



## MARKET STALL REGULATIONS

APRIL 2013

### Stall Market Service

East Lindsey District Council Stall Markets shall be held weekly in Horncastle, Louth, and Spilsby in accordance with the table of frequency below.

Location	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Horncastle				• <sup>3</sup>		•
Louth			• <sup>1</sup>		• <sup>2</sup>	•
Spilsby	•					

<sup>1</sup>Every 4<sup>th</sup> Wednesday Farmers Market in Louth

<sup>2</sup>Every 2<sup>nd</sup> Friday Food Market in Louth

<sup>3</sup>Every 2<sup>nd</sup> Thursday Farmers Market in Horncastle

For the avoidance of doubt, reference within these regulations to a "market", means an individual daily market, regardless of town, unless otherwise stated and apply equally to stall(s) or pitch(es).

These regulations apply equally to traders, their staff or representatives.

### Regular/Casual Trader

Regular traders are traders who stand on a weekly basis at a particular market and casual traders stand on an irregular basis on the markets.

A trader can change from casual to regular at anytime. A trader who is regular can change to a casual status at anytime but will not be able to become a regular trader again for another year from the date they change.

Holidays will be calculated pro-rata for the period as regular trader. If the number of holidays used to the date of change is greater than the pro-rata allowance for the period, the excess of holidays will become payable.

### Core trading times

Core trading times are those hours during which pitches must be occupied and trading. Traders must take occupation of their pitch by 9.00 a.m. In Louth traders will not vacate stalls before 4.00 pm in the spring /summer months and 3:00 pm in the autumn/winter months, in line with the start and finish of British

Summer Time. At the close of the market, stalls must be cleared by no later than 5.00 p.m. and the market place vacated.

### **Application & Registration**

To stand on any market run by East Lindsey District Council the trader must apply and complete the registration process.

### **How to book a stall**

Permission to commence trading on East Lindsey's markets, whether as a regular or casual trader, is subject to compliance, by the trader, with all the following conditions:

1. Receipt of a fully completed application form, signed by the applicant.
2. Receipt of acknowledgement that the applicant has received a copy of the District Council Market Stall Regulations and confirms acceptance.
3. Receipt of a copy certificate demonstrating valid Public Liability Insurance against an amount not less than £5,000,000, (five million pounds).
4. Receipt of fully completed food related application form, signed by the applicant, if any type of food is to be sold on that stall/pitch.

Where any of the above documentation has not been received by East Lindsey District Council then the trader will not be permitted to trade.

Permission to stand is granted subject to the availability of sufficient and suitable space on any market day as well as the mix of traders. Every attempt will be made to ensure that regular traders are allocated the same pitch at each market attended.

Once confirmation is received that a trader has been accepted onto ELDC markets the trader will be able to book and pay for a stall/pitch on the market. The trader must quote their Trader ID number in all correspondence with the Council.

### **Rents**

The Authority run an advance book and pay system for the markets. Payment can be made using a debit card over the telephone or by debit card or cheque at one of the Council offices. The trader must quote their Trader ID when making payment. Only those stalls which are paid for will be erected.

#### Regular traders-

- Pay a weekly advance rent which should be paid by 3pm on the Thursday of the preceding week. Any weekly advance rent payments made after the Thursday 3pm cut-off time will mean a late payment and the trader must pay for two weeks in one transaction. We accept that on occasion a late payment may be unavoidable but repeated occurrence will result in a review of the traders position on the market.
- Pay for all the markets you have reservations for at one time for the current advance pay period with the option to pay for future weeks.

### Casual traders-

- Are able to book and pay for pitches from the Friday of the preceding week and can only book and pay for one week.
- Pay for their stall/pitch by 3.00pm of the preceding market day (Friday for Spilsby).

### Farmers shall-

- Pay a week in advance of the market. You must book and pay by 3pm on the Thursday of the preceding week of the farmers market.

### **Market Supervision**

The Market Stall Erection Supervisor will be on site and the first contact in a morning should any problems arise. Tel:07958 805459.

The Waste/Fleet Manager is contactable from 5:30am until 9:00am for any urgent issues that cannot be resolved by the Market Stall Erection Supervisor. Tel:01507 613540

The Operations Support Manager (Markets/Waste) will be available from 9:00am until 5:00pm to resolve any issues. Tel:01507 613532.

There will also be Officers from the Council making periodic visits to the markets to ensure their smooth running.

### **Stalls**

Traders shall only use the stalls/pitch allocated as provided by the District Council unless otherwise agreed by the Operations Support Manager.

Once erected, no stall supplied by the District Council shall be removed, disconnected, dismantled or altered by any trader.

Traders must not damage or deface stalls, stall boards or any other property of the District Council.

Traders should not place items on the stall until it is completely assembled.

Stalls/stall boards are not to be stood on. They are not designed for this purpose. Stall boards are provided as a table to display goods only.

### **Stall Locking Pins**

Locking pins will be inserted by the District Council into the frame sections to ensure the structural integrity of the stalls for the benefit of traders and public alike. In the unlikely event that any stall locking pins are missing the trader should inform the Council.

## **Stall Covers**

All stalls will be required to be fitted with a standard green/white stripe canopy to give a consistent appearance. One stall cover per stall shall be given, free of charge, to each regular trader.

Some exemptions to the canopy colour and type will be permitted by agreement with the Operations Support Manager.

Casual traders will be required to purchase a standard stall cover.

All traders (both regular and casual) regardless of weather conditions must fit their stall covers.

Should the stall cover become damaged, dirty or worn then it is the responsibility of the trader to purchase a new cover.

## **Stall pitch and boundaries**

All stalls and pitches will be 10ft by 10ft of total space as designated on the market stall layout map. This includes standing space at the rear of the stall and the area under the overhang of the front canopy. Traders shall not place goods outside of the space allocated unless by specific written agreement with the Operations Support Manager. The District Council shall permit extension poles by written application detailing the nature and degree of the extension.

Traders will not place tables or clothes outside of their stall until vehicles have vacated the market so as not to block access.

No stalls or covers should encroach onto the public footpath or block drop kerbs.

## **Vehicles**

All trader vehicles and trailers must be unloaded immediately after the trader has taken occupation of the stall. Traders are asked not to park their vehicles on public footpaths. When unloaded, traders must remove their vehicles from the market before the commencement of trading and in any event, no later than 9.00 a.m.

All trader vehicles which are parked off-site and in District Council operated car parks shall display either a valid pay and display ticket, or a valid parking permit.

Traders shall not return their off site vehicles to the market during the core trading times, nor shall on site vehicles be removed from the market during core trading times.

In the case of emergency or in the case of adverse weather conditions these regulations may be relaxed either in individual cases, or collectively according to the circumstances.

Traders should ensure that the vehicle they are using is insured for the appropriate business use.

Traders must make themselves aware of parking/loading restrictions surrounding the market place. The Council will not be responsible for any parking tickets issued to a trader.

### **Refuse Removal**

Traders are required to keep their stalls and pitches free from refuse.

Traders shall be responsible for the removal and disposal of all their waste. Failure to do so may result in the Authority's Enforcement Officer taking action.

On no account should commercial refuse be disposed of in public litterbins.

### **Transfer and sub-letting of market stall and pitches**

The transfer or sub-letting of stalls and pitches, or any part thereof, is strictly prohibited. In the event of a trader disposing of his or her business to another trader, then a new application for permission to stand on East Lindsey's market shall be completed by the purchasing trader and submitted to the District Council for consideration.

### **Change in goods traded**

In the event of a trader wishing to make a material change in the type or range of goods traded, then a new application to stand on East Lindsey Stall Markets shall be completed by the trader. The trader shall not make any material changes in the type or range of goods traded prior to receiving the necessary consents.

### **Health and Safety**

Traders will be expected to conduct their business in a safe and responsible manner. In particular traders shall ensure that all accidents, however small, involving market operations controlled by the Council must be reported to the District Council.

Traders who employ five or more people must have their own Safety Policy and documented Risk Assessment, both of which are required by law and must be available for inspection at all times.

Portable electrical equipment shall be in good order and condition and covered by a current electrical safety certificate. Only silent and diesel fuelled generators will be permitted on the markets.

### **Indemnity and insurance**

Traders shall indemnify the District Council from and against all claims, damages, loss, expenses and costs in respect of any explosion, fire, accident or injury to any persons or property which may have arisen as a result of or in connection with the occupation or use of any stall or pitch on any part of an ELDC Stall Market.

Proof of indemnity against an amount of no less than £5,000,000 (five million pounds) shall be presented upon initial application for the holding of a market stall and annually upon renewal of such insurance.

### **Layout**

The District Council reserves the right to alter the layout of the market from time to time in order to accommodate any works or other activities. Wherever possible, such changes will be notified to the traders in advance of the market day.

The District Council reserves the right to permanently alter the layout of the market, subject to prior consultation with the market traders.

The District Council reserves the right to alter the location of stalls, minimizing changes to the usual order in which the traders stand to make the market more condensed on low occupancy market days, wherever possible, such changes will be notified to the traders in advance of the market day.

### **Conduct**

The Trader (and his/her staff or representative) shall, at all times, conduct his/her business in an orderly manner without causing obstruction of the market or interfering in any way with the business of any other Trader.

Traders (and their staff) shall at all times exercise courtesy towards other traders, council employees and members of the public. Verbal or physical abuse will not be tolerated.

Use of radios, loud speakers or other instruments used in a manner likely to cause a nuisance to other traders or the public is prohibited.

### **Tenant Mix**

The market mix is considered on an individual market basis and will be at the discretion of the Operations Support Manager.

East Lindsey District Council retains the right to make alterations if this results in facilitating an increased vibrancy and footfall to the market.

### **Charities and non commercial organisations**

East Lindsey District Council will only consider market stall applications from charitable organisations for the promotion of their organisations.

Charitable organisations shall not be permitted to sell products unless authorised to do so by the Operations Support Manager.

No individual or groups will be permitted to stand on any market for the purposes of preaching and lobbying.

## **Complaints**

Complaints by Traders in respect of any matters affecting the market must initially be reported to the Operations Support Manager within 14 days of the incident and must be in writing specifying in detail the nature of the complaint, the date and time of the incident. If, following the investigation and any subsequent action taken pursuant to the complaint, the complainant is not satisfied with the outcome then the complainant may follow the Corporate Complaints procedure as set out on the ELDC website.

## **Discipline and Appeals Process**

Any proven act or omission which contravenes any of these Regulations may be subject to a disciplinary penalty. The penalties to be imposed may be as follows depending on the severity of the breach of the Regulations.

1. Verbal warning (to be confirmed in writing).
2. Written warning.
3. Final written warning.
4. Suspension of trading licence for up to 5 years.
5. Permanent exclusion from all or any of the Council's markets.

An appeal against the decision of the District Council should be made to the Strategic Development Manager who oversees responsibility for the markets. The appeal decision shall be notified to the trader concerned at the conclusion of the hearing and confirmed in writing within 7 days of the conclusion of the appeal and any penalty imposed or upheld shall be effective as from the notification of the decision to him.

## **Markets on Bank Holidays**

When bank holidays fall on an East Lindsey market day no market shall be held apart from Good Friday or as notified by the District Council.

No markets will be held from 25 December to 1st January inclusive but traders who wish to stand may do so free of charge on a self erect basis. It will be the trader's responsibility to undertake an appropriate risk assessment when deciding whether to do so.

## **Extreme Weather Conditions And Cancelled Markets**

In the event of extreme weather conditions where it is considered by the District Council that a serious risk of injury to the public and/or traders and/or damage to goods or equipment exists, the District Council reserves the right to cancel the holding of the market on that day or to call an early cessation to trading. Traders will be informed as soon as practicably possible.

In the event of the market being cancelled prior to the market day or cancelled on the day of the market by 11.00 am the trader will be credited for their stall rent.

In the event of a market being cancelled the District Council will not permit self erect or allow traders to trade from their vehicle.

## **Trader Holidays/Cancelled Market Booking**

Regular traders are granted up to 8 weeks absence for the purposes of holiday or bad weather during which they are able to retain the benefits of being a regular trader but without standing on the markets. These holidays can be booked in advance or taken at short notice subject to notifying Customer Services by 3pm of the preceding market day. Any holidays notified after payment has been made will be credited to the next reserved stall rent.

Traders may also cancel a market in an EMERGENCY on the day of the market by contacting the Market Erection Supervisor. Inclement weather does not constitute an emergency. Stalls must be cancelled by 6:30am on the morning of the market. If a message is left traders must leave their full name and Trader ID. Traders will then have their payment credited against their next booking. Repeated emergency cancellations will result in a review of the traders position on the market.

Regular traders who stand casually at another market are able to cancel that market and have that payment credited against their next booking. This will not affect holiday entitlement.

If traders do not notify the Council that they wish to cancel a market then payment will not be credited to their account.

Anything more than 8 weeks absence will be charged at the prevailing regular trader rent.

If farmers or casual traders do not stand on the stall they have booked they will lose the booking fee.

## **Trader Details**

Traders must ensure the Authority has up-to-date contact details. The Council should also be notified regarding any renewed public liability insurance.

## **Compliance with Food Safety Regulations 1990**

All traders of hot and cold food shall comply with the Food Safety Act 1990 and all regulations made there under. For details of the current Regulations relating to cleanliness and to the storage of foodstuffs where temperature controls are a legal requirement, Traders are invited to contact the Food Safety Team with the Council (Tel: 01507 601111). Where non-compliance is demonstrated the trader will no longer be able to trade on the market until the matter is resolved to the satisfaction of the District Council's Food Safety Team.

## **Sale of illegal and inappropriate goods**

The District Council reserves the right to terminate any letting or to refuse any application on the grounds of the illegality or inappropriateness of goods traded. Traders are required to comply with the General Product Safety Regulations 2005 and the Shops Acts.



## **Other markets**

The District Council will seek to prevent the holding of any permanent or temporary market or car boot sale on the same day, within six and two thirds of a mile of any District Council market. The District Council shall, where it considers it appropriate, permit certain specialty markets to be held in conjunction with and/or in addition to any District Council market. Such markets include, but are not restricted to, farmers' markets, Christmas markets, continental markets, and antiques and craft fairs. Such market shall be operated exclusively by/in partnership with the District Council.

## **Consultation**

The District Council will consult with Traders on a regular basis and hold meetings when necessary.