



STOWMARKET TOWN COUNCIL

Town Trading Regulations

Date approved:	04.12.13
Date of next review:	December 2016
Related policies/procedures:	Policy Statement on Trading, Street Trading Policy & Application Forms

1. Purpose

- 1.1 These Regulations have been made by Stowmarket Town Council and relate to trading which may be ancillary to its provision of a market, or pursuant to its provision of recreational areas on Town Council owned land, or land over which it has permitted use. The main purpose of the Regulations is to provide a framework for trading in the Town Centre on non-market days (that is on days other than Thursdays and Saturdays and otherwise, special market days such as the Christmas Lights Switch-On Event). However, they may also be applied by the Town Council, at its discretion, to other trading that takes place in the town over which it has control.
- 1.2 Stowmarket Town Council believes that trading provides the opportunity for greater diversity of products and services to be made available to the consumer whilst also enhancing the character and vitality of the town.

2. What is meant by permitted trading?

- 2.1 Trading means selling, exposing or offering for sale any article (including a living thing) on any road, footway, open space or other area to which the public has access without payment in the town.
- 2.2 Some types of trade are legally exempt from the need to obtain a permission for trading. These include:
- A person trading under the authority of a pedlars certificate granted under the Pedlars Act 1871
 - Trade carried out by a roundsmen e.g., milkmen
 - Trade carried on at a petrol filling station
 - A market created by statute or grant such as our Stowmarket market
 - Trading as a news vendor
 - Trading in and around shops
 - Charity collections which are governed by other legislation

Permissions may also be granted to mobile artists who sketch or paint, sell their own work and move from location to location without causing obstruction, nuisance or annoyance.

3. Permissions for which fees are not payable

- 3.1 Stowmarket Town Council reserves the right not to require the payment of fees for the following trading activities:
- Fetes, carnivals or similar community based and run events
 - Non-commercial or charitable events
- 3.2 Please note that:
- Commercial fetes, carnivals and similar community based and run events making or intended to make a profit are not exempt from the payment of fees

4. Application for permission to trade

- 4.1 Applicants are required to complete the appropriate application form (see [Appendix A](#)). Applications received will be published on the Town Council's website and, in normal circumstances, a period of 14 days shall be allowed for representations.
- 4.2 Applications shall be considered on the basis of their individual merits and determined by the Town Clerk in consultation with a Panel of 3 Members of the Town Council who shall be Members of the Council's Risk Management Committee. The following issues will be considered when deciding whether or not to approve an application:
- Impact on the character of the surrounding area
 - Existing Traffic Orders e.g., waiting restrictions, parking
 - Impact on road safety, either arising from the position of the pitch or from customers visiting or leaving the pitch
 - Safe access and egress of customers and staff from the trading place and business in the immediate vicinity
 - Any potential obstruction of pedestrian or vehicular access
 - Any obstruction to the safe passage of pedestrians
 - Any obstruction for the safe passage of disabled persons whether walking with aids or using wheelchairs and mobility scooters
 - Overall health and safety considerations
 - Loss of amenity caused by noise, traffic or smell
 - Presence of Public Liability Insurance.
 - Any appropriate Health & Hygiene certificates are in place
 - Materiality of objections (are there new grounds for objection submitted by any objector to the application)
 - Town Council Policy relating to trading activities

5. Fee structure

- 5.1 The fee is **£1.45** per foot frontage per day (although fees for trading may be modified by the Market Officer at his/her discretion).
- 5.2 The minimum charge of frontage is ten feet, to a depth as agreed with the Town Council.
- 5.3 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.
- 5.4 Payment terms will be applied consistently, with traders being required to pay in advance. In normal circumstances there shall be no rebate of fees granted for non-attendance on days available through a town trading permission. The Market Officer may vary the above, in exceptional circumstances, at his/her discretion in consultation with the Accounts Team.
- 5.5 Traders shall use only the stall or ground paid for.
- 5.6 Traders shall not withhold payment of charges for any reason.

- 5.7 An official receipt will be given for charges paid. The receipt must be retained and made available for inspection on demand by the Market Officer or any authorised official acting for the Town Council.
- 5.8 The Town Council reserves the right to review charges as they see appropriate.
- 5.9 Failure to maintain payments as above may result in the permission not being renewed or being revoked.

6. Credits and refunds

- 6.1 If a permission is surrendered for cancellation within normal office hours and 24 hours prior to trading a credit will be permitted.
- 6.2 The Town Council reserves the right not to grant a credit if a permission is presented for cancellation (in full or part) with less than 24 hours' notice.

7. Trading conditions

- 7.1 Trading hours will be defined in the permission issued by the Town Council. Wherever possible, arbitrary restrictions on trading in the Market Place relating to distances between traders and retailers and line of sight between traders and retailers shall be avoided, although reasonable decisions shall be made to avoid a trader being situated directly outside a shop selling similar produce
- 7.2 Traders must comply with all current National and Local Legislation.
- 7.3 The design and appearance of the stall, barrow, van or cart etc. used must be agreed by the designated Market Officer and must comply with any and all regulations as issued by the Town Council which are subject to review.
- 7.4 Public Liability Insurance cover is required by all traders. This insurance indemnifies the Council against any claims made against them arising out of the actions of traders. The current level of cover required is £10 million.
- 7.5 Trading permissions will normally be issued for a period of up to one year.
- 7.6 There should be no general restriction applied by the Town Council to the number of market or non-market days on which a trader, including an ice cream van, may undertake trading in the town centre (with the exception of Sundays which shall be at the discretion of the Town Council)
- 7.7 An application may be granted for prescribed dates for particular events or, for up to a maximum number of trading days per week in respect of an annual, seasonal or monthly town trading permission.
- 7.8 Occasional Trading Permissions can be obtained if someone wishes to trade on a spontaneous basis i.e. to raise money for a charity or a visitor to the area from outside the town.

- 7.9 Permissions will be available on 7 days per week unless there are limiting factors on the use of a pitch on particular days. The permissions will identify the days of trade.
- 7.10 A permission cannot be granted to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the permission by reason of having been convicted of an offence or for any other reason.

8. Goods to Be Sold / Changes in Listed Goods

- 8.1 The nature of goods which may be sold from any trading place will be specified in the consultation/application process. Any subsequent substantial change will be assessed by the Market Officer.
- 8.2 A trader shall sell or expose only those goods authorised by Stowmarket Town Council upon his/her permission.
- 8.3 Stowmarket Town Council does not guarantee that there will not be traders selling the same or similar goods as others.
- 8.4 No trader shall store, display or sell any explosive materials, fireworks, hazardous liquids, bulk gases.*
- 8.5 No trader shall store, display or sell on any livestock.*

**Stowmarket Town Council reserves the right to make adjustments to the rules outlined in 8.4 and 8.5 in the case of special circumstances and events*

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

9. Employment of Children and Young Persons

- 9.1 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.

10. Conduct of Traders

- 10.1 Traders, their agents and/or employees paid or unpaid, are required to conduct themselves, whilst trading, in an orderly manner and not use their trading positions so as to cause annoyance, inconvenience or concern to any others.

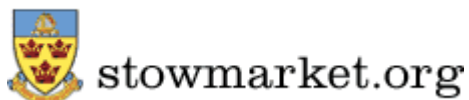
- 10.2 No traders may do anything on their stall which will contravene any statute, regulations or bye-laws which may from time to time be in force.
- 10.3 Any observed breach of the Trading Regulations will result in a warning letter being issued to the trader. This letter will remain on file for a 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 for a period of not less than 1 week.
- 10.4 Should a trader offend on a third occasion within a 52 week period of the original warning letter, the trader will have his/her registration cancelled and not be permitted to trade in Stowmarket in the future.
- 10.5 If, in the opinion of the Town Council, a 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 trading. The Council may then terminate the trader's permit or may extend the suspension or end the suspension.
- 10.6 Charges will be levied during any period of suspension, at the same rate as if the trader had been trading, whether their reserved stall is temporarily reallocated or not.

11. Complaints Procedure

- 11.1 All traders are advised to contact the Market Officer if they are dissatisfied with any aspect of the Trading Regulations. The Market Officer will consider the complaint and try to resolve it.
- 11.2 If the informal complaint remains unresolved, traders may request that it is considered by the Public Services Manager who will review the complaint and respond.
- 11.3 If the trader is not satisfied with the outcome of the informal review they may access the Council's formal complaints procedure; details of which will be supplied upon request.

12. Amendments

- 12.1 The Council may amend these Regulations at any time following consultation by the Market Officer with the Town Clerk, in consultation with 3 Members of the Risk Management Committee.
- 12.2 Any amendment to these Regulations will be put in writing to persons who have existing permits not less than 1 working week prior to the date when the amendment shall come into effect



APPENDIX A

Application for a Trading Permission

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:

Contact Name :	
Trading as:	
Date of birth: <i>(applicants must be over the age of 17)</i>	
Address:	
Telephone number:	
Email address:	
Proposed site of trading:	
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>	
Desired days of trading:	
Desired times of trading:	

Trading location:	
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 wish to apply for a daily/weekly/monthly/quarterly* permission and have enclosed the appropriate payment **(Please delete as appropriate)*.

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 _____