



Directorate of Law, Property & Human Resources
Corporate Property,
Dudley Open Market
The Council House
Priory Road
Dudley
West Midlands
DY1 1HF
Tel: 01384 815264
Mobile: 07799 070193

Dudley Open Market Regulations 2009/10

Effective from Saturday 3/10/2009

1	
Market Regulations (2009/10)	3
GENERAL CONDITIONS	4
1. Application to Trade	4
2. Children	4
3. Consultation	4
4. Data Protection	4
5. Employees	4
6. Indemnity	4
7. Partnerships	4
8. Permanent Allocation of a Stall(s)	5
9. Statutory Requirements	5
10. Trade Lines	5
A to Z - TERMS AND CONDITIONS OF TRADING	5
11. Absence - Unauthorised	5
12. Absence - Long term due to serious or critical illness	5
13. Absence – Other	6
14. Animals	6
15. Alcohol	6
16. Behaviour of Traders	6
17. Cancelled Market	6
18. Conclusion of Trading	6
19. Disciplinary Procedure	7
20. Displaying Goods	7
21. Diversity	7
22. Electricity	7
23. Holidays	7
24. Flammable and Combustible Substances	7
25. Insurance	8
26. New Traders	8
27. Nuisance	8
28. Payment and Non-payment of Fees	8
29. Quotas for Product Lines	9
30. Removal of Refuse	9
31. Scales	9
32. Space - Use of Additional	9
33. Stalls	9
34. Storage	10
35. Trading Days and Trading Hours	10
36. Trading Incentives	11
37. Vehicles	11
PERMANENT ALLOCATION OF STALLS	12
38. Seniority and Priority	12
DAILY STALL ALLOCATIONS	12
39. Daily Allocation	12
40. Attendance Credits	12
CORPORATE COMPLAINTS POLICY	13
APPEALS PROCEDURE	13
COMMENCEMENT	13
AMENDMENT	13
APPENDIX 1 – CRITICAL ILLNESS	14

Dudley Open Market Market Regulations (2009/10)

These regulations are intended to assist in the daily operational running of the Market, to support Dudley Metropolitan Borough Council's intention to provide a high quality shopping service to the public and to ensure that all traders are treated in a fair and equitable manner. Where necessary the Market Authority will invoke the Disciplinary Procedure against traders who fail to adhere to the regulations. All traders must comply with these Regulations.

If you have difficulty in reading or understanding the regulations we can assist you. This document is available in Arial pt16 bold on yellow paper, if you require a copy please ask the Market officer.

In these Regulations the following terms have the following meaning:-

'Market Authority'	means Dudley Metropolitan Borough Council.
'Market'	means the Open Market, Market Place, Dudley.
'Regulations'	means Dudley Open Market Regulations (2009/10) for the daily operation of Dudley Open Market.
'Permanent Trader'	means a trader who has been permanently allocated a specific stall or stalls on the Market.
'Casual Trader'	means a trader attending the Market who has not been permanently allocated a specific stall or stalls on the Market.
'Trader'	means any trader – permanent or casual
'Stallholder'	means the person to who a stall is permanently allocated
'Stall'	Includes the tabletop roof space and the ground on which a stall stands.
'Market officer'	means an officer in the Department who is authorised in writing by the Assistant Director, Corporate Property exercise a particular function with respect to the Market.
'Absence fee'	means fees owing when a stall or stalls are not occupied.

GENERAL CONDITIONS

1. Application to Trade

All existing traders and their employees or representatives must register their names and current addresses with the Market Authority in accordance with the requirements outlined on the form 'Application to Trade', and must notify the Market Authority, immediately in writing, of any changes in such details. For purposes of identification, all new traders will have their photograph taken by the Market Authority, this will be kept with their personal data record on the Market Administration and Cash Collection database for a period of five years from the last date of trading on Dudley Market.

2. Children

The employment of children is subject to the Children and Young Persons Act 1933. If a trader wishes to employ a young person aged from 14 years to the end of their compulsory schooling they must, by law, register the young person with the local authority where the child works. Traders can contact the Dudley MBC Child Employment officer, Education Welfare Service on 01384 814314 for more information and advice.

3. Consultation

The Market Authority shall meet with traders representatives at least three times a year (usually in February, June and November) with the local committee of the Market Traders Federation. All permanent market traders, whether or not they are members of National Market Traders Federation are invited to attend the meetings, as the Market Authority recognise that small numbers of traders may not represent the views of all traders. The Market Authority will seek to obtain the views of ALL traders on important issues.

4. Data Protection

Once a year all traders will be asked to consent to the holding of photographic identification and to check and sign to agree the accuracy of the personal information that is held on the Market Administration and Cash Collection database about them.

5. Employees

All traders will be held fully responsible for the actions of their employees or representatives and must ensure that all their employees or representatives comply fully with the Regulations at all times. The Disciplinary Procedure will be invoked against any trader whose employees or representatives breach any of the Regulations.

6. Indemnity

A pre-requisite to occupying a stall and trading on Dudley Market, is that all traders must hold a current Public Liability Insurance Policy (PLI) with indemnity of at least £5,000,000. Such policy shall fully indemnify the Council against any claim for damages in negligence, howsoever arising, whenever such a claim is attributable to the negligence or default of the trader or their employee(s) or representative(s). It is the traders responsibility to ensure they have Employer's Liability Insurance.

The Market Authority does not accept liability for loss of or damage to a traders goods or property, however it is caused.

7. Partnerships

When a stall is permanently allocated, a maximum of two persons can be named as the stallholders. Both stallholders will be liable to any disciplinary action. Permanent traders are not empowered to sub-let or assign their stalls.

8. Permanent Allocation of a Stall(s)

The permanent allocation of a stall or stalls to a trader relates exclusively to a particular stall or stalls(s) and does not entitle the trader to any form of tenancy of the stall. The permanent trader shall not allow any other person, except persons employed by them, to use the stall. A stall permanently allocated to a trader shall be terminable by twenty eight days notice, in writing. The first day of notice will be taken as the next trading day of the day to be terminated. The Market Authority is able to terminate the stall agreement with a trader by giving the trader twenty eight days notice, in writing.

9. Statutory Requirements

It is the traders responsibility to ensure that they are aware of their responsibilities and obligations and that they comply with all statutory requirements and statutory instruments including, but without limitation to, the Sale of Goods Act 1979 (as amended), Control of Substances Hazardous to Health Regulations 1988 and any other legislation relating to Trading Standards.

10. Trade Lines

All applications for a stall(s) on the Market must include full details of goods to be sold on the stall. Future changes or additions to existing lines will require prior written consent from the Market Authority. Consent will not be given if the lines cause a breach of conditions. Traders will be asked to remove goods that were not included on the original application.

Traders who indicate on their application for a stall that it is their intention to sell fancy or household goods shall be required to define precisely each and every type or kind of article to be offered for sale.

The Market Authority reserves the right to define approved items for sale, particularly where it considers the line of goods to be ambiguous owing to the use of a general or otherwise imprecise description.

A to Z - TERMS AND CONDITIONS OF TRADING

11. Absence - Unauthorised

When a permanent trader does not use their stall an absence fee will be payable for each stall not occupied. If a permanent trader does not use his or her stall for four consecutive weekdays, (e.g. four successive Tuesdays) they will automatically lose the right to permanently allocated stalls. The trader will not be allowed to start trading again, as a casual trader, until they have paid, in full, any absence fees still owing. The Market Authority will notify traders in writing when three consecutive unauthorised absences are recorded.

If a permanent trader has six unauthorised absences of the same weekday (e.g. six Tuesdays) in any six-month period the trader will pay full stall rent for subsequent absences for the day of the week on which they have been absent. The Market Authority will notify traders in writing when five unauthorised absences are recorded in any six-month period.

12. Absence - Long term due to serious or critical illness

The Market Authority will consider written requests from a permanent trader, who has been absent from the market due to a serious or critical illness (see Appendix 1) to waive absence fees providing they have supplied medical certificates confirming such an illness or treatment for such illness. The permanent trader must aim to resume trading within a six-month period of the first day of absence in order to retain their permanent stalls. After six months if a permanent trader loses their entitlement to their permanent stalls, then the trader will be allowed to return to the Market and will be offered the best possible stalls on a permanent basis, without the need to return as a casual trader.

13. Absence – Other

Absence fees accrued will be waived, up to a maximum of three consecutive calendar days for one occurrence (excluding Sundays), if it is established to the satisfaction of the Market Authority that the absence is due to either of the following

1. Theft of the vehicle you use for your business. Police and insurance documents must be produced to substantiate this, within seven calendar days of the first day of absence.

OR

2. The death of a close family relative. A close family relative is defined as wife, husband, partner, grandparent, grandchild, mother, father, sister, brother, son or daughter, mother-in-law & father-in-law. A letter giving reasons for the absence must be received within seven calendar days of the day of absence.

14. Animals

Traders and their employees or representatives shall not bring any live animals onto the Market.

15. Alcohol

Dudley Town Centre has been designated an area where the consumption of intoxicating liquor in public is prohibited. Dudley Market is a public place and therefore the consumption of intoxicating liquor (alcohol) on the Market is not allowed.

16. Behaviour of Traders

All traders and their employees or representatives must at all times behave in a proper manner. The following behaviour is not acceptable and will not be tolerated this includes but is not limited to any of the following: -

The use of violence; threats of violence; sexist, racist, foul or abusive language; acts of dishonesty; acts of indecency; any act causing or likely to cause death or personal injury to a person.

The Market Authority will investigate all such complaints, whether from members of the public or another Market trader.

For minor incidents where traders **or** their employees or representative are found to be or have been behaving in such a manner, the Disciplinary Procedure will be invoked.

For allegations of serious misbehaviour such as threats of violence, threatening or racist behaviour, assault or theft etc the Market Authority will carry out an initial investigation with the intention of establishing, without prejudice, if there are sufficient grounds to suspend the trader concerned to enable a full investigation to be carried out. Depending upon the findings of a full investigation the trader may be disqualified from trading on Dudley Market at any time in the future. In addition to the above procedure, where a criminal offence is suspected of having been committed the complainant will be advised to report the incident to the Police

17. Cancelled Market

Should for any reason the Market Authority cancel the market, traders in attendance will be allowed to trade and will not be charged stall rent. For traders who did not attend absence fees will be waived. The market will be cancelled where there are five or fewer traders in attendance.

18. Conclusion of Trading

At the end of each trading day, Monday to Friday, the Market must be cleared of goods and rubbish and vehicles removed by 6.00pm and on Saturdays by 6.15pm

19. Disciplinary Procedure

Informal Warning

An informal oral warning can be given for any breach of any of the Market Regulations and once issued an oral warning will be effective for one calendar month from the day it was given. The Market officer issuing the warning will make a note of the circumstances giving rise to the warning.

Formal Written Warning

Should a further infringement of the same or a similar nature occur during the period when the oral warning is active, then a formal written warning will be issued. A written warning will be effective for a period of three calendar months from the date of issue. The Market officer issuing the formal written warning will make a note of the circumstances giving rise to the warning.

Suspension

Should there be any further infringement of the same or similar nature occur during the period that the formal written warning is active then the trader will be suspended from trading for a period of one calendar week. The absence fees will be payable during the period of suspension. Should a trader be suspended three times then the Market Authority will terminate the stall agreement with the trader.

20. Displaying Goods

The price of all goods and produce must be clearly displayed and goods sold in accordance with the laws relating to Trading Standards and Equal Opportunities.

21. Diversity

Where a trader who sells a specialist trade line ceases to trade on Dudley Market, the Market Authority reserves the right not to advertise the vacant stalls and to permanently allocate the same stalls to a trader who sells the same special trade line. This is in order to maintain the diverse range of goods offered for sale on Dudley Market.

22. Electricity

The use of electrical items such as kettles irons and toasters etc will cause the power supply to a block of stalls to 'trip' out, causing inconvenience to other traders. Therefore the use of the aforementioned electrical items is not allowed. The Disciplinary Procedure will be invoked against any trader seen to be using such equipment by the Market officer.

23. Holidays

From 1 April to 31 March permanent traders are entitled to three days holiday for every one weekday that they trade. Traders are encouraged to notify the Market officer of planned holiday dates and complete the appropriate documentation prior to their holiday. However traders have until 08.30am on the day of an unplanned absence to notify the Market Authority that they wish to take holiday that day. If no such notification is received then absence fees will be charged in respect of all stalls permanently allocated. Casual traders are not entitled to holiday. Traders who terminate stalls during the year will have their holiday entitlement for that day of the week pro-rata. Where it is determined that the trader has taken too much holiday entitlement for the period of trading then absence fees will be charged.

24. Flammable and Combustible Substances

Traders shall not keep or store explosive materials, including fireworks, inflammable liquids or gases on their stall(s) other than in small quantities, cigarette lighter fuel. Nor shall they use an open-type, solid fuel brazier for heating.

25. Insurance

All traders must hold a current Public Liability Insurance Policy (PLI) with indemnity of at least £5,000,000. Such policy shall fully indemnify the Council against any claim for damages in negligence, howsoever arising, whenever such a claim is attributable to the negligence or default of the trader or his employees or representative(s). Traders must produce the PLI when requested to do so by the Market officer or Market Manager. The Market officer will remind traders at least two weeks prior to the expiry date of their PLI. Traders whose PLI **has expired** will be suspended from trading immediately, permanent traders will be charged absence fees each days trading lost until such time as they can produce proof of PLI cover. It is the traders responsibility to ensure they have employer's liability insurance.

26. New Traders

New permanent traders must trade for a period of eight weeks from the date of stall acceptance before they are entitled to take holiday. The date of entitlement will be backdated to the date that stalls were accepted permanently and will be pro-rata. New permanent traders are allocated permanent stalls to sell previously agreed good, traders will not be allowed under any circumstances to change the type of goods sold during the first six months of trading.

27. Nuisance

Traders (or their employees or representative or representative) must not create any undue noise or play any music of an intrusive or obscene nature or do anything, which in the opinion of the Market officer may cause a nuisance or annoyance to other traders or members of the public. The use of amplification or public announcement equipment is not allowed. Any music played must not be so loud as to be heard by members of the public, otherwise a licence must be obtained for the broadcast of musical works from the Performing Rights Society. The Market Authority will not allow the action of, or demonstration of goods. The Disciplinary Procedure will be invoked against any trader breaching this regulation.

28. Payment and Non-payment of Fees

Traders must pay each day in cash the stall rent and surcharges due for the days trading, together with any absence fees which may have accrued when requested by the Market officer. Should a trader fail to pay the fees due for the day they will be told cease trading, to remove their goods and leave the Market forthwith and they will not be allowed to trade for the remainder of that day. The fees for the day remain payable. Absence fees must be paid in full within two weeks of accrual.

The Market Authority will terminate the stall agreement of any trader who owes six days (e.g. six Wednesdays) in absence fees, for the day on which fees, in whole or in part are owed. Traders will receive seven days written notice of the termination during which time the outstanding fees must be paid in full. The trader will not be allowed to start trading again, as a casual trader, until they have paid, in full, any absence fees still owing.

Where a trader owes fees totalling in excess of £100 for different trading days and has not made regular and substantial payments, the trader will receive seven days written notice of suspension from trading during which time the outstanding fees must be paid in full. If trader is suspended the Market Authority will raise an invoice for the outstanding amount and will pursue payment. The trader will not be allowed to start trading again until they have paid in full, any absence fees still owing. The amounts of coinage acceptable are as stated in the Coinage Act 1971, 50p's and 20p's maximum amount acceptable £10, 10p's and 5p's maximum amount £5, bonze coins maximum amount acceptable 20p.

29. Quotas for Product Lines

The Market Authority will restrict the total number of stalls allocated to each type of trade line. The quotas will be reviewed periodically with the traders at the Traders Liaison Meeting.

30. Removal of Refuse

Throughout the trading day all traders are responsible for keeping the areas inside and around their stall(s) clear of refuse and litter. At the end of trading all refuse must be removed to the designated refuse area, with boxes only being left on the table top of the stall for ease of collection. The Disciplinary Procedure will be invoked against any trader who does not clear their refuse. No trader shall bring with them any refuse to the Market for disposal, all refuse must have been generated as a result of the days trading. Where it can be proved that refuse belongs to an individual trader the Disciplinary Procedure will be invoked. Street Cleansing Services may seek to invoice the trader for the removal of any such refuse.

31. Scales

Scales used for the weighing of loose goods must be clearly visible at all times to members of the public and traders must allow officers from Trading Standards to test and inspect the accuracy of the scales being used.

32. Space - Use of Additional

Traders are allowed to display goods on the areas for which they have paid a stall rent. There will be an additional charge if goods are displayed in the area from the front of the stall to the brass stud in the block paving ('surcharge' area). There must be a gap between the brass stud and any goods displayed on the straight block paving ('Christmas' surcharge area) wide enough to allow access for wheelchairs, prams, pushchairs and pedestrians to other stalls. The Market officer will point this area out to you. For a further additional fee traders are allowed to display goods upon the band of straight block paving approximately one metre from the brass stud. Any goods or other items in this area (known as the 'Christmas' surcharge area) must be removed by 4pm on weekdays and by 4.30pm on Saturdays to avoid causing an obstruction to vehicles driving through the Market Place. Goods must not be displayed on any other area around the stall other than described above. The height of goods displayed in the surcharge and Christmas surcharge areas must not be so high that in the judgement of the Market officer and/or Market Manager that it restricts the view of adjacent stalls.

33. Stalls

Permanent traders must occupy their permanently allocated stall(s) by 8.30am; stalls not occupied by 8.30am will be allocated to other traders who are in attendance, unless the permanent trader has notified the Market officer that they are en-route to the Market in which case a permanent traders stall will be held vacant for them until 8.45am after which time it will be allocated to a casual trader. Another trader will not be removed from a stall(s) once allocated, even if the permanent trader arrives at the Market. The displaced permanent trader will be offered alternative stall(s) within the rules. Permanent traders will have to pay the absence fee for the stall even if it has been allocated to another trader. Traders who arrive after 09.00am will not be allowed to occupy any Market stall, including their own, and absence fees will be payable.

No trader must occupy a stall without the permission of the Market officer. Should they do so they will be asked to remove their goods and to leave the Market forthwith and will not be allowed to trade that day.

Permanent traders are not allowed to transfer, albeit temporarily, from one stall to another, except with the permission of the Market officer and then only if in the view of the Market officer any move would benefit the Market Authority (i.e. greater income generation).

Permanent traders on the day are given priority over casual traders when allocating vacant stalls at the start of the trading day.

No trader shall block access to the rear of occupied adjoining stalls.

The Market Authority will ensure that there are at least three stalls between traders selling the same goods on the same aisle. Traders selling the same goods will not be allowed to trade on the same gangway through the Market but they will be allowed to trade 'back to back' on outside to inside aisles providing the trader with the shortest time trading on the market puts sheets up across the back of their stall(s). Permanent traders may use or be allocated permanently stalls to the left and / or right of their permanent stall(s) even where the vacant stall is on the other side of a gangway. Stalls allocated to a trader cannot be in different areas of the market, when a trader is allocated more than one stall for the same trade line, extra stalls must be adjoining to or backing onto each other

If a permanent trader is not at the market, another trader (casual or permanent) selling the same trade lines will not be allowed on that stall(s) on that day.

The maximum number of stalls that may be allocated to a single permanent or casual trader shall not exceed six.

A permanent trader who wishes to terminate their stall agreement with the Market Authority must give a minimum of twenty eight days notice, in writing. The first day of notice will be taken as the next trading day of the day to be terminated. The Market Authority can terminate the stall agreement with a trader by giving the trader twenty eight days notice, in writing.

If a permanent trader wishes to transfer the rights to their permanently allocated stall(s) to a close family member, (as defined in regulation 14 Absence – other) they should apply in writing to the Market Authority who will have an informal meeting with the person to whom the request to transfer the stall is being made. At this meeting the Market Authority will seek to establish that they are a sufficiently experienced to be a trader on Dudley Market and will take into account the following, previous market trading experience; letters of recommendation from other Market operators; whether or not the person holds public liability insurance. The permanent trader will be informed of our decision within twenty eight days.

Traders are allocated stalls based upon the trade line previously agreed with the Market Authority. Traders cannot change their trade lines or add to them without first submitting a written request detailing the changes to the Market Authority, who will then decide if the trade line can be changed.

Traders must not allow any other person to use their allocated stalls in their absence.

34. Storage

For reasons of Health and Safety surplus goods are **not** to be stored on any part of a Market stall overnight. The roof beams must not be used for storage during Market opening hours.

35. Trading Days and Trading Hours

Dudley Market trading hours are Monday to Saturday 8am to 5.30pm.

Permanent traders are allowed to conduct their business between 8am and 5.30pm; stalls must be vacated by 6pm (6.15pm on Saturdays). The Market will be closed on all Bank Holiday Mondays; Christmas Day; Boxing Day and New Years Day (or substituted days).

The Market is open on Good Friday. Trading on Christmas Eve will be as per stall allocations

for the day in question e.g. if Christmas Eve falls on Thursday then trading will be as per Thursday allocations.

All traders, whether casual or permanent, must attend the Market at the beginning of the trading day with sufficient goods to enable them the trade until at least 3pm.

Traders must not begin to pack their goods away until 3pm on weekdays and 4pm on Saturdays. If goods are packed away traders must still remain on their stalls until vehicles are allowed into the Market Place. The only exception being where a trader has sold all or almost all of their stock, they may, prior to 3pm, clean up their stall area and remove any items by carrying them off the Market.

During inclement weather traders may be allowed to pack goods away prior to 3.00pm only with prior permission from the Market officer. The Disciplinary Procedure will be invoked against traders found to be removing or to have removed goods prior to the times stated.

36. Trading Incentives

A trader who has permanently allocated to them a block of four stalls, at least one of which must be on the centre aisle will be eligible for a reduction in stall rent. The stall attracting the cheapest stall rent will be free of charge, where temporary financial trading incentives are on offer from the Market Authority double or multiple discounts do not apply (such as ½ price stall rent; vacant centre aisle stalls for £5) it is the traders responsibility to ensure they request the most cost effective discount from the Market officer.

37. Vehicles

The Borough Council of Dudley (Prohibition and Restriction of Waiting & Loading & Parking Places) (Consolidation) (No. 5 type) (Central Dudley Area) Order 2008 prohibits vehicles from entering the Market Place between 10am and 4pm (4.30pm on Saturdays). To this end, all traders must remove their vehicles from the Market Place by 9.30am or immediately they are unloaded if this is sooner or at the request of the Market officer. Vehicles are not allowed into the Market Place for traders to load their goods until 4pm on weekdays, 4.30pm on Saturdays. The Disciplinary Procedure will be invoked against any trader whose vehicle are found in the Market Place prior to or after the times stated above.

Parking of vehicles in front of either of the sets of gates at the entrance to the Market Place from the direction of Castle Street is not allowed at any time from 10am to 4pm (4.30pm on Saturdays). Traders who park their vehicles in this area will be asked to move their vehicle immediately and the disciplinary procedure will be invoked for any breach of this regulation.

Parking to load and unload is strictly on a first come first served basis and no trader has an absolute right to the space in front of his or her stall. Vehicles must not be double parked to load or unload.

Traders must **not** enter the Market Place from the direction of Stone Street, where there is a mandatory 'No Entry' road traffic sign. The Market officer will inform the local Police, PCSO's or Civil Enforcement officers of any such occurrences.

The parking bays in Castle Street near to its junction with Fisher Street have been set aside to cater for permanent traders loading/unloading requirements during the period of pedestrianisation. Traders must ensure that a permit to park issued by the Market Authority is clearly displayed in the vehicle. Traders must only park to load or unload for a maximum of 30 minutes. Use of this area by permit holders is confined to the times when access to the Market Place is prohibited any trader found to be abusing the use of the privilege of a permit issued by the Market Authority will be asked to return the permit forthwith.

PERMANENT ALLOCATION OF STALLS

38. Seniority and Priority

All traders actively trading will be invited to apply for vacant stalls, which will be advertised on a regular basis. Stall allocations will take into account all aspects of the Dudley Market Regulations but in particular the regulation relating to the quotas for trade lines and to the distance between traders selling the same product line. When the Market Authority receives written application requesting the permanent allocation of a stall the following criteria will be applied when allocating stalls:

1. Priority to the longest serving permanent trader on the day applied for.
2. Priority is given to the longest serving permanent trader who permanently occupies centre aisle stalls on the day applied for
3. Priority to the longest serving casual trader on the day applied for.
4. Priority to the longest serving permanent trader on other days.
5. Priority to the longest serving casual trader on other days.
6. Finally the Market Authority will consider requests from, or offer to casual traders any remaining unallocated stalls.

Successful stall applicants will receive confirmation in writing from the Market Authority offering them a permanent stall. Traders must sign and return the 'Stall Acceptance' form to accept the terms and conditions under which the stall is offered to them, before they commence trading on the allocated stall. All applicants for vacant stalls will be advised of the outcome of the allocation process in writing.

DAILY STALL ALLOCATIONS

39. Daily Allocation

The Market officer will allocate vacant stalls to casual traders at 8.30am each day. Vacant stalls are normally given out on a 'seniority' basis using the information from the list of registered casuals for the day and their number of attendance credits. The casual who has attended the Market for the longest unbroken period of time, i.e. the longest serving casual trader will be considered first.

40. Attendance Credits

The casual trader in person, not their employees or representative(s) must attend the Market prior to allocation in order to receive an attendance credit.

Where a casual trader refuses to accept a stall or stalls offered to them by the Market officer the casual trader will not receive an attendance credit for that day and will be marked as absent for that day.

A Casual trader who does not attend the Market for three consecutive weekdays will be taken off the list of registered casuals. Upon returning to the Market their attendance credits will begin at zero. Where the Market is fully occupied the casual trader will be given a credit for attending and will not be penalised.

CORPORATE COMPLAINTS POLICY

Dudley MBC has a corporate procedure for receiving customer feedback, the Market Authority recognise that there are times when things are done really well, but there may be times when things go wrong and you are left unhappy or dissatisfied with the service provided. In both cases, the Market Authority wants to hear from you. The Market officer can provide you with a customer feedback form should you wish to put your compliment or complaint in writing. Alternatively the Market officer can take a written note of your complaint and hand this to the Market Manager. You may also write to Market Manager, Corporate Property, The Council House, Priory Road, Dudley DY1 1HF.

With a complaint, you may find that the member of staff who deals with your problem is able to sort it out at once or is able to put you in touch with someone else who can.

Upon receipt of a complaint the Market Authority will contact you within 5 working days of hearing from you, either to respond in full or to acknowledge receipt of your complaint and tell you the name and telephone number of the person who is looking into it.

In the latter case, you will be contacted within 20 working days to tell you the result of the enquiries. If it is a complicated issue it may take longer than this to resolve; however you will be kept informed of what is happening.

If you would like to call in to discuss a problem, please try to make an appointment, as this will ensure that an appropriate person is available.

APPEALS PROCEDURE

All appeals must be directed to Brian Gordon, Assistant Director, Corporate Property Services, Directorate of Law, Property and Human Resources, 3, St James's Road, Dudley DY1 1HZ

COMMENCEMENT

The amended regulations shall come into effect on 3rd October 2009 when the Dudley Market Regulations advice and guidance booklet 2008/09 will cease to have effect.

AMENDMENT

The Market Authority may amend the Regulations at any time by giving at least one months notice in writing and having consulted with permanent traders regarding any proposed changes. Such written notice may be given by publishing the amendment to the Regulations in a prominent position on a notice board in the Market Place or by letter to each trader.

APPENDIX 1 – CRITICAL ILLNESS

The below list gives an indication of the types of conditions that will be considered as serious or critical.

The list of critical illnesses below is not exhaustive and the Market Manager and Assistant Director of Corporate Property will consider each permanent traders case individually.

Alzheimer's Disease - *resulting in permanent symptoms*

Aorta Graft Surgery - *requiring surgical replacement*

Aplastic Anaemia - *with permanent bone marrow failure*

Bacterial Meningitis - *resulting in permanent symptoms*

Benign Brain Tumour - *resulting in permanent symptoms*

Blindness - *permanent and irreversible*

Cancer - *excluding less advanced cases*

Cardiomyopathy - *of specified severity*

Coma - *resulting in permanent symptoms*

Coronary Artery By-Pass Grafts - *with surgery to divide the breastbone*

Creutzfeldt-Jakob Disease (CJD) - *resulting in permanent symptoms*

Deafness - *permanent and irreversible*

Dementia - *resulting in permanent symptoms*

Encephalitis - *resulting in permanent symptoms*

Heart Attack - *of specified severity*

Heart Valve Replacement or Repair - *with surgery to divide the breastbone*

HIV infection - *caught from a blood transfusion, physical assault or accident at work*

Kidney failure - *requiring dialysis*

Liver failure - *of advanced stage*

Loss of hands or feet - *permanent physical severance*

Loss of Speech - *permanent and irreversible*

Major Organ Transplant

Motor Neurone Disease - *resulting in permanent symptoms*

Multiple Sclerosis - *with persisting symptoms*

Paralysis of limbs - *total and irreversible*

Parkinson's Disease - *resulting in permanent symptoms*

Primary Pulmonary Hypertension - *of specified severity*

Progressive Supranuclear Palsy - *resulting in permanent symptoms*

Respiratory failure - *of advanced stage*

Stroke - *resulting in permanent symptoms*

Systemic Lupus Erythematosus - *with severe complications*

Terminal Illness

Third Degree Burns - *covering 20% of the body's surface area*

Total and Permanent Disability

Traumatic head injury - *resulting in permanent symptoms*