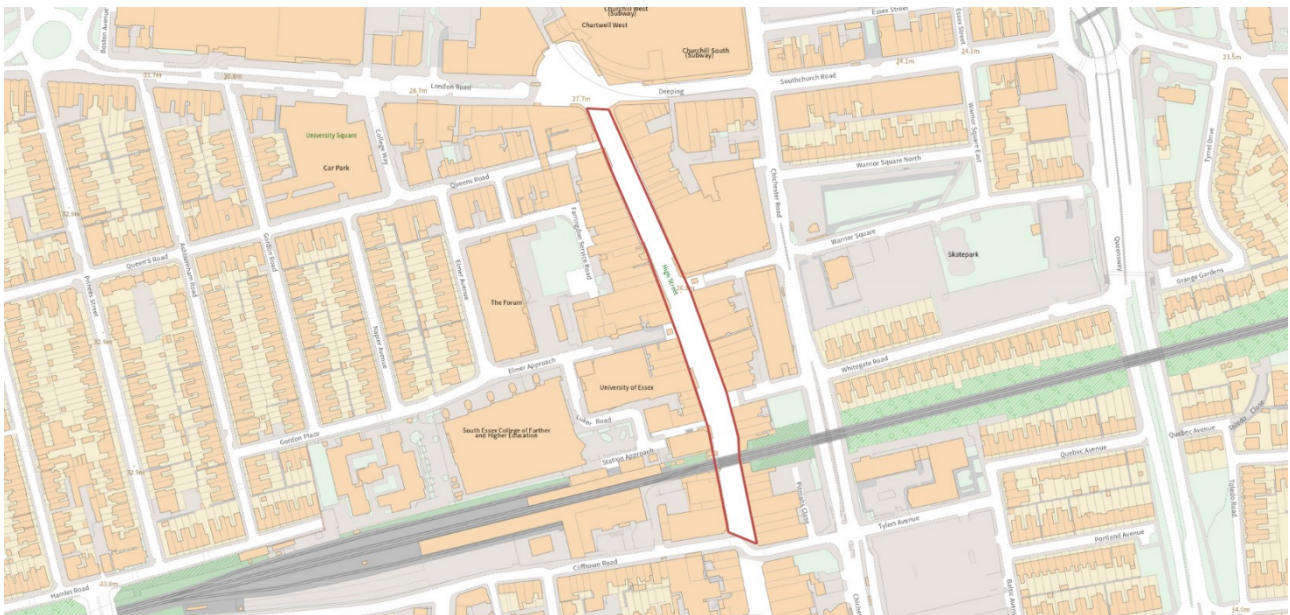


<b>Reference:</b>	23/00758/BC3	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	Use part of highway from Victoria Circus to junction of Clifftown Road/High Street as weekly general market	
<b>Address:</b>	General Market, High Street, Southend-on-Sea, Essex	
<b>Applicant:</b>	Mr Chris Cooke on behalf of Southend-on-Sea City Council	
<b>Agent:</b>	N/A	
<b>Consultation Expiry:</b>	29.06.2023	
<b>Expiry Date:</b>	04.08.2023	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	<b>Location Plan; Market Layout Area Plan (Rev A)</b>	
<b>Supporting information:</b>	<b>Use of Stalls (rules &amp; regulations)</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The application site relates to a stretch of Southend High Street extending from its junction with Clifftown Road/Tylers Avenue, to its junction with Victoria Circus.
- 1.2 The site is within the Town Centre Primary Shopping Frontage as defined by the Development Management Document's Proposal Map and the Southend Central Area Action Plan (SCAAP). There are a variety of neighbouring commercial premises reflecting the site's Town Centre location which have typical high street functions which include retail shops, takeaways, some financial and professional uses and some upper floor residential. The site is within the High Street Policy Area of the SCAAP. The site is adjacent to a number of areas of Frontage of Townscape Merit on the eastern side of High Street, at No's 148-162 High Street, 134-146 High Street and 108-124 High Street. The site is also adjacent to some Listed and Locally Listed Buildings; 130 High Street (Grade II Listed) and 143 High Street (Locally Listed).
- 1.3 At present, a market operates within the site area every Thursday and every second and fourth Saturday of each month. The market has planning permission for Thursdays (ref.13/01126/BC3), but there is no record of a planning permission for Saturday operation.

## **2 The Proposal**

- 2.1 Planning permission is sought to increase the number of days the market will operate in the High Street, from every Thursday at present, to every Thursday, Saturday and Bank Holiday.
- 2.2 The increased frequency of operation will continue in accordance with the existing set of rules and regulations that govern the market and which all traders must sign up to and adhere to prior to trading under separate provisions implemented and enforced under the Council's Regulatory Services. These are outlined in the accompanying supporting document "Use of Stalls" and included below solely for information purposes as they are subject of separate regulatory regimes. The most relevant elements to assist an understanding and assessment of this planning application's impacts include:
  - Traders will be allocated a pitch or pitches each measuring 3 metres by 3 metres (area of land on the highway in a designated position) and must provide their own stalls and covers/gazebos which must be of good standard, inflammable, properly anchored and with no overhead projections. Stall covers are required not solely for traders' own protection from weather, but for the market's "neat and tidy" aesthetic, where boundaries are clearly displayed.
  - Traders' stalls will be allocated a pitch by the Appointed Grounds Person(s) within the designated market space, and in accordance with their judgement on where stalls are best accommodated. The designated market space is defined as being Southend High Street from its junction with Southchurch & London Roads, to its junction with Clifftown Road. Stalls must only be moved where agreed by the Council, which may also be at their request where an event, utility work or emergency occurs.
  - A trader selling food products shall comply with the Food Hygiene Legislation or any other statutory legislation or re-enactment thereof from time-to-time in force.
  - Traders are permitted to sell food cooked on site, however, at application stage the details of trade will be subject to approval by Southend BID.
  - All food traders shall comply with the guidance provided by Regulatory Services for

Mobile Units at Markets and Special Events.

- 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 Council 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 sound or pictures or copyright or otherwise.
- The decibel (noise) level of such will be entirely at the discretion of the Council.
- Traders' stalls must be covered by good quality canvas type material.
- Traders must not block pedestrian access on the High Street and must at all times keep the emergency access lane free.
- All privately owned stalls, vehicles or stands on the open market must be constructed to a high specification acceptable to the Council and must be inflammable and kept in a good state of repair, totally at the expense of the trader. All equipment, including stalls, must be properly anchored.

2.3 A full copy of the "Use of Stalls" document is included for information at Appendix 1 to this report.

2.4 The market is supervised and administrated by the Council's City Centre & Markets Manager with the assistance of a nominated grounds person (trader) and the wider High Street Network including CCTV, Community Safety and Southend BID Street Ranger teams. The Council's City Centre & Markets Manager also seeks advice from Food Safety and Trading Officers where applicable.

2.5 As detailed above, all stalls are required to be covered, such as by a gazebo or frame and these structures are temporary, with traders erecting and removing stalls at the beginning and end of each market day.

2.6 A minimum of 1.5m would be maintained from shop fronts to allow normal business operation and the passing of the public. Stalls are required to be positioned in such a way as to not block door access or view of shop displays. Operational hours between 8.30am and 5.30pm are proposed. A central portion of the carriageway would be left between the stalls to allow passing pedestrians and vehicles, including emergency vehicles. Where street furniture exists, stalls are not placed at locations where the combination of the street furniture and the stalls would lead to an obstruction of emergency vehicles (up to full size fire appliances).

2.7 The application is presented to Development Control Committee as the Council is the applicant and an objection has been received.

### **3 Relevant Planning History**

3.1 13/01128/BC3 - Use part of highway from Victoria Circus to junction of Clifftown Road/High Street as weekly general market- Granted.

### **4 Representation Summary**

#### **Public Consultation**

4.1 167no. neighbouring properties were consulted by letter and three site notices were displayed. A representation from one interested party has been received which is summarised below.

- Happy for a weekly market to open in area suggested but have concerns about market traders being situated close to shopfronts.
- Impacts on passing trade.
- Loss of views into shopfront windows at goods rendered.
- Resulting in loss of trade.

**Officer Comment:** The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representation have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the specific circumstances of this case. The Application Form states that a minimum of 1.5m will be maintained from shop fronts to allow normal operation and the passing of the public. Stalls are required under separately enforced legislation to be positioned in such a way as not to block door access or view of shop displays.

### **Environmental Health**

- 4.2 No objections subject to conditions restricting hours of operation, noise and odours.

### **Highways**

- 4.3 No objections.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 National Design Guide (2021) and Planning Practise Guidance (2021)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM13 (Shopping Frontage Management outside the Town Centre) and Policy DM15 (Sustainable Transport Management)
- 5.5 Southend Central Area Action Plan (2018) (SCAAP) Policies DS1 (A Prosperous Retail Centre) DS5 (Transport, Access and Public Realm) PA1 (High Street Policy Area Development Principles)
- 5.6 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.8 Southend-on-Sea Waste Management Plan for New Development (2019)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the area and the impact on designated and non-designated heritage assets, impacts on neighbours' residential amenity, waste, traffic and transportation matters, equality and diversity considerations and CIL.

## 7 Appraisal

### Principle of Development

- 7.1 Paragraph 86 of the NPPF states “Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should...(c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones...”
- 7.2 Policy DS1 of the SCAAP, paragraph 8 states that ‘the Council will seek to maintain and enhance ‘street market’ provision within the Town Centre Primary Shopping Area and will work with the private sector to promote the establishment of a new well designed street market within the pedestrianised London Road Policy Area. Proposals for street market development elsewhere within the Town Centre Primary Shopping Area will be considered on their merits.’
- 7.3 Policy CP2 states “Southend Town Centre will remain the first preference for all forms of retail development and for other town centre uses attracting large numbers of people...” Policy DM13 of the Development Management Document states that Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced.
- 7.4 The proposal is to increase the frequency of the current market operation to every Thursday, Saturday and Bank Holiday. Provisions have been made to protect the shop frontages of the commercial units, including a minimum of 1.5m to be maintained between stalls and the shop fronts to allow normal operation and the passing of the public, as well as the set up of stalls to be positioned in such a way as to not block door access or views of shop displays. Moreover, it is considered the provision of a more frequent Market will act as a driver for visitors to the High Street and Town Centre generally, enhancing its vitality and enabling and encouraging linked trips.
- 7.5 On this basis, the proposal which would support the vitality and economy of High Street and the Town Centre is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations assessed below.

### **Design and Impact on the Character of the Area and impact on designated and non-designated heritage assets**

- 7.6 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.7 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contributes positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape Guide provide further details on how this can be achieved.

- 7.8 Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest.
- 7.9 Policy DM5 of the Development Management Document seeks to conserve and enhance all heritage assets including Frontages of Townscape Merit and their setting. The NPPF states at paragraph 202 that “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...*”.
- 7.10 It also states at paragraph 203 that “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*”
- 7.11 Policy DM5 states “Development proposals, including replacement shopfronts, that impact upon the ‘Frontages of Townscape Merit’ will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function.
- 7.12 The application site is already used as a temporary market with the application only seeking to increase the number of market days.
- 7.13 The only external alterations relate to the temporary erection of market stalls on the days that the market is taking place. This can be controlled by condition and would have no significantly harmful impact on the character and appearance of the site, High Street or the wider area. Markets of this nature are typical of Town Centre locations and would not appear out of keeping or unusual in this context.
- 7.14 The document which all prospective market stall operators must sign up to under the separate legislative framework prescribes that traders are allocated a pitch or pitches each measuring 3 metres by 3 metres. The privately owned stalls, vehicles or stands on the open market are required to be constructed to a high specification acceptable to the Council under those separate provisions and are required to be kept in a good state of repair at the expense of the trader.
- 7.15 Noting the separately enforced regulatory provisions described within this report and the temporary nature and arrangement and layout of the market. It is considered that the proposal will have a neutral, and therefore acceptable impact on the character, appearance and setting of the nearby designated (listed buildings) and non-designated (locally listed buildings and Frontages of Townscape Merit) heritage assets, preserving their significance, and on the area generally.
- 7.16 The application is therefore acceptable and compliant with the above noted policies.

### **Impact on Residential Amenity**

- 7.17 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council’s Design and Townscape

Guide.

- 7.18 The market is an existing feature in High Street with the application seeking to increase the number of market days.
- 7.19 No changes to how the market will be operated are proposed with traders still required to continue to adhere to the separately enforced rules and regulations outlined in the supporting document 'Use of Stalls'. The hours of operation (8.30am-5.30pm) proposed fall outside of noise sensitive hours and are considered acceptable. This can be conditioned.
- 7.20 Environmental Health Officers have raised no objections to the proposal noting the comprehensive set of rules and regulations for market traders in the stall specification. A condition has been proposed controlling the playing of music and amplified speech and this is considered reasonable and proportionate in this instance.
- 7.21 A Waste Management Strategy must be in place in accordance with the Southend-on-Sea City Council Management Plan to mitigate noise and odour from the waste storage facilities, as well as collection arrangements and pest control measures. This can be secured with an appropriately worded condition.
- 7.22 On this basis and subject to conditions, the proposal is acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.23 The NPPF states (paragraph 111) that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 7.24 This part of High Street is pedestrianised area with high volumes of pedestrian traffic, so it is important that pedestrian movement is not compromised. The stalls have an existing lay out either side of the central pedestrian footpath and there would be a separation distance of approximately 10m between the stalls extending along either side of the High Street. This would leave a satisfactory central access for pedestrians, access to shops and access for emergency vehicles/fire escape.
- 7.25 The applicant states that the market stalls will be set up between 07:00am and 08:30am with all vehicles off the High Street by 8.30am. The market will close at 5:30pm with all vehicles to be off the pedestrianised highway by 6:30pm.
- 7.26 Details of how pedestrians are to be protected during vehicle access and egress from the High Street have been provided as follows:
- 5mph maximum speed;
  - Hazard warning lights to be displayed at all times;
  - Employment of a banksman, or request a Police Officer, Community Safety Officer or Street Ranger (either by flagging them or calling the Market Manager) to escort the vehicle where footfall is high, such as where it has been agreed (by the Market Manager) that a trader will leave early;
  - Always leave space for emergency access up and down High Street, and be available on site at all times to be available to either move a vehicle or deconstruct a stall to allow emergency access to a specific site;

- Access to the High Street is achieved either via London Road or Whitegate Road, depending on which is the closest and most effective route to the trader's stall and results in the least amount of time spent driving on the pedestrianised space.

Additionally:

- Access control will sit with CCTV Operators, who will remotely allow access via a bollards system that is soon to be operational; traders, for whom the Market Manager possesses contact details including name and address, will be issued a permit that is to be renewed either a) every year or b) whenever the vehicle they use changes. CCTV Operators will only allow traders access where they have a valid permit, at set times, and at no times in between unless where otherwise agreed.

- 7.27 There are several public car parks in the town centre which would provide parking for trader vehicles and customers.
- 7.28 Highways officers have not objected to the proposal on highway safety, parking or network grounds.
- 7.29 On this basis, the proposed development would be acceptable and policy compliant in the above regards.

### **Community Infrastructure Levy (CIL)**

- 7.30 As the proposed development does not involve new floorspace and does not involve the creation of a new dwelling (Class C3), it benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

### **Equality and Diversity**

- 7.31 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report have noted the provisions separately enforced including those designed to allow for safe and convenient passage by all people and have had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

## **8 Conclusion**

- 8.1 For the reasons outlined, the proposal which would support the vitality and economy of the High Street and Town Centre is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion, it is recommended that planning permission is granted subject to conditions.

## **9 Recommendation**

- 9.1 **GRANT PLANNING PERMISSION subject to the following conditions:**



**01 The development hereby permitted shall begin no later than three years from the date of this decision.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

**02 The development hereby approved shall be carried out in accordance with the approved plans: Location Plan; Market Layout Area Plan (Rev A) including the general arrangement of stalls and public thoroughfares between and around them.**

**Reason: To ensure the development is carried out in accordance with the development plan.**

**03 The proposed market hereby approved shall contain no more than 45 stalls with each stall occupying an area of no more than 3m x 3m.**

**Reason: In the interests of the character and appearance of the area, the safety of pedestrians and the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3, DM5 and DM15 of the Development Management Document (2015).**

**04 The proposed market hereby approved shall only operate between 08:30am and 5:30pm on Thursdays, Saturdays and Bank or Public Holidays. Traders shall not arrive on site and set up stalls before 7am with all associated waste and traffic to be cleared from the highway no later than 6:30pm on the same day.**

**Reason: In the interest of highway safety and the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).**

**05 No amplified music and/or amplified speech either recorded or live nor playing of unamplified musical instruments shall be undertaken in association with operation of the market hereby approved unless details of this have first been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. Amplified music and speech means that broadcast electronically through a loudspeaker including through radios and by the use of microphones. This includes speech for the purposes of advertising.**

**Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

**06 Within six calendar months from the date of this permission the use hereby allowed shall cease unless and until details of the design and materials of the proposed waste storage and an associated Waste Management Strategy to include mitigation methods to control noise and odour from the waste storage and collection arrangements, and pest control measures, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details from the date these details are approved and shall be maintained and managed as such for the lifetime**

of the development.

**Reason:** To ensure that the development is satisfactorily serviced, and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2, CP3 and CP4 of the Core Strategy (2007), Policies DM1 and DM15 of the Development Management Document (2015) and the advice contained in the Southend-on-Sea Waste Management Plan for New Development (2019).

**Positive and proactive statement:**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

**Informatives:**

- 1 You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about the Levy.
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
- 3 The development hereby approved has been assessed on the reasonable understanding that the market will operate in accordance with the rules and regulations set out in the supporting document 'Use of Stalls' or any other document authorised by the relevant Council department under the appropriate regulatory regime(s).
- 4 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER.
- 5 The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974.

**Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.**

## APPENDIX 1

### **“Use of Stalls” document – for information only**

#### **Use of Stalls**

- 3.1 Traders will be allocated a pitch or pitches each measuring 3 metres by 3 metres (area of land on the highway in a designated position) and must provide their own stalls and covers/gazebos which must be of good standard, inflammable, properly anchored and with no overhead projections. Stall covers are required not solely for traders’ own protection from weather, but for the market’s “neat and tidy” aesthetic, where boundaries are clearly displayed.
- 3.2 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 pitch, unless otherwise agreed by the City Centre & Markets Manager.
- 3.3 Traders shall secure firmly all items likely to be affected by moderate or strong winds, including – but not limited to – clothing, bedding and carpets; and ensure all items that by other means could affect the passing public are properly secured.
- 3.4 Traders’ stalls will be allocated a pitch by the Appointed Grounds Person(s) within the designated market space, and in accordance with their judgement on where stalls are best accommodated. The designated market space is defined as being Southend High Street from its junction with Southchurch & London Roads, to its junction with Clifftown Road. Stalls must only be moved where agreed by the Council, which may also be at their request where an event, utility work or emergency occurs.
- 3.5 Traders may provide lighting to a stall, and included within pitch fees is use of electricity from Council light columns, however, the Council must be informed of this use, and any arrangement made fire safe and unobstructive to the passing public.
- 3.6 No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters and generators without prior permission from the Council.
- 3.7 Whilst traders are not required to exhibit their contact details for members of the public to see, the Council will possess a record of such details for the purposes of traceability. If these details are required by any party, the Council will inform the trader first.
- 3.8 No trader may make a change in the type of goods sold as prescribed on the signed undertaking (1.3) except with the prior permission of the Council and the completion of a new undertaking.
- 3.9 Nothing herein contained shall be construed as requiring the Council to permit a trader to transfer from one pitch to another, but if such is permitted a trader shall continue to sell goods previously permitted to be sold on their usual pitch.
- 3.10 A trader selling food products shall comply with the Food Hygiene Legislation or any other statutory legislation or re-enactment thereof from time-to-time in force.
- 3.11 Traders are permitted to sell food cooked on site, however, at application stage the details of trade will be subject to approval by Southend BID.
- 3.12 All food traders shall comply with the guidance provided by Regulatory Services for Mobile Units at Markets and Special Events. The City Centre & Markets Manager can provide a copy of this upon request.
- 3.13 All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 or any other statutory modification thereof and any such trader shall comply with all byelaws.
- 3.14 A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any pitch on any part of the market except where the animal is a guide dog for a registered blind person.

- 3.15 No trader 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.
- 3.16 A trader shall not conduct an auction at or on any stall or pitch.
- 3.17 A trader shall not, during the course of trading on the market, tout for custom. No person shall, to the annoyance of any other person, yell or 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.
- 3.18 A trader shall not use the method of selling known as 'demonstrating'.
- 3.19 A trader shall conduct their 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.
- 3.20 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 Council 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 sound or pictures or copyright or otherwise.
- 3.21 The decibel (noise) level of such will be entirely at the discretion of the Council.
- 3.22 No trader shall sell or permit to be sold ornamental weapons or replica guns, fireworks or anything else which, in the opinion of the Council, is considered to be a risk to anyone attending the open market.
- 3.23 No trader shall sell or permit to be sold any item that contravenes the following:
- Copyright, Design and Patents Act 1988
  - Trade Descriptions Act 1968
  - Trademarks Act 1994
  - Video Recording Act 1984 and similar associated legislation
- 3.24 Traders must comply with the minimum age requirements as determined from time to time by Trading Standards on Age Restricted Sales.
- 3.25 Traders' stalls must be covered by good quality canvas type material.
- 3.26 Traders must not block pedestrian access on the High Street and must at all times keep the emergency access lane free.

#### **4. Stalls, Vehicles, Stands**

- 4.1 All privately owned stalls, vehicles or stands on the open market must be constructed to a high specification acceptable to the Council and must be inflammable and kept in a good state of repair, totally at the expense of the trader. All equipment, including stalls, must be properly anchored.
- 4.2 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 of these Regulations against any claim for damages or injury to persons or property arising from such equipment, however this may be caused.