (e) "market hours" means the hours appointed by the Council (under Section 52 of the Food Act 1984) for the holding of a market;
 - (f) "market officer" means the person appointed by the Council to exercise general management supervision and control of any market place or his duly authorised representative;
 - (g) "sell and sale" include exposing and exposure for sale;
 - (h) "stall" includes any building, shop, office, compartment, standing bench, table, place, pitch, site or space in a market place and used or intended to be used for the sale of goods;
 - (i) "vehicle" includes any mechanically propelled vehicle (other than an invalid chair) and any cycle, tricycle, wheelbarrow, cart, handcart, truck, wagon or trailer.

REGULATION OF TRAFFIC AND PREVENTION OF OBSTRUCTION

- 2 Subject to the provisions of Bye-Law 4 hereof, no person in charge of a vehicle shall
 - (a) drive or allow it to be driven onto a pavement or footway in a market place, or
 - (b) allow it to be halted in or on any avenue, passage, roadway, pavement or footway in a market place, or in the immediate approaches thereto for longer than is reasonably necessary for the loading or unloading of goods.
- 3 Subject to the provisions of Bye-Law 4 hereof, no person shall bring or carry to, through or from a market place to the immediate approaches thereto or allow to stand therein any vehicle or goods in such a manner as to cause obstruction
 - (a) in a market place or in the immediate approaches thereto, or
 - (b) without prejudice to the generality of (a) above to the use of fire-fighting equipment.

Provided that nothing in this and the immediately preceding Bye-Law shall apply to any vehicle constructed or adapted for the sale of goods therefrom and positioned in an open market with the consent of the Market Officer on a site allocated by him or at a place set apart by the Council and indicated by the display in a conspicuous place of a public notice to that effect.

- 4 Provided that nothing in this Bye-Law or Bye-Laws 2 and 3 hereto shall apply to any vehicle being used for fire brigade, ambulance, police or refuse disposal purposes in pursuance of statutory powers or duties.
- 5 No person shall deposit or cause to be deposited in a market place (elsewhere than in, at or upon any stall which has been allocated to him) any goods or any receptacle for goods for a longer time or in any other manner than is reasonably necessary for the loading or unloading of the goods.
- 6 No goods nor any receptacle for goods shall be placed in or on any stall in a market place so as to project beyond the limits of such stall.
- 7 No part of any roof of a stall shall be less than 6'6" from the ground.
- 8 No tenant or occupier of a stall in an open market shall hang any goods on or from such stall in a manner or in a position likely to cause danger.
- 9 No person shall wilfully obstruct, disturb or hinder any person in the proper use of a market place or of the immediate approaches thereto or of any fittings, trolleys or other apparatus provided for use therein and without prejudice to the generality of the foregoing no person shall, without the written consent of the Market Officer pitch or occupy any stall or place any goods on a pavement or footway in an open market.
- 10 No person shall, without the consent of the Market Officer, or other reasonable excuse, allow goods belonging to him, or in his charge, to remain in a market place more than one hour after the market closes.

AUTHORITY TO USE SPACE

- 11 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 in a market place unless and until such stall has been duly let or otherwise allocated by the Market Officer for the use of such person.
- 12 No person shall erect or fix or attempt to erect or fix any stall in a market place without the previous written consent of the Market Officer.
- 13 Where the Council:
- (a) designates any part of a market place for the sale of goods or any class of goods or for sales by auction; and,
 - (b) displays in a conspicuous place or public notice to that effect;
- no person shall sell goods or hold sales by auctions, except in accordance with the terms of that designation.

FOR MAINTENANCE CLEANLINESS

- 14 Every tenant or occupier of a stall shall:
- (a) cause the stall to be properly cleansed before and after the sale of goods for the day and as often as may be necessary during the day;
 - (b) as often as is necessary cause all refuse from the stall, and all refuse arising from the loading or unloading of goods required in connection with the use of the stall, to be removed without creating a nuisance or obstruction.

FOR PRESERVATION OF ORDER

- 15 No person shall wilfully or negligently throw, drop or leave in or upon any avenue, roadway or passage in a market place any fruit or vegetable matter or any other litter in a manner likely to cause injury or nuisance to any person.
- Provided that this Bye-Law shall not apply in respect of any place in this open air to which the Litter Act 1983 or any amendment thereof applies.
- 16 Every light used in connection with a stall shall be extinguished not later than one hour after the market closes.
- 17 No person shall in any market place ring any bell or blow any horn or use any other noisy instrument or any amplifier or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- 18 No person shall wilfully or improperly soil, defile, damage or destroy any part of a market place or any ornamental trees or shrubs therein or in the approaches thereto or any of the fittings or apparatus provided by the Council for use in a market place.
- 19 Unless the written consent to the Market Officer be first obtained, 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 statement of the price of goods then or thereafter exposed or intended to be exposed for sale or the name and address of a trader in or on any part of a market place.
- Provided that this Bye-Law 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 as amended by the Food Hygiene (Markets, Stalls and Delivery Vehicles) (Amendment) Regulations 1996, or on a display board provided for that purpose with the consent of the Market Officer.
- 20 Unless the written consent of the Market Officer be first obtained, no person in a market place shall, except by way of sale, distribute or attempt to distribute to the public in a market place any badges, stickers, leaflets, handbills, cards, pamphlets, booklets or other literature.

EXPLOSIVES

- 21 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 a market place.
- Provided that nothing in the Bye-Law shall apply to any appliances, fittings or apparatus necessary for lighting a stall so long as the same complies with the requirements of the British Standards Institute.

ANIMALS

- 22 No trader shall keep any dog or animal at his stall provided that nothing in this Bye-Law shall prevent a blind person from bringing into and keeping in a market place any guide dog belonging to him or in his charge.

PENALTIES

- 23 Every person who shall offer against any of these Bye-Laws shall be liable on summary conviction to a fine not exceeding £100.00 (ONE HUNDRED POUNDS).

THE SECRETARY OF STATE HEREBY CONFIRMED THE FOREGOING BYE-LAWS WHICH CAME INTO EFFECT ON 3 APRIL 1996.

FLINTSHIRE COUNTY COUNCIL

MARKET REGULATIONS - ENFORCEMENT NOTICE RE. CONTRAVENTIONS

MARKET: _____

TO: _____

Regulation No(s): _____

CONTRAVENTION:

You are hereby given Notice that you are in contravention of the above Regulation(s) due to the fact that:

You are, therefore, requested to: _____

(1)* Failure to comply with the Notice will result in the matter being reported to the Environment Directorate for further action.

(2)* The contravention will, therefore, be reported to the Community and Enterprise Portfolio for further action.

THIS NOTICE WAS HANDED TO THE ABOVE NAMED MARKET TRADER AT

ON THE _____ DAY OF _____ 20 _____ BY _____

(SIGN AND PRINT NAME)

DESIGNATION: _____ * DELETE AS NECESSARY

