



STOWMARKET TOWN COUNCIL

MARKET REGULATIONS

Approved by the Town Council on 4th December 2013

DEFINITIONS:

The following definitions are used throughout the Market Regulations

The Council:

Stowmarket Town Council.

Permanent Trader:

A trader who has been granted the privilege of using a particular trading position on a particular day at a particular market.

He/she must claim that position by the appointed time relevant to that market as notified by the Market Officer.

He/she will be required to pay the relevant daily charge whether or not they attend the market, in order to reserve their privileges.

A Permanent trader should give 4 weeks' notice to the Market Officer if he/she wishes to leave.

Casual Trader:

A person who attends a particular market with his/her goods, in the hope that they may be allocated a trading position for that day only, from the vacant positions remaining available after Permanent traders' claim deadline.

A "Casual" trader will be considered for a "Permanent" privilege when a suitable trading position becomes available.

After 6 months, Casual traders hoping to retain the same pitch must become Permanent traders.

Other Traders:

Other traders, such as start-up businesses, charitable organisations, schools, those normally working as street traders etc. may be permitted to trade as part of the market on terms agreed by the Market Officer which may vary from the Regulations described herewith, such that this contributes towards the effective operation of the Market.

Public Liability Insurance:

Insurance cover is required by all traders attending the Town Council's markets.

This insurance indemnifies the Council against any claims made against them arising out of the actions of traders using the Town Council's markets.

The current level of cover required is £10 million.

Registered Stallholder:

Includes all traders registered with the Town Council, their agents, stallholders and employees. Any regulation requiring a registered stallholder not to do any act or thing, includes an obligation not to permit or suffer that act or thing to be done by another person.

MARKET REGULATIONS

These regulations have been prepared to assist with the effective operation and administration of Markets in Stowmarket.

The Market Regulations are set out below:

1. Market Hours

- 1.1 The market trading hours are normally 8 a.m. until 4 p.m. on Thursday and Saturday.
- 1.2 Trading shall not take place before or after these times and stalls on the Market Place shall be vacated within 2 hours of the official closing time.

2. Trading Conditions

- 2.1 Traders must comply with all current National and Local Legislation.
- 2.2 Traders who have an allocated "Permanent" trading position on a particular market and particular market day must claim that position no later than 8 a.m.
- 2.3 Failure to do so may result in the temporary allocation of the trading position to a "Casual" trader with no abatement of any charges due from the "Permanent" user.

3. Unavoidable Delay

- 3.1 In the event of unavoidable delay through illness, vehicle breakdown or other reasonable cause, Market Officers may reserve particular trading positions, at their discretion, provided that contact is made with the Market Officer prior to letting time for that particular market. In the event of difficulty contact 07925 592775.
- 3.2 If a trading position is reserved as in 3.1 above, and the trader fails to attend, the Town Council reserves the right to hold the Casual trader liable for the payment of a "Casual" fee.

4. Holidays

- 4.1 "Permanent" traders with a minimum of twelve months "Permanent" service to the Council market will be allowed 4 "weeks" charge free in the next qualifying period (April 1st - March 31st), during which they may either continue to trade or take leave.
- 4.2 If taking leave, this must be pre-arranged by notice to the Market Officer. All leave must be taken by 31st March each year.

- 4.3 Leave may not be carried over into the succeeding year.
- 4.4 A "week" will comprise of a particular trader's usual "Regular" trading day or days on a particular Stowmarket Town Council Market.

5. Sickness

- 5.1 Where a Permanent trader is absent through illness and a Medical Certificate is provided, the Town Council may grant a maximum of 2 weeks free of market charges in any 12 month period.
- 5.2 Long term illness is defined as a period of over 4 weeks. In situations where long term absence of a trader is necessitated through illness and where appropriate certification is provided, the Council will consider each case in the light of individual circumstances.
- 5.3 Bereavement. Permanent traders who suffer a close family bereavement will be allowed one day's trading absence and no market charges will be payable for that day.

6. Stallage / Market Charges

- 6.1 The rate of Market Tolls is £1.45 per foot frontage per day for Permanent traders on Thursday and £1.55 per foot for Casual trader per foot frontage per day. Saturday trading will be £1.45 per foot for Permanent and Casual traders.
- 6.2 The minimum charge of frontage is ten feet, to a depth as agreed with the Town Council.
- 6.3 In the Market Place and Wilkes Way, the cost for each plug in will be £3.90 including VAT per day. The electric box will be opened by the Market Officer on the day.
- 6.4 Market Tolls shall be paid to the Town Council either on each market day or monthly by way of an invoice or quarterly, in advance, strictly within 14 days of the invoice - this method attracts a 10% discount. (Quarters commence on 1st April, 1st July, 1st October & 1st January).
- 6.5 Casual traders must pay on the day of trading.
- 6.6 If the Trader fails to claim the site by 8:00am on any market day the Town Council shall have the right to allocate the site for that day to any other person.
- 6.7 The Permanent Trader shall be liable to pay stallage for each market day whether he/she uses the site or not.
- 6.8 The onus to pay the charges due rests with the traders. Where a Permanent trader attends but fails to pay on demand, the trader will be considered to be in arrears and recovery action will be taken together with all costs incurred in such recovery. The Town Council reserves the right to charge interest (calculated at 2% above the prevailing Bank of England base rate) on arrears.

- 6.9 Failure to pay charges when due will result in the privilege of trading being withdrawn.
- 6.10 Traders shall use only the stall or ground paid for.
- 6.11 Traders shall not withhold payment of charges for any reason.
- 6.12 An official receipt will be given for charges paid. The receipt must be retained for the duration of the day's trade and made available for inspection on demand by the Market Manager or any authorised official acting for the Town Council.
- 6.13 The Town Council reserve the right to review charges as they see appropriate.

7. Allocation of Stalls

"Casual" Traders

- 7.1 A Casual trader attending a market must, in the first instance, report to the Market Officer no later than the appointed time for that particular market.
- 7.2 Public Liability Insurance - The trader must provide proof of holding current Public Liability Insurance (see Definitions for amount of cover required) before he/she will be permitted to complete a Casual registration form. Registration does not guarantee that a stall or pitch will be available. Registered stallholders shall maintain a policy of Public Liability Insurance to a minimum of ten million pounds and produce such certificates of insurance on demand to the Market Officer or any duly authorised Officer of the Council. Registered stallholders trading from the Council's markets shall indemnify against all costs, claims and convictions arising as a result of the operation of the market. A copy of the Insurance certificate will be kept by the Town Council.
- 7.3 On completion of a registration form (see Appendix A), the Market Officer will enter the trader's name, description of goods and date of registration on the Casual traders' list for that day. The list will be open to inspection by traders upon request.
- 7.4 Record of Attendance - Each day that a trader attends a particular market day and whether or not a trading position is allocated for the day, the trader will be credited with an attendance point. Traders who do not attend or report their presence to the Market Officer will not receive an attendance point and upon a third successive, consecutive absence, will be removed from the Casual list, forfeiting all accumulated points. A record of attendance will be kept by the Town Council.
- 7.5 Allocations - Stalls will be allocated on a daily basis by the Market Officer. Any trader found to be using a stall or pitch without prior authority may be requested to leave the market and may have their accrued attendance points reduced.
- 7.6 Basis of Allocation - Allocations shall be made on a first come first serve basis.

- 7.7 Refusal of an Allocation - Where a trader refuses to accept the trading location offered, he/she will be requested to leave the market and considered "absent" on that day, receiving no attendance point. The Council reserves the right not to allocate a trading position even if it is vacant.
- 7.8 Pitches - Traders who are able to provide their own stall equipment which meets the standards of safety and appearance required by the Town Council, may be allowed to erect and trade from such equipment on a pitch, when appropriate space is available. Pitches are always allocated on a casual basis and there is no guarantee of which pitch, if any, a trader may be granted use on any given site or day. The Town Council's decision about areas allowed for pitches stall equipment and traders who may occupy them will be final.

"Permanent" Stalls

- 7.9 A stall allocated to a Registered "Permanent" Stallholder who does not attend the market for three weeks in succession will be considered vacant, unless the Registered Permanent Stallholder has given a reason which is acceptable to the Market Officer. Documentary proof (e.g. Medical Certificate) may be required as proof of reason for absence.
- 7.10 Consultation. The Market Officer will, where practical, advise market traders' representatives prior to notifying the individual trader of the allocation or transfer of a regular trading position.

8. Transfer, Assignment and Subletting

- 8.1 No trader shall assign, transfer, sublet or otherwise dispose of their interest in any trading position on the Town Council's markets, without express approval of the Town Council.

9. Goods to Be Sold / Changes in Listed Goods

- 9.1 A trader shall sell or expose only those goods authorised by Stowmarket Town Council upon his/her registration document.
- 9.2 Stowmarket Town Council does not guarantee that there will not be stalls selling the same or similar goods as others.
- 9.3 Any request for additions or changes in the type of goods must be submitted in writing to the Town Council for consideration. The Town Council's decision will be final.
- 9.4 No trader shall store, display or sell on the market any explosive materials, fireworks, hazardous liquids, bulk gases.*
- 9.5 No trader shall store, display or sell on any livestock on the market ground.*

Stowmarket Town Council reserves the right to make adjustments to the rules outlined in 9.4 and 9.5 in the case of special circumstances and events

- 9.6 No trader shall store, display or sell any substance which might be a source of danger to anyone attending the market.
- 9.7 No trader shall store, display or sell on any market ground any item which is offensive to public taste and morals. The Council's decision will be final and binding.
- 9.8 No trader shall store, display or sell on the market any drug considered a legal intoxicant without the express permission from Stowmarket Town Council.

10. Conditions Related to use of Stalls

- 10.1 Damage - Traders or their agents or employees must not alter, extend or erect signage on the stalls they use, which are the property of the Town Council, without express permission of the Town Council. In the event of damage arising during use by the trader, the cost of repairing such damage shall be recoverable from the trader by the Town Council.
- 10.2 Lighting - Traders are not permitted to light the stalls other than by the fixed electrical lighting provided by the Town Council.
- 10.3 Fire - Traders are responsible for ensuring that they conduct their businesses in such a manner as to minimise the risk of fire. Registered Stallholders must not install any heating apparatus of any kind and the use of generators is strictly forbidden without the prior consent of Stowmarket Town Council.
- 10.4 Obstruction - No goods shall be placed on the floor of the market or on or about the stall, so as to obstruct the free passage or viewing of goods by persons using the market. Side displays and sheeting must not unreasonably obstruct facilities of sight line to immediately adjacent traders' displays. Transparent sheeting should be used where necessary.
- 11.5 Refuse Disposal / Cleanliness of Stall Area - All refuse and food wastes shall be deposited by traders/agents/employees, in the bags provided for the purpose. All traders are responsible for maintaining their area and to keep it free from refuse and in a clean and tidy condition.

11. Traffic on the Market Place & Wilkes Way

- 11.1 All vehicles on leaving the market must use only the approved entrances / exits.
- 11.2 No vehicle shall exceed 5 mph on the Market Place and Wilkes Way.
- 11.3 Vehicles must park at all times in such a manner as not to obstruct traffic and, if required, must park in accordance with the directions of Market Officer.

11.4 In Wilkes Way, traders' vehicles can remain at a charge of £4.92 per day.

11.5 On the Market Place, all vehicles must be removed unless essential to trade i.e., refrigeration. Where vehicles do not form part of the pitch, a charge of £4.92 per day will be levied.

12. Employment of Children and Young Persons

12.1 Market traders must comply with all relevant legislation including but not limited to the Children and Young Persons Act 1933, various Education Acts, Health & Safety at Work Regulations 1999 and the UN Convention on the Rights of the Child 1991.

13. Conduct of Traders

13.1 Market traders, their agents and/or employees paid or unpaid, are required to conduct themselves, whilst attending the markets, in an orderly manner and not use their trading positions so as to cause annoyance, inconvenience or concern to any other users of the market.

13.2 No registered traders may do anything on the stall and/or on the market which will contravene any statute, regulations or bye-laws relating to the market which may from time to time be in force.

13.3 Any observed breach of the Market Regulations will result in a warning letter being issued to the trader. This letter will remain on file for a period of 52 weeks. In the event of a second breach of the Regulations within a 52 week period, the trader will be suspended from trading on the market for a period of not less than 1 week.

13.4 Should a trader offend on a third occasion within the 52 week period of the original warning letter, the trader will have his/her registration cancelled and not be permitted to trade on any of the Town Council's markets in the future.

13.5 If, in the opinion of the Town Council, a market trader has caused, permitted or has become culpably involved in a serious breach of good order or has been convicted of a serious criminal offence, the trader will be suspended immediately from attending the market. The Council may then terminate the trader's licence(s) or may extend the suspension or end the suspension.

13.6 Charges will be levied during any period of suspension, at the same rate as if the trader had attended the markets, whether their reserved stall is temporarily reallocated or not.

14. Farmers and Producers Market

- 14.1 All non-food goods sold at the market must be grown/made/crafted within a 75 mile radius of Stowmarket.
- 14.2 All products sold must be grown, reared, caught, and brewed, baked, smoked, processed, made or crafted by the Stallholder where possible. Ingredients of made food products should, as far as possible, be grown, raised or caught by the producer of the finished article. (e.g., sausages should contain meat raised by the producer/farmer and not simply be made by them from bought-in ingredients.) The producer or their direct representative must attend the stall throughout the trading period.
- 14.3 Producers and their direct representatives must be in a position to inform customers of the production methods and other relevant information relating to the goods which they are offering for sale.
- 14.4 Farmers and producers must be able to substantiate claims of GM free production, organic production methods, etc. on demand by market officers and members of the shopping public. Craft item producers claiming sustainable raw material production methods must, similarly, be able to validate their claim with documentary evidence.
- 14.5 All food must be transported, displayed and handled in accordance with Food Safety (General Food Hygiene) Regulations 1995 and Food Safety (Temperature Control) Regulations 1995 and any subsequent legislation.
- 15.6 Copies of all relevant certificates should be lodged with the Market Officer for record purposes.

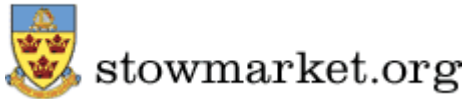
15. Complaints Procedure

- 15.1 All traders are advised to contact the Market Officer if they are dissatisfied with any aspect of the market. The Market Officer will consider the complaint and try to resolve it.
- 15.2 If the complaint remains unresolved, market traders should put their complaint in writing to the Public Services Manager who will review the complaint and respond.
- 15.3 If the Public Services Manager is unable to resolve the complaint, a trader may access the Council's formal complaints procedure; details of which will be supplied upon request.

16. Amendments

16.1 The Council may amend these Regulations at any time following consultation by the Market Officer with Council representatives.

16.2 Any amendment to these Regulations will be put in writing to the Traders not less than six working days or one working week prior to the date when the amendment shall come into effect



APPENDIX A

Enquiry form for a Pitch on Stowmarket Market

Please answer all questions using BLOCK CAPITALS and return to the **Market Officer at Stowmarket Town Council Offices, Milton House, Milton Road South, Stowmarket, Suffolk IP14 1EZ**. Please ensure that the requested attachments are included with the form.

If you require any assistance with completing this form, please contact the Market Officer on 07925 592775.

I/We hereby make application to trade and submit the following particulars:

Type of Market (please tick)

General Market	<input type="checkbox"/>	Farmers Market	<input type="checkbox"/>	Craft Festival	<input type="checkbox"/>
-----------------------	--------------------------	-----------------------	--------------------------	-----------------------	--------------------------

Contact Name :	
Trading as:	
Date of birth: <i>(Applicants must be over the age of 17)</i>	
Address:	
Telephone number:	
Email Address:	
Description of goods to be sold: <i>(If food, state whether cooked, uncooked, hot/cold, pre-packed, unwrapped)</i>	

Type of vehicle/stall/trailer to be used: <i>(Include dimensions and enclose a photograph)</i>	
If available, I require electricity:	YES/NO
List of electrical items being used:	
Are there any prosecutions against you, pending?	YES/NO
If 'YES' please state alleged offence and date of court hearing:	
Details of previous convictions: <i>(Do not include spent convictions)</i>	
Details of Public Liability Insurance: <i>(Include name and address of insurance company, policy number, expiry date, amount of cover – not less than £10 million)</i>	
Provide and attach at least 2 references: <i>(Referees' full addresses and telephone numbers are required)</i>	
Date of Enquiry:	

I confirm that if using electricity, all electrical items are safe and sound to the requirements of statutory regulations and that I will not be using an electric heater.

I certify that, to the best of my knowledge and belief, the above particulars are correct.

Signed

Date
