



Watford Borough Council

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Appendix 3(a) - Draft

Market Trader
Watford Indoor Market
Charter Place Shopping Centre
Watford WD17 2RN

Enquiries to: Mel Carrigan
Phone no: 01923 046 066
Our reference:
Your reference:
Date: 7th February 2012

Dear Trader,

New market charges and your market Terms and Conditions

Following a recent meeting with the Market Committee, and changes which the Government has made to business rates for market stalls, the Council felt it would be helpful to write to you to:

- explain details of the new market charges which will come into effect Tuesday 28th February 2012.
- clarify a number of matters around your market terms and conditions which in future we will be enforcing vigorously.

This letter is important to *all* stall holders, please take the time to read it carefully.

New market fees and charges

The Council's Revenues and Benefits team, which collects business rates on behalf of the Government, has been working closely with the market team to do everything we can to help you with the new changes to business rates and help you claim any rates relief you may be entitled to receive.

Enclosed with is letter is a separate letter from the Revenues and Benefits team with a number of FAQs (frequently asked questions) which we hope will answer most of your queries. A meeting for all traders has also been arranged for today, Tuesday 7th February at 5.30pm so you can raise any questions and queries about rates.

As a result of the business rates changes, instead of the Council being liable to pay them for the whole market (which has meant that the cost of rates has been included in your charge for stalls and storage), you are liable to pay any business rates due for your stall(s) and storage yourself.

To reflect this, the Council has decided to adjust its fees and charges, particularly reducing the costs of stalls.

At the same time, we have also taken the opportunity to considerably simplify the various discount schemes and pricing structures which have been offered over the years. This means from now on there will be only two pricing schemes for stalls, storage and parking:



INVESTOR IN PEOPLE

- a 'new traders' scheme for new stall holders during their first year (52 weeks).
- a simplified scheme for 'existing traders' (i.e. anyone who has been trading in Watford market for more than a year) according to how many stalls you have.

For everyone:

- the base price of a stall will be £50 per week (previously £53.90), then various discounts will apply for new stall holders and for existing stall holders with more than one stall.
- storage units will be £15 each per week (previously £18.90).
- car parking will be £20 per week (previously £15), with spaces allocated in zones not individually.
- VAT will be charged on all these, currently at 20%. VAT invoices will be issued weekly.

There will be a short transition period over the next few weeks and a one off adjustment (refund) made to your account as we move all stallholders to the new charges.

For 'new' stall holders, discounts will be applied to the base £50 per week stall cost according to how many stalls you have and how many weeks you have had it. These are all shown in Table A attached to this letter.

For 'existing' stall holders, charges are simply based on how many stalls you have. The combination of excluding rates and simplifying pricing means that the discounts against the base stall price have increased from 18-27% to 20-29%. These are shown in Table B attached to this letter.

All stalls, storage & car parking must be paid for at the new rates specified in Tables A and B – any previous historic or informal arrangements or agreements with the Council personal to specific individual stall holders will cease from 28th February 2012.

Overall, the Council believes that many stallholders will be better off under the new arrangements, particularly if you are entitled to business rates relief.

Invoicing and correspondence.

In future you will receive a weekly invoice for your stall, storage and parking. This will be delivered by hand to your stall and handed to you or a member of your family or staff to be passed to you.

In this way, as with any other correspondence hand delivered to your stall, the Council must reasonably assume that you will receive it and note its contents. The Council will not accept 'my staff or family member did not pass it to me (in time)' as a reason for invoice(s) not being paid or non compliance with Council requirements under market regulations.

Paying for your stall

Payments are only accepted by direct debit or debit card, not cash or cheque.

The Council has found that a number of stall holders cancel their direct debits or there are insufficient funds maintained in accounts when they fall due. Some stallholders are also in arrears.

Whilst the Council recognises that the current economic climate is challenging for everyone, unpaid market fees mean that those who do pay, along with wider Watford residents, are effectively subsidising those who do not.

The Council will therefore be enforcing strict payment terms consistently across all stallholders with immediate effect. If direct debit payments are stopped by any stallholder (or their bank, due to insufficient funds) on two separate occasions and/or payment or is not received by debit card in time each week, then the stallholder's licence will be terminated and the stallholder will be required to leave the market.

Arrears applies to *any* charges you should pay for i.e stalls, storage and parking. If you pay for your stall but not your parking in a particular week, this will count as one separate occasion.

For any trader currently in arrears, agreement (at the Council's absolute discretion) on a payment plan must be made with the market management team no later than Friday 17th February 2012. A stall holder in arrears will then be able to pay their arrears against the payment plan but must also pay current rent when it is due. **If there is any failure to pay arrears in accordance with the payment plan, or if current charges go into arrears, then the stallholder's licence will be terminated and the stallholder will be required to leave the market.**

If you are in arrears (other than in arrears that are subject to agreed payments under an arrears payment plan) **then:**

- **you will not be permitted to enter or use the basement car park**
- **formal collection procedures to recover the debt will commence. This is likely to include the use of bailiffs to 'distrain' goods on your stall.**

The Council is introducing this enforcement out of necessity and in fairness to all traders, so that everyone is aware of them and all will be treated consistently.

Changing your stall, storage or parking requirements

The nature of a market means that stall holders and the Council have flexibility to change stall numbers, locations and storage or parking flexibly, potentially at a week's notice. However, any change results in significant administration costs and time both for the Council's market team and Revenues and Benefits team for business rates.

The Council will endeavour to accommodate reasonable changes in stall holder requirements, and make decisions quickly, as far as reasonably possible taking into account the wider needs of the market. However, it must necessarily retain absolute discretion as to how the market is managed and reserves the right not to agree to frequent minor change requests to any individual stall holder's requirements.

Other market regulations - enforcement

Over the years, a number of informal unwritten arrangements personal to individual traders and related custom and practice has evolved. Whilst appropriate at the time, some of these can make it difficult to manage the market consistently and fairly for the benefit of all (or the majority of) other stall holders.

In consultation with the Market Committee and to ensure fairness, there are therefore a number of regulation terms and conditions that the Council will enforce more rigorously with immediate effect.

This enforcement will initially be undertaken through direct contact and discussion between stallholders and the market team. Stall holders will be given a short but achievable timescale within which to comply. If the necessary changes are not made, this will then be put formally in writing with a strict deadline.

Failure to reasonably comply with any of these regulations within the enforcement deadline (unless there are exceptional mitigating circumstances and at the Council's absolute discretion) **will result in the stall holder being required to leave the market without further warning and/or access to the basement car parking and storage facilities being denied.**

Stall presentation and signage

It is essential that the presentation of your stall is to a good standard,

- Your stall represents you and your business
- It must conform to Council's terms and conditions

All traders last year were offered the service of having their stalls painted for a nominal fee of £30 (VAT not applicable) subject to a minimum of 10 stall holders taking up the offer. This offer still stands. Should you wish to participate, please make the Market Superintendent aware so that works can be arranged.

This will be a joint project funded by the Market traders (who will be responsible for paying the decorator directly before work commences) and organised by the Council.

Regulations 3.4 and 3.5 include issues such as:

- *All stall-holders must display on the fascia board the name of the stallholder, any registered trade name and the stall number.*
- *Any statutory notices, such as under the Sales of Goods Act that relates to your business, must also be displayed.*
- *If there are any additional rules that you (your business) impose, these must also be displayed.*
- *The Market Superintendent must agree the design prior to installation and any alterations to the layout of the stall also must be agreed in advance.*
- *Every stall-holder must ensure his/her stall is kept in a clean, presentable and hygienic conditions, to the satisfaction of the, Market Superintendent.*
- *Goods must not be stored on top of stalls*

Parking in Charter Place Basement

An inspection has been carried out of Charter Place Basement in relation to parking of all vehicles. It was undertaken to ensure that not only is there a consistent approach to the parking of vehicles on all of the Council's Properties, but there is also a consistent approach in the

charges applied to all users who park on Council property. It has become clear that the use of parking permits has been abused by some users.

Only registered vehicles with a valid permit displayed, driven or operated on behalf of the designated stallholder who must not be in arrears (or subject to an arrears payment plan), will be given access to park in Charter Place basement. The permit is only issued to the driver of the vehicle registered to park in Charter Place.

A final inspection will be carried out on 17th February and strict enforcement will commence immediately thereafter. Your co-operation with this initiative will help all who park in Charter Place.

Please let the security team or Charter Place co-ordinators know of any loss or damage of these permits so they can re-issued. This is being co-ordinated by the Market Superintendent/Senior Security officer.

Storage of Goods

Following an inspection of Traders storage cages on Tuesday 06th January 2012, it has been noted that some traders still persist in storing items outside of their storage cage. In particular storage of several items in the basement area gave rise to particular concerns.

Stall holders have also been reminded on several occasions in the past that no items are permitted to be stored outside of their storage cage.

Storage therefore must be on the following basis:

- All items are stored within the allocated storage cage.
- Parking bays are for the parking of vehicles only and not for the storage of goods.
- Any items e.g. fridges, sinks, display items etc in the basement not in cages will be removed and stall holders charged for the cost unless very short term storage (e.g. to replace equipment) has been pre-agreed with the markets team
- All cages on the mezzanine floor to be kept tidy.
- All cages must be visible from the outside in the event of a fire, cages must not be covered up, as this is in breach of Health and safety requirements.
- All fire exit routes to be kept clear at all times.

Trading Times

It is important that market customers can rely on stalls being open at the times stated in marketing materials and on the website.

The aim of the Council and Committee is to ensure that customers can choose from the full range of stalls throughout the trading day, and do not experience many closed and uninviting stalls

Market floor inspections are, and will continue, to be made regularly to ensure that stall holders adhere to market regulation 3.2 *which clearly states that **stalls must be open on market days between the following hours** (below) or such other hours as are laid down from time to time by the Council:*

- Monday , pre market day, re stock or upgrade stall (decoration) 9.00am – 5.00pm
- Tuesdays 9.00am – 5.00pm

- Wednesday closed. NO ENTRY
- Thursday, optional trading day 9.30am - 4.30pm
- Fridays & Saturdays 9.00am – 5.00pm
- Sunday closed NO ENTRY

On Wednesday and Sunday parking is permitted in the basement but there is no access to the mezzanine or Market floor.

If stall holders have genuine reasons for not trading on particular days *as an exception* (e.g. due to illness or holiday) then they should advise the market team well in advance (e.g. holidays) or as soon as possible (e.g. by phone or email to the market office during illness). Similarly the market team must be kept informed if *as an exception* you are unable to trade the full hours indicated above on Tuesdays, Fridays and Saturdays.

Thursdays are an optional trading day and will not result in enforcement action, although both the Committee and Council would encourage all stall holders who do trade on Thursdays to open from 9.00am through to 4.30pm not just some of the day.

For all other days, Stallholders' trading times will be closely monitored and repeated non compliance with trading days and times above will result in enforcement action as with other regulations.

Discussions between the Market Committee and Council have re-affirmed the opening and closing times of the Market as 7.30am and 5.30pm

Other matters

Market heating and use of portable heaters on market stalls

In the current cold spell the Council is aware that there have been a number of issues with the market heating system. This is now very old, inefficient and only partly functional. Given the redevelopment of Charter Place and the market over the next few years it is not viable for the Council to invest in improving it without a significant increase in market fees.

Low cost approaches are being investigated to see if anything can be done to improve the heating in conjunction with the Council's Health and Safety procedures but we cannot guarantee that this will be possible.

Unfortunately, the use of portable heaters in market stalls represents a considerable health and safety hazard. Additionally portable heaters owned by stallholders will not have been 'PAT' safety tested.

Any use of portable heaters in stalls is therefore necessarily strictly prohibited and will be in breach of market regulations. We are urgently reviewing health and safety issues to see if there are solutions which may help to address this issue and which can be put in place quickly.

Market office opening hours

As you should be aware, the market office is now open between the following hours:

- Tuesday, Thursday and Friday: 9.30 – 11.30am and 3.30 – 4.30pm
- Saturday: 9.30 – 10.30 am and 3.30pm – 4.30pm.

If any urgent matters arise outside of these hours, please contact us on the above telephone number.

Stall holder meeting - business rates

Finally, to assist stall holders, a reminder that we are holding a question and answer session on business rates open to all stall holders on Tuesday 7th February 2012 at 5.30pm in the market hall. Kevin Stewart from the Council's Revenues and Benefits team will be available to answer your questions.

Yours sincerely,

Mel Carrigan
Market Superintendent

cc Health & Safety Advisor, Manny Lewis, The Mayor, Head of Property