

## ANGUS COUNCIL

GENERAL PURPOSES SUB-COMMITTEE - 9 JUNE 1998

ITEM No. 4

## MANAGEMENT RULES FOR MARKET PLACE, MONTROSE (THE PIAZZA)

JOINT REPORT BY THE DIRECTOR OF PROPERTY SERVICES  
AND THE DIRECTOR OF LAW AND ADMINISTRATION**ABSTRACT**

This Report requests the Sub-Committee to give preliminary consideration to Management Rules to regulate the use of the Market Place, Montrose (The Piazza) and sets out the procedure to be followed.

**1. RECOMMENDATIONS**

The Sub-Committee are asked to:-

- (i) give outline approval to the attached draft Management Rules;
- (ii) authorise the Director of Property Services and the Director of Law and Administration to initiate the necessary procedures for public consultation; and
- (iii) note that a further Report on the outcome of consultations etc will be submitted in due course.

**2. BACKGROUND**

Section 112 of the Civic Government (Scotland) Act 1982 gives local authorities the power to make management rules to regulate (a) the use of; and (b) the conduct of persons while in or on any land or premises owned, occupied or managed by the local authority or otherwise under its control, and to which the public has access whether on payment or not.

Management rules have a limited lifespan (10 years) and the rules previously introduced by Angus District Council require to be renewed thus requiring the procedure set out in the Act to be followed. The management rules put in place by Angus District Council were reasonably effective but the opportunity has been taken to tighten up on certain matters, namely to regulate the size of stall spaces and relate the rental charged to the size of space and also to clarify that market traders must hold a current street traders licence.

**3. PROCEDURE**

The procedure to be followed for the introduction of management rules is laid down in the Act and is briefly as follows:-

- (i) before making management rules, a local authority must give at least one month's notice of its intention to do so by advertisement in a local newspaper. The notice must state the general purpose of the rules, the place where the public may inspect copies of the proposed rules free of charge and the procedure and time for making objections;
- (ii) in order to object, a person must notify and state the ground of his/her objection in writing;

- (iii) any objections timeously received must be taken into account by the local authority before making the management rules and an objector must be given an opportunity to be heard by the authority;
- (iv) the management rules must be formally executed by being sealed with the Common Seal of the local authority and signed by the proper officer and come into force on the date of their execution.

Therefore these management rules could be in force on the date of the meeting of the full Council on 17 September 1998.

**4. FINANCIAL IMPLICATIONS**

There are no direct significant financial implications for the Council arising from this exercise, the cost of advertising in connection with the consultation process and the cost of producing and displaying copies of the management rules at the location can be met from the Common Good Fund for Montrose as recipient of the rental income.

**5. CONSULTATION**

The Chief Executive, the Director of Finance and the Director of Environmental and Consumer Protection have been consulted in the preparation of this Report.

MICHAEL J LUNNY  
Director of Property Services

CATHERINE A COULL  
Director of Law and Administration

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this Report.

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### MANAGEMENT RULES FOR MARKET PLACE, MONTROSE (THE PIAZZA)

Angus Council in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 hereby make the following management rules which shall apply to the Market Place, High Street, Montrose, in the Angus area.

- 1 These management rules shall apply within that part or area of the High Street, Montrose , where The Cross formerly stood situated to the north of the Town House, all as the said part or area is outlined in black and coloured pink on the sketch or plan annexed hereto, the part or area being hereinafter referred to as "the Market Place".
- 2 The Market Place shall be reserved on market days exclusively for the use of authorised market traders.
- 3 A market for the sale of goods, marketable commodities and other articles (other than animals or meat) shall be held in the Market Place on Friday of each week throughout the year between 9.00 am and 6.00 pm and no market shall be held on any other day or at any other time unless specially authorised by the Council.
- 4 No person shall sell or expose for sale any goods on the market place otherwise than an authorised market trader trading from a stall space given off by an authorised officer of the Council and any such stall space shall have a frontage not exceeding 3 metres in width and a depth not exceeding 4 metres. The construction and size of any stall shall be subject to the approval of the Council's authorised officer, who may require the removal of any stall or such part of any stall as he may deem reasonable for purposes of safety and amenity. In placing his stall upon the market place an authorised market trader shall follow the instructions of the authorised officer as to the positioning of the stall.

Any person requested to remove a stall or part thereof by the authorised officer shall immediately comply with such request.

- 5 Applications for stall spaces shall be addressed to the Authorised Officer, Angus Council, Town Buildings, Montrose, and the said officer shall grant or refuse any applications at his discretion. The authorised officer shall have power in his sole discretion to let any stall space remaining unlet prior to the commencement of the market.
- 6 The rent for a stall space shall be such sum, as the Council shall, from time to time, determine (at the date of the making of these management rules £2 per square metre of stall space). The rent so fixed shall be payable in advance to the authorised officer and any tenant of a stall space who fails to make payment of such rent after the same has become payable shall forfeit all right to said stall space and shall be bound to remove from the Market Place on being requested by the authorised officer to do so.
7. No person shall cause or suffer any live cattle, sheep, pigs, horses or other animals (except a dog, on a lead and under proper and effective control) to be brought into the Market Place, and no person shall cause or permit to stand or remain on any stall space any tent or caravan or any machine, appliance or equipment used or to be used for public entertainment or amusement.
8. No person shall deposit or cause to be deposited in the Market Place (elsewhere other than upon the stall) or in any of the immediate approaches thereto, any goods or any receptacles for goods for a longer time or in any manner other than is reasonably necessary for the loading or unloading of the goods, or any receptacle for goods, and every person shall comply with any directions or instructions that may be given by an authorised officer.



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