



Market Regulations

Outdoor Market
Marlborough Square
Coalville

Last Review Date: July 2024

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1. Introduction

1.1 The Council will ensure that the market operation is carried out in such a way as to:

- Provide a safe and welcoming environment in which to trade.
- Offer a balanced market, with limited duplication of both core and competing secondary product lines.
- A fair and thorough application process for traders wishing to apply to trade or introduce a new product line.
- Provide open and two-way communication with all traders, either directly or through their nominated representatives
- Provide continuous development and promotion of the market and campaigns to attract new shoppers and traders.

1.2 Any trader wishing to trade at the market must do so using the Council's online application process. As part of the application process traders agree to abide by the Market Regulations. This forms the basis of the agreement between the Council and the trader.

1.3 All Traders will be issued with one of the following;

- **Licence** – agreement to trade every week on the day that the market runs, can be terminated by either party with a minimum of 14 days' notice
- **Casual Licence** – valid only for one market – valid date will be on the licence

1.4 Proof of registration will be required for all traders selling food and drink before the application is accepted. The Market Team will notify the Council's Environment Health and traders could be inspected by the Food Safety Team. (Please refer to the Food Safety and Hygiene Conditions in section 8, 9 and 10 for further clarity).

1.5 All Traders must provide evidence that they hold public liability insurance to a minimum of 5 million pounds and proof of their eligibility to work in the United Kingdom.

1.6 Traders issued with a licence to trade will be allocated a stall/pitch to trade from. The position will be at the sole discretion of the Market Team. The decision of the Market Team in this respect is final.

1.7 Nothing in these Market Regulations shall be construed as placing an obligation on the Council to provide a market on each market day but it is agreed that the Council will endeavour to provide the market except where prevented from doing so by circumstances beyond its control. In order to meet this obligation, the Council may, at its absolute discretion, restrict, re-site, re-size or alter the layout of the market.

1.8 The Council has the right to prevent trading on site if the weather is too severe in accordance with the Severe Weather Procedure.

1.9 All traders and/or their employees will make themselves aware of the Fire and Emergency Precautions for the market site. They also may be required to participate in exercises or briefings, to ensure that Fire and Emergency Procedures and Requirements are being complied with to the satisfaction of the Fire Service and the Council.

2. Eligibility to Trade

2.1 Prior to being accepted to trade at the Marlborough Square Outdoor Market, traders must complete and submit an on-line application form. The application form can be found at www.leics.gov.uk/markets.

2.2 Once a trader has been approved, they must not make any material change in the class of goods sold, as indicated in their application, without obtaining the prior written consent of the Council. Approval will only be given if the balance of the market is not directly affected.

2.3 In the event that the market is fully occupied, the Market Team will maintain a waiting list of traders. The waiting list is in two parts:

- A. Traders with products not currently available in the market
- B. Traders with products currently available in the market

Traders included in part A of the waiting list will have preference over those in part B.

Traders included in part B of the waiting list may have to wait until a trader with similar products vacates the market. This will be at the discretion of the Market Team.

2.4 Any disputes or complaints regarding the management of the waiting list should be reported directly to the Council's Markets Team, markets@nwleicestershire.gov.uk in the first instance. If such dispute or complaint is not resolved to your satisfaction, the dispute or complaint will be escalated accordingly and handled in line with North West Leicestershire District Council's complaints procedure, which can be found at https://www.nwleics.gov.uk/pages/corporate_complaints_procedure

2.5 The Council reserves the right to refuse applications from traders who have previously been excluded from markets in North West Leicestershire due to violent, abusive and / or inappropriate behaviour towards staff, other traders and / or members of the public.

2.6 Traders will fully comply with all regulations and general laws which affect the conduct of their business.

3. Code of Conduct

3.1 A trader and/or any persons employed by them shall conduct business in an orderly manner and shall not ring any bell, blow any horn, play any radio, use amplifying equipment or use any other noisy instrument to attract the attention or custom of any person. Where amplification is required in order to conduct business, this shall be permitted at the discretion of the Market Officer (exclusion applies for promotions/events)

3.2 Traders will be asked to give consideration to residents and businesses in the vicinity when setting up and dismantling stalls and at all times during the operation of the market.

3.2 A trader and/or any persons employed by them shall not engage in conduct which causes, or is likely to cause nuisance, harassment, alarm or distress to others nor incite or encourage others to act in such a manner.

3.3 All traders must act in a professional manner whilst communicating with all Council staff and follow any enforcements issued by the Market Team in keeping with these regulations. Any traders found to intimidate, threaten, or cause offence to staff will be liable to immediate exclusion from all markets.

3.4 Violent, abusive and/or inappropriate behaviour against staff, traders and members of the public will not be tolerated, market staff will take appropriate action to ensure that the market site is a safe and welcoming environment for all which may include amongst other actions, calling the Police.

3.5 A trader and/or any persons employed by them shall comply with any directions of the Council on all matters affecting the conduct of the market.

4. Trading Days / Hours

4.1 The market will trade every Friday. The Council reserves the right to vary this day and traders will be requested to comply with these trading days wherever possible.

4.2 In exceptional circumstances (for example a major event or severe weather), the Council reserves the right to cancel the market. Traders will be notified before noon mid-day prior to the market day, no rent will be taken for the cancelled market day.

4.3 Trading hours will be 8:00am to 4:00pm but this may vary depending on demand and will be instructed by the Market Team.

4.4 All traders must occupy their pitch by 8.00am. Any pitch not occupied by 8.00am may be reallocated by the Council. Any allocation of pitches will be at the absolute discretion of the Market Team.

4.5 Traders must continue to trade from their stall until 4.00pm unless otherwise authorised by the Market Team. No trading activity will take place after this time and the site or pitch must be cleared no later than 5.00pm.

4.6 All trader's vehicles must be removed from the market site and/or its approach roads by 8.00am unless directed otherwise by an individual duly authorised by the Council. After this time, vehicles must be parked away from the market site so as not to obstruct any highway, other public right of way or approach to the market site.

4.7 No traders' vehicles will be permitted to remain on the market site after 5.00pm.

4.8 Any Vehicles parked in contravention of Traffic Regulation Orders may be served a Penalty Charge Notice (PCN).

4.9 Between 8.00am and 4.00pm hand operated barrows, carts or similar conveyances will be the only permitted method of transporting goods to or from pitches on the market site. Such conveyances must not be allowed to stand on the market site for longer than is reasonably required for the loading or unloading of goods or in the immediate approaches to the market site in such a manner as to cause an obstruction.

4.10 The Council reserves the right to put on special market events on other days; Traders will be notified and may be invited to trade on these days. Trading hours may be varied for these events.

4.11 It is the responsibility of traders to notify the Market Team of any delay in attending the market (i.e. because of illness, vehicle breakdown or other reasonable cause beyond the trader's control). The Market Team can be contacted on 01530 454773. In the absence of doing so, traders who fail to notify the Market Team may not be permitted to trade on the market day. No refund of stall fees will be paid in these circumstances and the Council may consider re-allocating the stalls to another trader in such circumstances.

5. Market Layout and Closure

5.1 The designated market is located at Marlborough Square Coalville LE67 3WD.

5.2 The allocation of pitches will be at the absolute discretion of the Market Team. However, the Market Team will, so far as is practicable, ensure that regular traders are allocated the same pitch on each market day.

5.3 The balance of goods represented on the market at the time when the pitch is to be allocated, the length of time and how often any trader interested in the pitch has been trading at the market will always be taken into consideration.

5.4 The Council cannot provide any guarantee that traders selling similar goods will not be adjacent to or in the same vicinity of each other, although every effort will be made to avoid this.

5.5 In the event that the Council relocates the market, traders will not retain any rights to occupy any part of the existing market site.

5.6 The Market Team shall have the right to close the market at their absolute discretion if they consider this to be necessary on the grounds of public safety, for example inclement weather (See section 6 below). If cancellation of the market takes place before 11:00 on the morning of the market no charge will apply.

5.7 Wherever possible, traders will be given prior notice of maintenance and other work on and around the market which could affect their trading activities. The Council will not be liable for any direct or consequential loss arising from work affecting the market.

6. Severe Weather

6.1 The Council may, in accordance with the Severe Weather Procedure cancel the market. Traders will be notified no later than 12:00 noon the previous day.

6.2. If markets are cancelled, traders will receive free or reduced priced bookings for future markets. Refunds may be considered at the discretion of the Market Team.

7. Market Stalls

7.1 All traders (with authorised exceptions) will be provided with a pitch and standard infrastructure (where needed) to trade from. The infrastructure will be erected in position by the Council. Traders are not permitted to move the infrastructure from the set positions without permission of the Market Team. Each gazebo will be supplied with one table. Other tables may be used at the discretion of the Market Team.

7.2 Traders must not move, dismantle, or remove any stall or structure from the market site. All stalls are the property of the Council (where provided) and must be used solely for the sale of goods.

7.3 Where stalls are provided by the Council, traders shall take all necessary steps to ensure that the stall is kept in good condition. The Council reserves the right to charge any trader the full cost of repair or renewal to any Council property related to the market, where in the reasonable opinion of the Council, the trader or anyone working with the trader, has caused the damage. This also applies to any infrastructure loaned to the trader such as lights, cables, and cable coverings.

7.4 Traders must confine their trading activities on the market site to their pitch areas. No merchandise or other items belonging to, or associated with, a trader will be placed in any part of a roadway or passage on the market site, which is not part of their pitch, for longer than is reasonably required. Packaging under tables must not be visible to the public

7.5 All gangways where the public have access between pitches and to the front and rear of pitches must be kept clear at all times. Overhang “extensions” beyond the boundary of the licensed stall will not be permitted. The Market Team will ask for products or extensions to be removed. Any non-compliance will result in the licence being terminated.

7.6 The sub-letting of any stall is prohibited.

7.7 Traders must ensure that during trading hours stalls are staffed, presentable and in keeping with the market at all times.

7.8 No trader shall keep any live animal, including pets, at their stall.

7.9 The Council aims to achieve uniformity in market stalls; if traders provide their own market stalls these should be in keeping with the Council’s market branding.

7.10 The Council cannot provide a water supply to any trader as part of its operational business.

8. Market Stall Food Traders

8.1 No food for human consumption, other than non-perishable groceries, may be sold from a market stall, unless it is totally enclosed in wrapping or other container.

8.2 Any food purchased on the outdoor market must not be consumed in Newmarket.

8.3 Only food businesses with a food hygiene rating of 3 or above will be permitted to trade on the market. Failure to reach the minimum standards may result in termination of the market trader’s licence.

9. General Food Terms/Hygiene and Food Safety

9.1 Traders conducting a food business from any pitch, as defined by Regulation (EC) 852/2004, The Food Safety Act 1990 and any subsequent and amended legislation, shall comply with such legislation and any amendments to the satisfaction of the Council’s Environmental Health Team. If the trader fails to comply, the Council reserves the right to terminate their licence.

9.2 All food businesses must be registered with the Local Authority where the food and equipment is stored. Traders must provide evidence, and the name of the local authority they are registered with at the time of application to become a trader.

9.3 All Traders must be in good standing with the Council.

10. Trade Descriptions – For stalls selling food produce

10.1 Food/Drink products must be compliant with Trading Standards, be clearly priced and weights shown for pre-weighed items. Ingredients must be listed when made up of more than one item.

10.2 All items on sale must be clearly priced.

10.3 Items that are legally required to be sold by weight e.g. fruit and vegetables must have a metric unit price (price per Kg) displayed, whether sold pre-packed or loose. If pre-packed the goods must also be marked with the weight and selling price of the pack.

10.4 All weighing scales used for determining the selling prices of goods must be stamped.

10.5 Allergen notices must be displayed where applicable and staff trained with appropriate allergen training.

10.6 No signs or notices should be displayed that attempt to restrict a consumer's statutory rights.

10.7 A consumer's statutory rights are that goods must be of a reasonable quality, fit for purpose and as described.

10.8 Food offered for sale must comply with statutory labelling requirements and compositional standards.

11. Electricity Supply Gas Cylinders and COSHH

11.1 Where traders want to use electrical ancillary equipment (including generators) due to legal requirements, the trader must provide proof that their equipment has been checked by a qualified electrician every 6 months (PAT tested). Only equipment approved by the Market Team is permitted.

11.2 Proof of PAT tests must always be made available by the trader when requested to do so by the Market Team. Failure to do so and/or any trader using unauthorised equipment, including lighting, will have that equipment disconnected and may face immediate removal from the market.

11.3 All traders shall provide sufficient cable covers for any cables used during the trading day and are wholly responsible for the health and safety of such equipment.

11.4 No trader shall use any kind of portable electrical appliance i.e. stove, kettle or heater at their stall unless this is an integral part of their business. These items must be approved by the Market Team before the trader is permitted to trade.

11.5 Traders using portable generators shall ensure they comply with the requirements of *The Provision and Use of Work Equipment Regulations (PUWER) 1998*, and *The Electricity at Work Regulations (EAWR) 1998*.

11.6 Traders using portable gas cylinders to prepare food shall ensure they comply with the requirements of *The Gas Safety (Installation and Use) Regulations 1998* and *The Gas Appliances (safety Regulations) 1995*. [General guidance can be found in the *Health and Safety Executives (HSE) Catering Information Sheet 23 - Gas safety in catering and hospitality* and through the *Nationwide Caterers Association (NCASS) – Gas safety Hub*]

11.7 Traders using hazardous substances shall ensure they comply with the requirements of the *Control of Substances Hazardous to Health (COSHH) Regulations 2002*. [General guidance can be found in the COSHH Essentials section of the *Health and Safety Executives (HSE) web site*]

12. Charity Stalls

12.1 Any requests for charity stalls will be reviewed on an individual basis; permission and fees of such stalls will be at the sole discretion of the Council.

13. Payment of Fees

13.1 Current charges are set out in the application form and on the Council's website www.leics.gov.uk/markets

13.2 All fees and other charges are determined by the Council. Stall fees will be reviewed annually based upon local and national factors affecting the markets industry and the wider economy. Fees and charges will be notified to traders in writing once approved by the Council.

13.3 Payment for stalls will be made in advance when booking the stall by an electronic payment mechanism.

13.4 In the event that a trader fails to pay their fees, they will not be allowed to trade on the market until the outstanding fees are paid. The Council may apply an administration charge for collecting any unpaid stall fees and such charges may be applied for each and every instance of non-payment.

14. Parking

14.1 There is no parking for traders on the market site, all traders parking in public car parks must purchase a valid parking ticket or a season ticket and adhere to the car parking regulations. Failure to do so may result in a Penalty Charge Notice (PCN) being issued.

14.2 Unloading/loading is only permitted between the hours of 6:30am to 8:00am and 4:00pm to 5:00pm via the north service road. All vehicles must be moved into a designated parking area as soon as unloading/loading is complete.

15. Waste and Recycling

15.1 The Council is a leader in recycled waste and sustainability. Traders are encouraged to use carrier bags and packaging that is made from a recyclable material which should be biodegradable, compostable or recyclable. No single use plastic or plastic packaging can be given to customers.

15.2 All traders shall ensure that their allocated pitch is clean and tidy throughout the day and cleaned down at the end of each day.

15.3 It is the responsibility of the trader to ensure that all waste is taken away with them. If a trader takes any waste away off site, they will require a waste carrier's licence. This can be obtained, free of charge, from the Environment Agency - <https://www.gov.uk/waste-carrier-or-broker-registration>. The Trader will be required to safely and legally dispose of the waste at a site registered to accept commercial waste.

15.4 Stalls not in use must be kept clear from obstruction and should not be used as a storage area.

15.5 All liquid waste must be removed from site unless otherwise agreed by the Market Team.

16. Products for sale

16.1 The sale of the following goods is prohibited:

- live animals and birds,
- fireworks, firearms, replica and decommissioned firearms, combat knives,
- defective or fake goods
- smoking and vaping products
- stallholders and their employees shall not sell solvents, cleaning fluids, lighter fuels or any other such substances to persons under the age of 18 years of age.
- where a Trader is licensed to sell alcohol, not to sell alcohol to persons under the age of 18 years of age.
- any other item deemed by the Market Team as likely to cause offence or danger to the public.

16.2 Any Trader who contravenes the above will be liable to immediate exclusion from all markets.

16.3 Traders will only be permitted to sell goods as defined in their application. If a trader wishes to offer any new or additional products for sale this must be notified in writing and agreed with the Market Team before permitted to sell. The Council reserves the right to refuse if a similar product line is on sale elsewhere in the market.

16.4 Traders shall comply with all statutory and other provisions, including, but not limited to, Trading Standards; Consumer Protection and Health and Safety at Work.

17. Termination

17.1 Termination provisions are contained within the licence issued to the Trader.

18. Emergencies

18.1 If, for any reason a trader is unable to trade, please phone the Market Team before 07:00am and leave a message if the phone is unanswered. Failure to contact the Market Team before this time may result in a stall fee being payable for the day.

19. Equality Act 2010 Compliance

19.1 Every trader must comply with the Council's duties under the Equality Act 2010 and respect the rights of those with protected characteristics as defined under that Act.

20. Disabled Traders

20.1 If any trader considers themselves to have a disability as defined within the Equalities Act 2010, and has notified the Council of the nature of their disability, reasonable adjustments may be made to these regulations to support the trader.

21. Health and Safety

21.1 All Traders are reminded of their legal duties to ensure that work activities are carried out in such a way that other people at work and members of the public are not exposed to risks to their health and safety. Advice on managing health and safety at work is available on the HSE website at www.hse.gov.uk.

21.2 All incidents, accidents or near misses must be reported immediately to the Market Team.

21.3 Smoking and the use of electronic cigarettes is not permitted in accordance with the 2006 legislation which bans smoking in some workplaces and public spaces.

21.4 Traders will fully comply with all regulations and general laws which affect the conduct of their business.

22. Administration of the Market Regulations

22.1 The Market Officer will be responsible for administering the Council's Market Regulations

22.2 The Facilities Team Leader will support the Market Officer in the interpretation of this policy or the resolutions of any issues arising from its implementation.

22.3 In the event that any trader or potential trader is dissatisfied with the management of these Regulations, their issues will be dealt with in accordance with North West Leicestershire District Council's formal Complaints Procedure.

https://www.nwleics.gov.uk/pages/corporate_complaints_procedure.

22.4 The Council reserves the right to require any trader to leave the market place if there is a material breach of any of these conditions. Normally a written warning will be given specifying the breach and citing what remedial action is required before this right is exercised. In the cases of serious breaches termination may be immediate.

23. Accounts and VAT

23.1 All income needs to be accounted for. You may find it necessary to register for VAT dependent on turnover, to be paid to HM Revenue and Customs. See

<http://www.hmrc.gov.uk/vat/start/register/when-to-register.htm> or <http://www.hmrc.gov.uk/sa/register.htm> for further information.

24. Further Legal Obligations

24.1 A trader must also be aware of other statutory legislation applicable to him or her. As a self-employed person, a Trader is required to register and pay National Insurance contributions, see <http://www.hmrc.gov.uk/ni/index.htm>.

24.2 All parties must agree not to disclose any information covered in any contractual agreement or confidential discussions between the Council and the market trader.

These conditions are in no way intended to be a comprehensive summary of all relevant legal requirements. Further and more details advice for traders is available from Trading Standards who can be contacted on 01392 381 381.

25. Contacts:

25.1 Market Officer: Josh Hope T: 01530 454 773

Email: josh.hope@nwleicestershire.gov.uk

25.2 Operations Officer: Andrea Cave T: 01530 454 598

Email andrea.cave@nwleicestershire.gov.uk

25.3 Facilities Team Manager: Nick Cotter T: 01530 454 689

Email: nick.cotter@nwleicestershire.gov.uk

25.4 General enquiries

Email markets@nwleicestershire.gov.uk

These conditions are subject to variation at any time within reasonable notification and will be reviewed on an annual basis.

26. Privacy

26.1 Our full Privacy Notice can be found at https://www.nwleics.gov.uk/pages/website_privacy.