

West Suffolk Council Market Licence Regulations

April 2019

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1. Introduction

1.1 The need for market licence regulations

The markets operating in West Suffolk towns provide an essential community facility to residents and visitors and are intended to offer affordable business opportunities for traders. They are an important part of our local communities and ensuring that they continue to thrive and develop is part of West Suffolk Council's key economic development priority. The council intends to ensure that visitors receive an excellent standard of customer service, enjoy a positive experience and want to visit again.

With these goals in mind these regulations set out the terms and conditions which must be adhered to by a trader granted a licence to trade in the council's markets. These regulations define the council's rights as the market operator, and the standards and obligations the council is placing on the trader.

1.2 Any trader who is granted a licence to trade in the council's markets must accept and agree unreservedly to abide by these regulations

These regulations are intended to be fair and reasonable whilst providing the flexibility of the council's market operation to meet the potential future needs of the market's customers. These regulations also set out penalties for breach and include a fair and clearly defined process to appeal certain decisions taken by the council's Markets Management Team.

These regulations replace the Provision Market Regulations previously issued by the council.

1.3 The council's commitment to market traders

The council commits that it will administer the market operation in such a way as to ensure:

- a safe and welcoming environment in which to trade
- the continuous development and promotion of the markets and market events to attract new shoppers and traders
- a balanced market offering 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
- a right of appeal against suspension and or termination with a defined process and timetable, and
- open and two-way communication with all traders, either directly or through their nominated representatives.

1.4 Future changes

The council may change these regulations at any time in the future. Prior to changing these regulations the council will consult with traders for not less than four weeks and will then give four weeks' written notice before any change takes effect.

The daily operation of the market is the responsibility of the Market Supervisor (and his or her delegated Market Officer) who is entrusted and authorised to apply discretion and judgement in the interpretation of these regulations.

2. Definitions

Allocation list means a list of casual traders held by the Market Supervisor.

Appeal process means the process applied by the council for dealing with appeals submitted by traders against decisions taken by the council's Markets Management Team as set out in Regulation 11.4.

Authorised vehicles means vehicles authorised by the council to be used for display purposes as part of a trader's stall.

Casual trader means any trader granted a licence to trade and to pitch a stall in the market for a single market day.

Council means West Suffolk Council.

Equipment means portable rails and stands, generators, bins and other receptacles.

Exceptional circumstances means circumstances that cannot be reasonably foreseen and for which there is insufficient time to take the necessary action to resolve the situation arising from those circumstances.

Goods or services include provisions, commodities, articles and services permitted by the council to be brought into the market for the purpose of sale.

Licence means the Market Licence Agreement issued to a trader in the form prescribed by the council which permits traders to trade in the market in accordance with these regulations.

Licence fees means the fees payable by the trader to enable him to trade from the Market.

Market means the provision markets held in Bury St Edmunds and Haverhill respectively.

Market day means a day on which the markets are authorised by the council to open for trading as detailed in **Regulation 3.1**.

Market hours means the hours of operation as detailed in **Regulation 3.1** or as subsequently revised by the council.

Markets Manager means the officer responsible for the operation of the markets or a duly authorised officer of the council.

Market Shoppers Charter means the Market Shoppers Charter approved by the council and which all traders agree to recognise and abide by.

Markets Officer means the front line officer responsible for the operation of each market day.

Markets Supervisor means the operations supervisor or a duly authorised officer

responsible for the day to day running of West Suffolk markets.

Misconduct means unreasonable or inappropriate behaviour.

Permanent trader means any trader granted a licence to trade and pitch a stall in the market for a period of 12 consecutive calendar months.

Permanent trader request list means a list of requests submitted to the Market Officer and or Markets Supervisor requesting a specific site location if and when space allows.

Serious misconduct means conduct on the part of the trader or of their staff which the council considers so unreasonable that it destroys the trust necessarily required for the continuance of the trader's licence.

Site means the place allocated by the Markets Management Team to the trader upon which the trader is permitted to pitch a stall.

Stall includes a compartment, standing bench, table, vehicle, place, pitch or space in the market used or intended to be used for the sale of goods or services.

Trader means a person or legal entity offering goods or services for sale granted a licence to trade from a stall on the market.

Byelaws are rules made by a local authority for the regulation of its affairs or management of the area it governs.

3. General

3.1 Market days and market hours

The market days are:

Bury St Edmunds – Wednesdays and Saturdays

Market hours are 6am to 6pm. During this time traders are required to trade from 9am to 4pm.

Haverhill – Fridays and Saturdays

Market hours are 6am to 6pm. During this time traders are required to trade from 9am to 4pm.

Newmarket – Tuesdays and Saturdays

Market hours are 6am to 6pm. During this time traders are required to trade from 9am to 3pm.

Mildenhall – Friday

Market hours are 9am to 5pm. During this time traders are required to trade from 9am to 3pm.

Brandon – Thursday

Market hours are 9am to 2.30pm. During this time traders are required to trade from 9am to 12.30pm.

During December all trading hours on a Saturday are 9am to 4.30pm.

No trading shall take place on Good Friday, Christmas Day, Boxing Day or New Year's Day when these fall on a market day.

Market days may be varied by the council only in exceptional circumstances.

All traders must be set up to trade and remove any vehicles other than authorised vehicles by 9am on a market day.

Traders are not permitted to move vehicles on or off the market between the hours during which they are required to trade as specified for each market without the express permission of the Market Officer.

- 3.2 Traders will be allocated a site for their stall to trade from. The size and position of the site will be at the sole discretion of the Markets Manager, who reserves the right to change the location and size of a site in the event of exceptional circumstances. The decision of the Markets Manager in this respect shall be final and is not subject to an appeal. No site may be increased in size, nor exceed 12 feet in depth, without the prior permission of the Markets Manager or Markets Supervisor.
- 3.3 All traders must enter into a Licence and sign a declaration that they have read and agree to abide by these Market Licence Regulations. Traders will not be permitted to trade in the markets without a licence and signed declaration.
- 3.4 All traders are required to provide proof of public liability insurance cover as required under **Regulation 6** to the Markets Manager or Markets Supervisor prior to trading.
- 3.5 Permanent traders wishing to cease trading on the market must give a minimum of **four weeks'** written notice of their intention to the Markets Manager or Markets Supervisor. Such notice period may be waived by the Markets Manager or Markets Supervisor at their sole discretion. **A failure to give four weeks' notice will result in the permanent trader being charged a licence fee for the notice period.**
- 3.6 Nothing contained in these regulations is to be taken to relieve or excuse the trader from any existing legal duty. **Nothing herein shall be deemed to create the relationship of landlord and tenant between the council and the trader.**
- 3.7 All traders shall observe and comply with their licence, these regulations and the byelaws.

4. Licence

4.1 Nature, term, review and transfer of licence

4.1.1 Nature, term and review

Subject to Regulation 4.1.2, the licence is non-transferable and traders may not sublet or share their site without the prior written consent of the Markets Manager.

For permanent traders the licence will run for a minimum of 12 months from the date it is awarded, and the licence will automatically be renewed for a further 12 months subject to the circumstances set out below.

A licence may be reviewed by the Markets Manager or Markets Supervisor at any time. The trader will be advised in writing that his or her licence is under review and has 10 working days in which to respond before any decision is taken following the outcome of the review.

The criteria used to review a licence will include (but are not limited to) any outstanding licence fees due from the trader, the outcome of any complaints raised by customers, and evidence of customer demand for Goods and Services to be added to or removed from the market.

In the event that, following a review, the Markets Manager decides not to renew a licence; the Markets Manager will in all cases give the trader eight weeks' notice. The trader has the right to appeal any decision not to renew their licence in writing to the Assistant Director (Operations) and the appeal will be dealt with in accordance with the appeal process as set out in Regulation **11.3**.

4.1.2 Transfer of licence

4.1.2.1 During the term of the licence, a permanent trader who has been trading on the market for a minimum of 10 years in their own name and right (the transferring trader) may request the council to transfer the licence to a third party (the transferee). Such transfer will be at the sole discretion of the Markets Manager or Markets Supervisor and the council is not obliged to agree to transfer the licence to the transferee.

Prior to agreeing to a request to transfer the licence to the transferee, the licence shall be reviewed by the Markets Manager or Markets Supervisor.

In determining whether such a transfer request is reasonable and as part of its review of the licence, the council will consider the goods or services to be provided by the incoming trader (the transferee) to determine that they are compatible with those provided by the Transferring trader.

The transferring trader must note and inform the transferee that any transfer will not automatically include space for vehicles or access to electricity even if the Transferring trader has access to such facilities. It will be for the Transferee to liaise with the Markets Manager or Markets Supervisor to

determine whether a space for vehicles and/or electricity may be provided under the new licence.

The transferee cannot apply to change the goods or services included within the licence for a period of two years from the date of the transfer.

The transferee will be treated as a new permanent trader in all other regards.

The transferring trader will be wholly responsible for managing the handover of their business to the transferee in a smooth and timely fashion.

4.1.2.2 Upon requesting the transfer of a licence, the Transferee must provide to the Markets Manager:

- their full name, home address, telephone and email
- a fully disclosed credit check (Equifax)
- two independent references (not current serving West Suffolk traders)
- a sample or photograph of goods.

The transferee will then be required to attend an interview with the Markets Manager.

Where the transfer of the licence is granted, the transferor will be required to pay to the council the sum set out in Appendix 2 section 1.

Where a transferee is also on the allocations list, their name will be removed.

The decision of the council is final and the transferring trader will have no right of appeal where an application to transfer the licence has been refused.

4.1.3 Transfer upon the death of a permanent trader

In the event that a permanent trader has died, the council will permit a relative or civil partner to take over the licence or a named employee who has traded regularly on the permanent trader's stall to become a permanent trader provided they provide the information required at Regulation 4.1.2.2. An administration fee will be required in such circumstances set out in Appendix 2 section iv.

4.2 Product lines and product line extensions

4.2.1 Traders may only sell the goods or services set out in their licence.

4.2.2.1 When a trader wishes to amend or extend their goods or services they must make a written request to the Markets Manager who will consider the request in accordance with EU fair trading legislation. The Markets Manager's decision to grant or refuse the request will be final.

No goods or services amendments/extensions will become effective until a revised licence has been signed by the trader and returned to the council.

4.2.2.2 All unsuccessful applicants for goods or services amendments or extensions will be advised in writing with reasons why their application has been unsuccessful.

A failure by the trader or a person working on his stall to comply with this Regulation 4.2 may result in the trader being suspended from trading on the Market for up to four market days (Regulation 11)

4.3 Applications for sites and new site allocations

4.3.1 Markets are primarily a concourse for buyers and sellers, not a forum for promotion of political parties, views, petitions or similar activities.

All applications for a permanent licence including those from existing traders who want an additional or alternative site must be submitted in writing using the appropriate form which is available on the council's website or upon request to a Market Supervisor. The council may impose a reasonable administration charge to cover the costs involved in processing such applications (see Appendix 2).

4.3.2 The Markets Manager or Markets Supervisor will consider all applications for vacant sites against criteria including (but not limited to):

- EU fair trading legislation
- traders who have registered a move with the Market Officer and or Market Supervisor and are on the 'traders request list'
- the need for the particular trade stated on the application and for preserving a proper balance of product lines
- the previous conduct of the trader (if applicable), including any failure to comply with these regulations or any legislation, or byelaws relating to the markets
- evidence of demand from shoppers for the continuation of the trade or product line concerned, and
- quality of the product line being offered and its presentation.

4.3.3 Applications for new sites or extensions to existing sites will be subject to an appropriate fee (see Appendix 2). Applications will not be considered for existing traders if they are in arrears with their licence fees.

4.3.4 All unsuccessful applicants for stalls will be advised in writing with reasons why their application has been unsuccessful with no appeal.

5. Payment and fees

5.1 Payment and charging of licence fees

5.1.1 Permanent traders may trade for up to 52 weeks per year but will only be charged for 48 weeks per year. The 4 weeks for which permanent

traders will not be charged (4 Free Weeks) may be used by the council to close the Market in Exceptional Circumstances to include but not limited to reasons of health and safety, the Market falling on a public holiday or adverse weather conditions. permanent traders may also, at their own risk, utilise any of the 4 Free Weeks for which they will not be charged in order to be absent from the Market in accordance with Regulation 5.2 but will be charged for the absence if the council is subsequently required to close the Market in Exceptional Circumstances.

- 5.1.2 Licence fees and other charges are determined by the council, and will be notified to traders in writing. Additional charges are set out in Appendix 2 to these Regulations.
- 5.1.3 The council reserves the right to revise the basis upon which licence fees and charges are agreed. In such circumstances the council will consider representations from the traders.
- 5.1.4 Licence fees will usually be reviewed annually, but the council has sole discretion to conduct additional reviews at intervening intervals.
- 5.1.5 Permanent traders may pay their licence fees by monthly direct debit, invoice, BACS transfer, credit or debit card using our automated telephone system. Other ways to pay are listed on the reverse of the invoice. Payments by direct debit will be collected on the fourteenth day of each month or the next banking day.

Casual traders may only pay their licence Fee fees by cash in accordance with Regulation 5.1.6.

Permanent traders who give notice to terminate their licence must pay all outstanding fees before the end of their termination notice.

- 5.1.6 Cash payments will be collected by the Markets Manager or Markets Supervisor on the day of the market. In the event that a trader does not pay, they will not be allowed to trade on the market until the outstanding fee is paid.

Unpaid licence fees

In the event that a trader's licence fees are not received, the council may apply a charge for collecting each unpaid licence fee (See Appendix 2). The council may also take disciplinary action against the trader as set out in Regulation 11.

- 5.1.7 All permanent traders must pay their licence fees irrespective of whether they attend the market.
- 5.1.8 Failure to pay an outstanding licence fee or charge by the due date may result in the trader being refused entry to the market.

No trader will be permitted to trade where they have accrued outstanding licence fees in the preceding 24 months. A continued failure to pay the licence fees may result in the licence being terminated. There will be no right to appeal against termination for

non-payment of licence fees.

5.2 Absences

- 5.2.1 Permanent traders must advise the Markets Manager or Markets Supervisor of their absence, using one of the telephone numbers below, as soon as is reasonably possible in advance of the market day and by no later than 8am on the market day in question:

| | |
|--------------------------------|--------------|
| Market Supervisor | 07983 389726 |
| Bury St Edmunds Market Officer | 07930 268822 |
| Haverhill Markets Officer | 07930 268849 |
| Mildenhall Markets Officer | 07775 801234 |
| Newmarket Markets Officer | 07775 801234 |

The council reserves the right to reallocate the permanent trader's site for that market day to another trader for the market day in question.

Failure to attend without formally notifying the Markets Manager (an unauthorised absence), **other than under exceptional circumstances, on four or more occasions** will be considered a disciplinary offence.

A failure by a trader or a person working on his stall to comply with this Regulation 5.2 may result in the trader being suspended from trading on the market for up to four market days (Regulation 11) and will be required to pay the licence fee for those four market days.

6. Insurance and liability

6.1 Insurance

- 6.1.1 Traders must provide evidence that they hold third party public liability insurance at the minimum level required by the council as notified to traders in writing from time to time by displaying their current policy of insurance or National market Trader Federation (NMTF) membership on their stall (NMTF members are insured for £10 million third party (public) and products liability Insurance and £10m employers liability insurance). The minimum requirement by the council is currently £5 million.
- 6.1.2 Where appropriate, traders who are responsible for employees must hold employer's liability insurance. Under the Employer's Liability (Compulsory Insurance) Act 1969, all employers are required to have a minimum level of cover of £5 million. It is the responsibility of the trader to know and understand their legal liabilities under this act, and in respect of all and any legislation regarding the employment of staff.
- 6.1.3 Traders not displaying evidence of insurance or, if they are members of the NMTF, their membership number, will not be permitted to trade. No rebate of the licence fee will be given in these circumstances.
- 6.1.4 Traders must notify the Markets Manager or Markets Supervisor of any

changes in insurance and provide copies on request and on renewal.

6.2 Indemnity and cost of damage

- 6.2.1 Traders shall indemnify the council against all demands, claims, losses, costs and expenses made against or incurred by the council (including all direct, indirect and consequential loss in relation to but not limited to personal injury, property damage and/or loss or damage to third parties), or damage suffered by the council caused by or arising from the negligence of the trader in connection with the market or arising under or in connection with any facilities provided to the trader under the licence.
- 6.2.2 The council reserves the right to charge any trader the full cost of repair or renewal to any council property related to the markets where, in the reasonable opinion of the council, the trader or anyone working with the trader caused the damage.

7. Conduct

- 7.1 Traders are responsible for their own conduct and that of anyone working on or in connection with their stall at all times while they are on the market.
- 7.2 A breach of these regulations by anyone working on or in connection with a trader's stall will be deemed to be a breach by the trader.
- 7.3 Traders are responsible for complying with all legislation and regulations that apply to the individuals they employ or engage (see Appendix 3 in relation to the employment of persons aged under 18 years).
- 7.4 Traders and those working with them **must not:**
- 7.4.1 use abusive or foul language or intimidating behaviour
 - 7.4.2 be abusive to any official of the council
 - 7.4.3 discriminate against anyone on the grounds of age, gender, race, nationality, ethnic origin, sex or sexual orientation, disability, gender-reassignment, religion or belief
 - 7.4.4 use or permit the use of illegal substances or alcohol within the footprint of any stall on the market
 - 7.4.5 smoke within the footprint of any stall on the market
 - 7.4.6 hawk or carry goods about for sale, except where they have express written permission from the Markets Manager to do so
 - 7.4.7 sell animals on the market
 - 7.4.8 cause or encourage anything that is considered by the Markets Manager or Markets Supervisor to be a nuisance or annoyance to the public or other traders or occupiers of property in the vicinity of the market
 - 7.4.9 make any noise or play music that is considered by the Markets Manager or Markets Supervisor to be a nuisance or inconvenience to other traders, customers or occupiers of property in the vicinity of the market
 - 7.4.10 cook on their stall except where this is part of the product line set out in their licence.
- 7.5 Animals, including pets, (other than assistance dogs) are not permitted on any

market.

- 7.6 Payments to council staff (other than licence fees) or the giving of goods to council staff by traders is not permitted under any circumstances. Acceptance of such payment or goods by council staff will be considered Serious Misconduct and will render them liable to dismissal. Any trader found doing so will be given written notice by the council of immediate suspension from the market and termination of their licence.

In such event the trader will have the right to appeal such notice, but will not be allowed to trade whilst suspended.

The council reserves the right to notify the appropriate authorities if it believes that any trader has attempted to bribe any council official.

8. Market operation

8.1 Hours of operation and attendance

- 8.1.1 Traders must not come onto the market as set out at 3.1. traders will remove from the market and access areas any vehicle (other than Authorised Vehicles), by no later than on any market day and no vehicle shall be brought back onto the market or access areas before 16.00 on any market day unless by consent of the Markets Manager or Markets Supervisor. Any vehicle remaining on the market during the above hours shall not be moved unless ordered to be removed by a police officer or the Markets Manager or Markets Supervisor. market pack up should not commence before 3.30pm or as advised by the Market Officer and or Market Supervisor.

For markets that may operate on additional days, over and above the market days for example Christmas, notification of such dates and/or times will be confirmed in writing to all trader applicants by the Market Supervisor and or Market Officer.

Additional or extended trading days cannot be guaranteed and are subject, but are not limited to:

- there being sufficient trader numbers to warrant an additional market
- there being suitable and sufficient council resources to implement the market operation
- local businesses and or any BID groups being aware of the event and it not clashing with any other town event.

- 8.1.2 All traders must ensure that their stall is suitably staffed throughout the hours of operation and is open for trade.

- 8.1.3 It is the responsibility of traders to notify the Markets Manager or Markets Supervisor of any delay in attending the market (for example, because of illness, vehicle breakdown or other reasonable cause beyond the trader's control). In the absence of doing so, traders who fail to attend their stall by 08.00 may not be permitted to trade on that market day. No refund of licence fees will be paid in these circumstances. The council may reallocate the site to another trader in

such circumstances.

8.2 Closure and layout of the market

- 8.2.1 The Markets Manager shall have the right to close the market at their absolute discretion if they consider this to be necessary on the grounds of health and safety or as directed by police. Furthermore, the Markets Manager or Markets Supervisor may close or alter the layout of the market or close and stop the sale of goods or services from any site at any time, without being liable for any loss sustained by the trader, directly or indirectly, if it is considered by the Markets Manager to be in the interest of the market or the public to do so.

8.3 Works affecting the market

- 8.3.1 Whenever 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.

9. Health and safety

9.1 General health and safety

- 9.1.1 Traders have a legal duty of care to maintain the health and safety of their employees, other traders and visitors to their site.

All traders must comply with all requirements of the Health and Safety at Work Act 1974 as amended and with directions issued from time to time by the council with a view to maintaining or improving the health and safety environment within the perimeter of the site and in the market in general.

9.2 Vehicle movements

- 9.2.1 Traders are responsible for health and safety in respect of vehicular movement. traders must ensure that any vehicle they bring on to the market is taxed and insured for business use.
- 9.2.2 Traders must drive carefully in the market and with regard to pedestrians and ensure that they observe a maximum vehicle speed of five miles per hour when on or in the vicinity of the markets and that vehicles display hazard warning lights. When reversing a vehicle traders should enlist the help of another person to help direct the vehicle and protect pedestrians.

A failure by a trader or a person working on their stall to comply with Regulation 9.1.1 may result in the trader being suspended from trading on the market for up to four market days (Regulation 11)

9.3 Obstruction loading or unloading

- 9.3.1 When loading or unloading their vehicles, all traders shall cause as

little obstruction and inconvenience as possible to the public, other traders or the council's employees and contractors.

- 9.3.2 Traders must comply with such requirements as the Markets Manager deems necessary to ensure emergency access is not compromised including a standing requirement to park vehicles parallel to the emergency access.

9.4 Risk assessment

- 9.4.1 All traders are required to submit a suitable and sufficient risk assessment in respect of their site which should include the set-up, operation and breakdown of their site. The Markets Manager or Markets Supervisor reserves the right to refuse trading if the risk assessment is not submitted or if in the opinion of the Markets Manager or Markets Supervisor the risk assessment is not suitable and sufficient for purpose. To obtain information and details on Risk, How to assess risk, the completion of risk assessments and to download a Risk Assessment form. Visit the HSE Health and Safety Executive website. www.hse.gov.uk

9.5 Fire

- 9.5.1 Traders must provide fire extinguisher(s) suitable for the activities that they are undertaking (also see LPG). If electrical equipment is on the site then a CO² extinguisher should be available. Fire extinguishers must be located within the site and be easily accessible and maintained in accordance with The Occupational Safety and Hazard Administration (OSHA).
- 9.5.2 The fire extinguisher must display an inspection label to show it has been inspected within the previous 12 months.
- 9.5.3 Traders must provide a fire risk assessment for their site and ensure that their staff or volunteers are aware of what to do in the event of a fire in accordance with the Fire Evacuation Procedure issued with the licence.
- 9.5.4 The trader shall avoid any action which would or would be likely to contribute to a fire risk, including overloading electrical supplies and inappropriate storage of combustible materials.

9.6 Liquid Petroleum Gas (LPG)

- 9.6.1 All traders using liquid petroleum gas (LPG) must conform to LPG Code of Practice 24 and have the current annual Gas Safety Inspection certificate **on site**.
- 9.6.2 All traders using LPG must provide a suitable, serviceable fire extinguisher which must be located near the appliance (also see Fire).
- 9.6.3 Suitable hazard signage must be displayed on the site so as to comply with the Health and Safety (Safety Signs and Signals) Regulations 1996.

9.7 Electricity

9.7.1 A limited electricity supply is available for trader use and is chargeable. Check with your Market Officer for current fees. Availability is on a first come first served basis.

Regrettably, hook up cannot be booked or reserved. The electricity supply is only to be used for appropriate lighting, scales and tills and other uses which are reasonable, in the opinion of the Markets Manager or Markets Supervisor.

9.7.2 Traders may only use electrical equipment that is in good condition, weatherproof and suitable for outside use. All electrical equipment must have a valid up to date Portable Appliance Test (PAT) certificate which must be available to the Markets Manager or Markets Supervisor upon request.

9.7.3 Traders are responsible for ensuring the electrical equipment used is inspected as follows:

a. By a competent person (which can be the trader):

- before use inspection – no written record required;
- six-month equipment formal inspection – as laid out in the Code of Practice for In-service Inspection and Testing of Electrical Equipment (4th Edition), written record required.

b. By a qualified PAT person:

- 12 month formal inspection and test – as laid out in the Code of Practice for In-service Inspection and Testing of Electrical Equipment (Forth Edition), written record required.

9.7.4 Connections to the electricity supply must be made by a suitably competent person (using robust, moisture and tamper proof connections which are suitable for outside use). Suitable and sufficient earth-leakage protection must be installed and maintained as part of the fixed wiring installation.

9.7.5 Traders are required to provide cable mats and or covers (at their own expense), to ensure that trailing cables do not present trip hazards or any other hazard and are suitably protected.

9.7.6 Where safe and practical to do so and without interfering with other traders' ability to trade, traders must allow other traders to plug in to the power supply cables used by their stalls.

9.7.7 Under no circumstances is electricity to be used for heating purposes.

9.8 Generators

9.8.1 Only silent running diesel generators will be permitted on the market, with the prior written agreement of the Markets Manager and subject

to such conditions as the Markets Manager may require.

- 9.8.2 Permitted generators must be located so as not to be accessible to members of the public or other unauthorised persons.
- 9.8.3 No refuelling or storage of fuel is allowed on the markets.
- 9.8.4 If the Markets Manager or Markets Supervisor considers that a generator is too noisy, they may require that the generator be switched off immediately.

9.9 Temporary structures

- 9.9.1 Any temporary structure erected as part of the market must be suitable for the purpose intended, of good condition and erected by competent persons.
- 9.9.2 Stalls will need to be suitably secured to prevent the risk of overturn or collapse; any fabric will need to be fire protected and meet The Furniture and Furnishings (Fire) (Safety) Regulations 1988.

9.10 Stalls

- 9.10.1 Traders must not place or cause any goods to be placed on any site such that they encroach or extend beyond the boundaries of the site unless they have the permission of the Markets Manager or Markets Supervisor. Consideration must be given at all times to ease of access for all users of the market. Any trader breaching this Regulation will be liable to suspension from the market.
- 9.10.2 Traders may only use A-boards on the site if the boards are wholly contained within the boundary of the site, not causing an obstruction and subject to any requirements of the Markets Manager or Markets Supervisor.
- 9.10.3 Traders must not leave any goods, articles or equipment on the market outside market Hours without the prior written consent of the Markets Manager or Markets Supervisor. Any trader's property left on the market outside market Hours is left at the individual trader's own risk.

A failure by the trader or a person working on his stall to comply with this Regulation 9.10 may result in the trader being suspended from trading on the market for up to four market days (Regulation 11).

9.11 Identity

- 9.11.1 The council, will allocate a unique licence number to each trader. Traders must display this licence number in a prominent and visible location on their stall, using a legible, well presented sign of a **minimum size** of 240mm x 300mm. This sign must also show their National Market Trader Federation membership number (if applicable). All traders selling prepared food will also be required to display a sticker showing the rating awarded to them under the Food Standards Agency national food hygiene rating scheme.

This sign must remain in position throughout the market day. The Markets Manager and Markets Supervisor reserve the right to instruct traders to reposition the sign to a more visible position if necessary.

Traders will not be allowed to trade in the market without displaying a sign that meets the council's requirements under this Regulation 9.11.

A failure by a trader or a person working on their stall to comply with Regulation 9.11.1 may result in the trader being suspended from trading on the market for up to four market days. (Regulation 11)

The council will provide a display board to casual traders which must be returned at the end of the market day. The council may at its discretion require a deposit of £10 to ensure the safe return of the board.

9.11.2. **The** council has a statutory responsibility under the National Fraud Initiative to provide detailed information about the traders licensed to trade in the markets. All traders must therefore register their current permanent address, dates of birth, National Insurance numbers, email address and contact telephone number with the Markets Manager or Markets Supervisor/Officer, who must be notified of any changes.

Two forms of documentary proof of the trader's identity and address must be supplied.

Traders who fail to provide this information will not be permitted to attend the market until this is rectified.

Traders are required to update the Markets Manager or Markets Supervisor or Officer of changes to this information as they occur.

9.12 Litter and waste

It is the sole responsibility of the trader to ensure the safe management of waste on and around their site, which if not handled properly can cause surfaces to become hazardous for slips, trips and falls. Council employees are not authorised to enter a trader's stall to collect waste, and it is solely the trader's responsibility to prepare all waste for collection by the council as set out in this Regulation 9.12.

Traders are required to comply with the recognised cleansing standards, which have been adopted by the council.

9.12.1 The council will carry out regular waste collection and cleansing of the market areas as necessary to maintain their effective operation.

9.12.2 Throughout and at the end of the market day traders must ensure their site and surrounding area including any adjoining passages (whether used in conjunction with other traders or not) is swept, cleaned and clear of all refuse and waste, and the surfaces around their site left safe and without hazard to others.

9.12.3 The council will at its own discretion provide and maintain adequate,

hygienic and efficient refuse disposal facilities on the market at all times subject to breakdowns and other matters beyond its immediate control. The council may remove this discretionary service at any time.

Traders must use these facilities for the disposal of waste produced whilst attending the market only, any trader found to be disposing of waste from other markets will result in the trader being suspended from trading on the market for up to four market days. (Regulation 11)

- 9.12.4 Traders must use the correct waste receptacle as directed by the council in respect of food waste, general waste and cardboard waste.
- 9.12.5 All cardboard waste produced by the trader must be flattened prior to disposal in the correct waste receptacle.
- 9.12.6 Under no circumstances must traders use the public litter bins for disposal of their trade waste.
- 9.12.7 Traders providing containers for food or drink consumption on the market shall make such additional arrangements for litter as the Markets Manager or Markets Supervisor shall deem necessary.
- 9.12.8 Traders must comply with any new initiatives introduced to improve the recycling of trade waste on the markets as advised in writing by the Markets Manager or Markets Supervisor from time to time.
- 9.12.9 **Failure by a trader or a person working on their stall to comply with this Regulation 9. 12 may result in the trader being suspended for up to four market days (Regulation 11)**

In addition the council will charge the trader the full cost (see Appendix 2) and any reasonable administrative costs arising from the removal and disposal of the waste as required.

9.13 Food stalls

- 9.13.1 All traders operating food stalls shall comply with any legislation relating to their business including (but not limited to) the provisions of the Food Safety and Hygiene (England) Regulations 2013 (or its equivalent) and **Regulation 13**. Traders must also display their food hygiene rating on the stall in accordance with Regulation 9.11.

9.14 Amplified music

Amplified music and/or use of an amplified microphone will only be permitted with the written agreement of the Markets Manager or Market Supervisor and may be subject to conditions of use.

10. Market Shoppers Charter

- 10.1 All traders attending the market agree to abide by the terms and conditions of any market Shoppers Charter adopted by the council.
- 10.2 All traders shall display a copy of the Market Shoppers Charter as set out below on their stall at all times:

Market Shoppers Charter

Thank you for choosing our market to shop on our markets.

We hope that you enjoy the experience and that you find the goods on offer and the service you receive from stall holders meet with your expectations.

If this should not be the case then we want you to be assured that the markets management team will do everything practical to put right the situation.

In the first instance you should speak with the stallholder concerned, taking with you any receipts and explain the problem quietly and calmly. In most instances we would anticipate that the problem will be satisfactorily resolved at this stage.

If you cannot remember the stall location or cannot reach an agreement with the stallholder you should then contact the Market Supervisor who will be pleased to assist you.

Contact details

Market Supervisor: phone:07930268822 email markets@westsuffolk.gov.uk

Your legal rights

You are entitled to compensation or redress when:

- goods sold as new are faulty and do not work satisfactorily
- goods are unsafe and are unfit for the purpose for which they were purchased
- goods are not as described either verbally or on the label or packaging or otherwise, or
- services are not as described and are not carried out in a proper manner with the provider using reasonable skill and care and are not carried out within a reasonable time and at a reasonable price.

However, you are not legally entitled to compensation or redress if:

- you have simply changed your mind over the colour, style, size and so on. of the article, seen a cheaper product elsewhere or have no further use for the goods
- the goods contained defects which were made known to you at the time of purchase or as described by a notice, or
- the goods have been mistreated or used for a purpose for which they were not intended.

11. Disciplinary Code of Practice

If any trader (including any person working on their stall) fails to comply with these Regulations or any byelaw relating to the market, they may be disciplined by the council in accordance with the following Disciplinary Code of Practice.

Ignorance of these Regulations and byelaws will not be accepted as a defence.

11.1 Contravention of the regulations or byelaw or misconduct

With the exception of those contraventions which are expressly identified as carrying immediate suspension or termination (Regulation 11.3), the council will apply the following process in addressing contraventions:

- a. first offence by a trader or any person working on their stall – a written notice of breach from the Markets Manager or Markets Supervisor. traders will be reminded of their obligations and no further action taken
- b. a repeat of the same offence by a trader or any person working on their stall – a written notice from the Markets Manager or Markets Supervisor giving notice of suspension. Subject to (c) below, traders will be suspended for the period specified within the notice with immediate effect
- c. in the event that the trader decides to appeal against a suspension, the trader will be allowed to continue to trade until the appeal is heard (see Regulation 11.3).

11.2 Penalties for contravention of the regulations or byelaw or misconduct

As previously set out within these Regulations, the following penalties will apply:

- Stall clean and clear of waste or to dispose of waste correctly swept and clean (Regulations 9.12.2, 9.12.4, 9.12.5, 9.12.6, 9.12.7) - suspension from the market for up to four market days and the trader will be charged the full cost (see Appendix 2) including any reasonable administrative costs arising from the removal and disposal of the waste
- Traders leaving the site early (Regulation 8.1.1) - suspension from the market for up to four market days.
- Traders packing up early (Regulation 8.1.1) - suspension from the market for up to four market days.
- Unauthorised movement of vehicle on the market or failure to remove vehicle from the market (**Regulation 9.2.1**) – suspension from the market **for up to four market days.**
- Exceeding the allocated site (**Regulation 3.2**) – suspension from the market **for up to four market days.**
- Changing or extending product line(s) (**Regulation 4.2.1**) without prior approval – suspension from the market **for up to four market days.**
- Failure to notify the Markets Manager or Markets Supervisor of absence (**Regulation 5.2.3**) – suspension from the market **for up to four market days.**

11.3 Contraventions which carry immediate suspension and/or termination

A traders' licence will be liable to immediate termination by the Markets Manager for breaches of these regulations arising out of their conduct (or the conduct of a person working on their stall) which is considered by the council to be serious misconduct. In the event that a licence is terminated, the trader shall not be entitled to compensation from the council.

Examples of serious misconduct which will justify termination of a licence are outlined below:

- Dishonesty
- Under the influence of alcohol, legal highs or illegal substances in breach of the council's Drug and Alcohol Misuse Policy and Procedure.
- Unauthorised betting games.
- Assaulting a member of the public, council employees or another trader.
- Verbal abuse, the use of foul or abusive language, harassment, intimidation, discrimination or bullying towards a member of the public, council employees or other trader(s).
- Interfering in any way with the business of another trader.
- In the reasonable opinion of the Markets Manager or Markets Supervisor, the trader brings the market into disrepute.
- Failure to comply with the requirements of consumer protection legislation.
- Failure to comply with the requirements of food hygiene regulations.
- The trader has been convicted of selling counterfeit products or has received a formal caution, formal warning or such other similar measure from the Trading Standards Service or any other enforcement agency.
- The trader has persistently failed to make payment of the licence fee, within the time limit set and or consistently fails to honour a direct debit for the payment of licence fees.
- The trader has failed to comply with the health and safety legislation affecting the market or any health and safety requirements notified to the trader by the council.
- The trader fails to attend the market they are licensed to attend for 10 weeks or more during the course of a calendar year.
- The trader persistently infringes these market licence regulations.

If a trader wishes to appeal against the termination in accordance with Regulation 11.4 their licence will remain suspended pending the outcome of the appeal.

11.4 Appeals process

11.4.1 A trader who has been suspended from the market in accordance with Regulation 11.2 or whose licence has been terminated in accordance with Regulation 11.3, may appeal in writing to the Operations Director West Suffolk council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU or email: markets@westsuffolk.gov.uk within five working days from but not including the day the trader is notified of the decision against which they wish to appeal.

11.4.2 The trader is entitled to request a hearing to make representations to explain why the decision against which they wish to appeal should be

overturned. Such request must be made at the time of submitting the written appeal.

- 11.4.3 The Operations Director person delegated to represent him) will conduct the hearing of the appeal within 28 days of receipt of the written request.
- 11.4.4 In considering any appeal the Operations Director will have regard to any relevant documentation and may call to give evidence such person, including the appellant trader, as he/she considers appropriate.
- 11.4.5 Traders attending an appeal will be entitled to bring with them a friend or colleague or, if they are a member, a local representative of the National market Traders Federation who are allowed to speak on their behalf.
- 11.4.6 The written decision of the Operations Director including the reasons for it, will be sent to the registered address of the trader within 14 days of the hearing.
- 11.4.7 The decision of the Operations Director shall be final and there shall be no further right to appeal.

12. Allocation of occasional sites to casual traders

- 12.1 Casual traders must report to the Markets Manager or Markets Supervisor before 8am on the intended day of trading. Failure to do so will mean that the casual trader is placed at the end of the list for that market day's allocation.
- 12.2 The Markets Manager or Markets Supervisor operate an allocation list. The order on which casual traders are placed on the allocation list may be altered at any time if this is considered to be in the best interests of the market. This will be decided by the Markets Manager or Markets Supervisor, whose decision will be final.
- 12.3 Casual traders will not be allocated a site if the same or similar goods or services are sold by the absent permanent trader.
- 12.4 Casual traders will not be placed next to a permanent trader selling the same or similar goods or services.
- 12.5 Casual traders may decide to wait for a particular site. If the site is claimed the casual trader's name will be placed at the foot of the allocation list for that market day.
- 12.6 Casual traders missing three consecutive market days will have their names withdrawn from the allocation list.
- 12.7 Casual traders may not transfer from one site to another without the permission of the Markets Manager or Markets Supervisor.
- 12.8 Casual traders who are allocated a site on the market must produce, on request, a certificate of current membership of the National Market Traders Federation or, if they are not a member, a current certificate of public liability

insurance. Failure to do so will mean that they will not be allocated a site on the market for that day. Casual traders will have their name withdrawn from the Allocation List if they fail to produce a certificate within seven days of such request by the Markets Manager or Markets Supervisor.

13. Food stalls

The following should be read in accordance with Regulation 9.13

- 13.1 A fully equipped first aid box must be provided by the trader and kept on the site. Any cuts and abrasions must be covered by a blue waterproof dressing.
- 13.2 All food must be kept at least 18 inches above the ground and protected at all times from the risk of contamination.
- 13.3 Open or unwrapped food, other than fruit and vegetables, must only be sold from stalls or vehicles which are approved by the council for this purpose.
- 13.4 Traders selling pre-cooked food including (but not limited to) pies, cakes, pastries, cooked meat, poultry, dairy products (including cheeses), must be covered and must provide adequate refrigeration where applicable. Such produce must only be sold from stalls or vehicles which are approved by the council for this purpose. Fish must be displayed with an adequate ice or ice water covering to ensure sufficient refrigeration.
- 13.5 Waste water from sinks, wash hand basins and so on. must be discharged in street drains as directed by the Markets Manager or Markets Supervisor.
- 13.6 Traders or any person working on their stall must not smoke behind or in the vicinity of the stall.
- 13.7 Traders must wear suitable, clean and where appropriate protective clothing and shall maintain a high degree of personal cleanliness.
- 13.8 No loose refuse, waste or unfit food is to be allowed to accumulate on or about the site. It must be bagged securely on a regular basis throughout the day.
- 13.9 Traders must have hand washing facilities with hot and cold water available on the site, if they are handling high risk foods. See Appendix 1 for information about high risk foods.
- 13.10 Traders running a high risk food business must have available for inspection at the site the appropriate Safer Food Better Business Pack.
- 13.11 All traders must have a national hygiene rating of at least '3' or above.
- 13.12 Traders must display a valid food hygiene rating on their stall.

14. Complaints

- 14.1 Any traders with a problem or complaint with regard to management of the market must first contact the Operations Director at the address below. The matter will be dealt with in accordance with the council's complaints procedure.

Operations Director
West Suffolk Council
West Suffolk House
Western Way
Bury St Edmunds
IP33 3YU

If the trader is still not satisfied he or she may refer the matter to the Local Government and Social Care Ombudsman (LGO).

The LGO can be contacted at: [Local Government and Social Care Ombudsman website](#)

Privacy notice

West Suffolk Council is a data controller and can be contacted at: West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU. Phone: 01284 763233. We are collecting your personal information in order to process your application under the Financial Services and Markets Act 2000 as we are the licencing authority. Your data will not be shared with third parties but may be used for council purposes, in order to prevent or detect crime, to protect public funds or where we are required or permitted to share data under other legislation. Your data will be kept for two years after you have ceased trading and in line with our retention policy. You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Automated decision making and processing is not used during this application. Please contact the data protection officer for further information or go to our website where your rights are explained in more detail. If you would like to receive an explanation of your rights in paper format please contact the data protection officer. Any complaints regarding your data should be addressed to the data protection officer in the first instance. If the matter is not resolved you can contact the information commissioner's office at: Wycliff House, Water Lane, Wilmslow, Cheshire, SK9 5AF Tel: 0303 123 1113. If you do not provide the information required on the application form then we will not be able to process your application for a licence.

For more information on our data protection policies please go to our website: [How we use your information](#) or email: data.protection@westsuffolk.gov.uk

9.15 Regulation review dates

| | |
|-----------------|-------------------------------|
| 19 January 1987 | Provisions Market Regulations |
| 1 November 1988 | Provisions Market Regulations |
| 1 November 1990 | Provisions Market Regulations |
| 1 March 1996 | Provisions Market Regulations |
| September 2013 | Market Licence Regulations |
| September 2014 | Market Licence Regulations |
| 11 April 2016 | Market Licence Regulations |
| April 2017 | Market Licence Regulations |
| April 2018 | Market Licence Regulations |
| April 2019 | Market Licence Regulations |

Appendix 1 Food hygiene

8.1 High risk foods

Some foods are classified as 'high risk' foods because they support the growth of bacteria and tend to be moist and high in protein. If bacteria are allowed to multiply in this food they will not be killed before the food is eaten. Foods containing salt, sugar or acid (for example, vinegar) discourage the growth of bacteria.

Please note that the following guidance is **not** exhaustive. It is the responsibility of the trader to be fully aware of **all** risks associated with the storage, preparation and cooking of food and to take all reasonable steps to minimise these risks.

Cooked meat and poultry

Cooked meat and products with cooked meat in them such as gravy, soup and stocks, are particularly rich in nutrients. Bacteria thrive on these nutrients and especially in warm conditions, even a small number of bacteria will multiply to become millions in a short time.

Dairy products and eggs

Products such as mayonnaise, custard and cream often cause food poisoning. This usually happens because they have been kept in warm conditions. Once you have opened the mayonnaise jar you must keep it refrigerated. Some cheeses are also considered to be high risk.

Shellfish

Shellfish may eat food that is contaminated and may also pick up bacteria and viruses from polluted water. Make sure you buy your shellfish – prawns, mussels, oysters, crabs, lobsters and so on – from a reputable source or supplier. There is more risk from eating raw shellfish such as oysters.

Cooked rice

Bacterial spores can be found in dry rice and then the spores become active again when water is added during the cooking process. Some of these bacterial spores can survive the cooking temperature of boiling water. Cooked rice should be eaten immediately or refrigerated; otherwise the bacteria will multiply and produce a toxin which may survive even if the rice is reheated before being eaten.

Appendix 2 Licence charges – April 2019

1. Fee for transfer of licence: Minimum fee of £350.00 (Regulation 4.1)
2. Fee for collection of unpaid licence fees on each occasion: £50 (see 5.1.5).
3. Fee for removal and disposal of waste is variable according to current wage/disposal costs – current costs will be advised by Waste Management (see 11.2.1).
4. Administration fee: £50.

Appendix 3 Employees under 18 years of age

Employers need apply for a child employment permit via Suffolk County Council before employing any child over the age of 13 to work part time.

A child must be 13 years or older to get a part-time job.

Hours of employment children can work

School days

Between 7am and 7pm
for two hours on school days and only one hour before school
12 hours per week during term time

Saturdays and school holidays

Five hours a day if between 13 and 15 years old
Eight hours a day if they're 15 and older

Sundays

Two hours on a Sunday.

Children must have two weeks free from work during their school holidays and each year.

Children can only work full-time after they've reached the minimum school leaving age and can work up to 40 hours a week.