



Richmond Town Council
OUTDOOR
MARKET TRADING CONDITIONS

RICHMOND OUTDOOR MARKET

Market Trading Conditions
Pitch and Stall Allocation Policy
Calculation of Rents and Charging Policy

Contents

Section 1:	Outdoor Market Attendance	4/5
Section 2:	Use of Pitches	5/6/7/8
Section 3:	Conduct of Traders	8
Section 4:	Disposal of Refuse, Cleansing	8
Section 5:	Grievance Procedure	9
Section 6:	Infringement of Conditions	9/10
Pitch Allocation Policy		
Section 7:	General	10
Section 8:	Casual Trader	10
Section 9:	Regular Trader	11
Calculation of Rents and Charging Policy		
Section 10:	Calculation of Rents	11
Section 11:	Payment of Rents	11/12

March 2015

RICHMOND MARKETS SERVING THE COMMUNITY SINCE 1268

MARKET TRADING CONDITIONS

Section 1: Attendance at Markets

- 1.1 Market Traders are required to provide, erect and dismantle their own stalls on the Outdoor Market.
- 1.2 All privately owned stalls, vehicles or stands on the Outdoor Market must be constructed to a specification acceptable to the Market Superintendent and kept in a good state of repair. Traders who have such equipment or vehicles, irrespective of whether such Traders are the actual owners or hirers, must indemnify the Council against any claim for damages or injury to persons or property arising from such equipment, however it may be caused.
- 1.3 Pitches reserved for a Regular Trader on the Outdoor Markets will be kept available until 8.30 am on the day of the Market. Thereafter vacant pitches will be allocated to Casual Traders in accordance with the Council's Association Policy. In the event of delay, illness, vehicle breakdown or other reasonable cause which is notified to the Market Superintendent prior to 8.30 am – a delay in starting may be authorised at the discretion of the Market Superintendent.

All persons manoeuvring vehicles on the Market shall be appropriately qualified to drive/propel the type of vehicle and hold valid insurance cover.

- 1.4 All Traders on the Markets must cease trading and vacate their pitches by not later than 6.00pm on the day of the Market, except where authorised.
- 1.5 In exceptional circumstances a Regular Trader may be granted compassionate leave, at the absolute discretion of the Market Superintendent, for such a period as it may deem to be appropriate for the circumstances.
- 1.6 If a Regular Trader fails to attend for two consecutive weeks without notifying the Market Superintendent or Town Clerk of valid reasons for non-attendance, the pitch may be re-allocated to another Regular Trader.
- 1.7 No Trader may cease to sell their goods, or pack up their wares before 3.30pm on any Market day, without the express permission of the Market Superintendent.
- 1.8 Regular Traders may allow other persons to trade on their behalf with the consent of the Council, subject to the following applications for:-
 - (i) Any period not exceeding two weeks must be made to the Market Superintendent prior to the day of the first Market at which the substitute Trader will attend. Approvals for requests may be given at the absolute discretion of the Market Superintendent;
 - (ii) Any period of between three and eight weeks must be submitted in writing, to the Market Superintendent.

- (iii) Any period exceeding eight weeks must be submitted in writing and be accompanied by written evidence of the substitute Trader's status as a bonafide employee of the Regular Trader. Failure to provide evidence will result in the immediate dismissal of the substitute Trader from the Market. No other forms of association, e.g. family member, or 'business partner' will be acceptable. The Council's response to any such application will be given in writing, and approval may only be given at the absolute discretion of the Market Superintendent.

Any application made under this Condition is submitted with the clear understanding that if it is discovered that the provisions of this Condition have been used as an attempt to make the substitute Trader the recognised Trader on the pitch, both the applicant and the substitute Traders will be prohibited from attending any or all of the Council's Markets.

- 1.8** (a) the outdoor Market will only be cancelled in exceptional circumstances beyond the control of the Town Council
(b) in the unlikely event of the above one month's notice with full consultation will be given
(c) the Town Council will not be held liable for any loss of earnings
- 1.9 A Trader shall inform the Market Superintendent immediately of any change of address or telephone number.
- 1.10 All new Traders will serve a three month trial period and they can be asked to leave the Market during this time.
- 1.11 Traders can be moved elsewhere within the Indoor or Outdoor Markets by the Market Superintendent.
- 1.12 Traders are allowed to both buy and sell items from their stall or pitch, however, the Council will reserve the right to invite Trading Standards to make an inspection at any time.
- 1.13 The Market Superintendent has the authority to instruct Traders to remove inferior goods from their stall or pitch. The Market Superintendent will be the sole arbiter as to whether goods are considered inferior.
- 1.14 All Traders are responsible for providing their own First Aid supplies.

Section 2: Use of Pitches

- 2.1 All Regular Traders' vehicles must be removed from the carriage way by 9.00am. Casual Traders, who have been allocated a pitch not occupied by a Regular Trader after 8.30am, must remove their vehicles from the carriageway by 9.30am, unless previously agreed by the Market Superintendent.
- 2.2 All Traders must maintain Public Liability Insurance and, if appropriate, Employer's Liability Insurance for a minimum of £5 million and provide proof of the insurance cover if requested by the Council.
- 2.3 The space between any pitch, walkways and the footpaths must be kept clear at all times of any article or merchandise to prevent the walkways from being obstructed by customers and access points between pitches must be kept clear at all times.
- 2.4 Vehicles, pitches and other articles used for display which occupy any pitches used (or intended to be used) for the sale (or in connection with the sale) of goods and the position of such vehicles etc, must be approved by the Market Superintendent and vehicles must be parked close to or immediately behind any pitches.
- 2.5 Vehicles, pitches and other articles used for display and sale of foodstuffs for human consumption shall comply with legislation governing the display, storage and transport of foodstuffs.
- 2.6 Traders selling foodstuffs shall comply with the terms of the current Food Hygiene (Market Stalls and Delivery Vehicles) Regulations and Food Safety (General Food Hygiene) Regulations.
- 2.7 Traders intending to sell homemade products i.e. foodstuffs prepared or cooked beforehand at the Trader's premises or house, must first have these premises assessed by an Environmental Health Officer to ascertain their suitability, and cleanliness, etc.
- 2.8 Generators cannot be used unless agreed by the Market Superintendent. All electrical leads must be in a safe condition with no damage to the outer protective skin and must be approved for use by the Market Superintendent whose decision will be final. Power points supplied by the council can be used and charged in accordance with the Calculation of Rents and Charging Policy.
- 2.9 Every Trader shall provide and display an approved notice showing his/her name and Trader number. Traders having caravans, lorries, vans, will be exempt from this requirement if the information stipulated is displayed legibly on the vehicle.
- 2.10 A Trader's name and address may be passed to complainants and other organisations (e.g., Police, Trading Standards) in accordance with the Council's registration under the Data Protection Act 1984. Such information will only be

provided upon receipt of a written request from a complainant or other organisation which has provided the Council with its own name and address.

- 2.11 Radio broadcasts or recorded music shall not be played at any time except for the purpose of the sale of radios or similar apparatus or music which may be tested from time to time only at the request of the customer, and then not operated for a prolonged period or at an excessive volume.
- 2.12 Awnings provided by Traders shall be maintained in a clean and tidy condition, and the erection of such awnings or shelters around vehicles and pitches etc, shall be subject to the approval of the Market Superintendent.
- 2.13 A Trader shall only sell the goods or services specified in their application to trade. No Trader may change the class of goods or services sold or sell additional goods or services not approved without first applying in writing and being approved by the Market Superintendent and Town Clerk. The change must be recorded on their application to trade. The Council reserve the right to refuse any requests for changes in the nature of goods/services sold or requests to sell additional goods/services.
- 2.14 A Trader shall not permit any dogs, cats or other animals (other than guide dogs), whether domestic or otherwise, to come onto any pitch or any part of the Market.
- 2.15 A Trader shall not conduct an auction at, or on, any pitch and must not use the method known as 'pitching' or 'load selling'. A Trader may not tout for custom unless he complies with all the provisions (i) to (iv) listed below:-
- (i) The Trader is selling perishable goods;
 - (ii) Touting does not commence before 3.00pm.
 - (iii) The Trader remains within the confines of his/her pitch while engaged in touting; and
 - (iv) Touting is not directed at individual members of the public.

Touting will be permitted at such time before 3.00pm, as the Market Superintendent considers appropriate, on occasions when the Market Superintendent has decided that the Market will close early.

- 2.16 A Trader shall not use the method of selling known as 'demonstrating'.
- 2.17 A Trader shall conduct his/her trading in such a way as to ensure, so far as is reasonably practicable, that any persons on the Market (whether they be Traders or members of the general public, there for any purpose whatsoever) are not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974.

- 2.18 No Trader shall be permitted to sell knives or guns. No Trader shall be permitted to sell solvents, glues and butane gas lighters or butane gas lighter refills to anyone under the age of 18. Any Trader wishing to sell these items must display them within the area of their pitch in a location in which members of the public cannot gain access to them.

Section 3: Conduct of Traders

- 3.1 Traders and their attendants are required to conduct themselves in an orderly manner and shall not do any act which may cause the public to congregate around the pitch in such a manner to cause an obstruction to the walkways or footpaths.
- 3.2 The Council does not accept responsibility for liability for injuries to any Trader, his/her employees or assistants, or to any customer, as a result of the negligence or other act of a Trader at any of the Council's Markets.
- 3.3 Traders and their employees, assistants, etc, will observe and carry out the instructions and directions of the Market Superintendent.
- 3.4 Gratuities in any form or for any reason are not permitted and must not be offered to any of the Council's employees or Members.
- 3.5 No Trader shall sub-let his/her pitch to his/her associates or any other person.
- 3.6 All rents shall be paid promptly in accordance with the Council's Calculation or Rents and Charging Policy.
- 3.7 A right to occupy a regular pitch may be terminated if a Trader commits an act of bankruptcy or, being a company, goes into liquidation.

Section 4: Disposal of Refuse, Cleaning

- 4.1 Traders operating on the Outdoor Market are responsible for the removal of their own refuse from the Market. Traders operating in the Indoor Market must dispose of refuse in the bins provided.
- 4.2 Areas around all pitches etc must be maintained in a clean and tidy condition and all litter and refuse produced by the Trader shall be removed from individual pitches by the end of the day's trading.
- 4.3 Traders shall not interfere with the requirements of the Council for the cleaning and sweeping of the Market area.
- 4.4 Public litter bins on the Market area must not be utilised for the disposal of Trader's refuse.

Section 5: Grievance Procedure

- 5.1 Grievances by Traders in respect of any matters affecting the Market must be brought to the attention of the Market Superintendent in the first instance. The Superintendent may deal with it himself or pass it directly on to the Town Clerk.
- 5.2 If a grievance is not resolved by the Market Superintendent, then a Trader may put it in writing to the Town Clerk within 7 days.
- 5.3 If a grievance is not resolved by the Town Clerk, the Trader may appeal to the Resources Committee. An appeal must be submitted in writing within 14 days.
- 5.4 If a grievance is not resolved by the Resources Committee, the Trader may apply to the Council's Appeal Committee whose decision will be final. An appeal must be submitted in writing within 14 days.

Section 6: Infringement of Conditions

- 6.1 Any infringement of the Market Trading Conditions and Signed Agreement may result in the issue of a First Warning Form by the Market Superintendent. A record will be kept by the Superintendent and the Warning will remain in force for a period of twelve months from the date of issue. After this time it ceases to be valid and may not be considered in any subsequent disciplinary action which may be taken against the Trader.
- 6.2 Following the issue of a first warning form, should a further infringement occur this will result in a warning letter from the Town Clerk.
- 6.3 If there is a further infringement the Town Clerk/Market Superintendent may suspend the Trader immediately. The suspension will be confirmed in writing within seven days, together with details of the length of suspension. Rent will be payable for the period of the suspension.
- 6.4 The Market Superintendent can suspend a Trader from trading immediately or withdraw their Regular Pitch allocation on any, or all, of the Council's Markets for the following reasons:-
 - (a) When a Trader contravenes the Trading Conditions and, in the opinion of the Market Superintendent, an immediate suspension is appropriate in the event of the serious breach.
 - (b) When a Trader places the health and safety of any person on the Market at risk.
 - (c) When a Trader creates any disturbance or commits any act which is considered to be seriously detrimental to the safe and orderly operation of the Market or to bring the Market into disrepute.

- (d) When a Trader's rent payments are in arrears, except in periods of authorised absence for holidays or sickness.
- (e) Any Trader, Employee or Helper making Racist, Homophobic or inappropriate suggestions, remarks or behaviour.

6.5 A Trader who is suspended from the Market or has his/her Regular Pitch allocation withdrawn may appeal against the suspension. This must be in writing, within seven days from the date of suspension, to the Town Clerk. Thereafter the grievance procedure will be followed.

PITCH ALLOCATION POLICY

Section 7: General

- 7.1 All applicants must complete an application form and supply all necessary information, including proof of identity (photographic evidence if appropriate), insurance and all necessary licences, registrations, etc., for selling goods or services offered by the Trader.
- 7.2 Traders intending to sell foodstuffs will not be allocated a pitch unless their staff, van or vehicle, etc has been assessed by an Environmental Health Officer, in accordance with the current Food Hygiene (Market Stalls and Delivery Vehicles) Regulations and Food Safety (General Food Hygiene) Regulations. This shall be arranged by the Trader before the Trader arrives at the Market to seek a pitch.

Section 8: Casual Trader

- 8.1 Pitches not allocated to a Regular Trader will be allocated at 8.30am on the day of the Market on a first come first served basis or to whichever Casual Trader has recorded the most previous attendances at the Market in the last 6 months. The size of the stall will also be taken into consideration.
- 8.2 The Council reserves the right to refuse admission to the Market to Casual Traders who offer goods or services which, in the opinion of the Market Superintendent, upset the balance of trading already in existence for those types of goods.
- 8.3 Casual Traders who refuse to accept the offer of a casual pitch on any particular Market day will be recorded as not having attended the Market on that day, and the reasons recorded.

Section 9: Regular Trader

- 9.1 Where a regular Trader's pitch becomes available:

- (a) It will be offered to any other Regular Trader who has lodged a written expression of interest with the Market Superintendent to extend their pitch and offered on a first come first served basis. In the event of more than one expression of interest the Regular Trader who has been on the Market for the longest period will be given preference.
- (b) If the allocation of a Regular pitch would, in the opinion of the Market Superintendent , create a conflict with the neighbouring Regular Traders, then the pitch will be offered to the next trader in accordance with the above priority.

Notes:

- a. A Regular Trader is a trader who has been allocated a specific pitch on a Market and is on the Council's Regular Trader List.
- b. A Casual Trader is a trader who has not been allocated a specific pitch on a Market and who is on the Council's Casual Trader List.

MARKETS – CALCULATION OF RENTS AND CHARGING POLICY

Section 10 Calculation of Rents

10.1 All Market rents will be set annually by the Town Council, per metre of linear frontage occupied, subject to the principles outlined below:

- (i) Pitches occupied by bench stalls will be charged the Standard Rate. The Standard Rate is based on extending the full length of the pitch.

Any additional area occupied by the Trader will be charged at the Area Pitch Rate.

- (ii) Pitches converted for use as 'walk-in' pitches will be charged according to the Standard Rate.

- (iii) Traders using mobile units will be charged at the appropriate frontage Rate based on the linear frontage occupied by their unit.

Section 11 Payment of Rents

11.1 All rents for Regular Traders shall be paid by one of the following methods:-

- (i) by cash or cheque upon demand by the Market Superintendent and in any event before 12.00 noon on the day of the Market.

11.2 An additional charge of £20.00 will be levied on any Trader whose cheque for payment is not honoured by the Bank.

- 11.3 All rents for hiring pitches to Casual Traders attending the Markets are to be in cash to, (and receipts obtained from) the Market Superintendent.
- 11.4 The holder of any Regular Pitch must produce evidence of payment in the form of a receipt each week at the request of the Market Superintendent or other Council officers.
- 11.5 The Market charges levied, and discounts allowed, shall be such sums as may be laid down from time to time by the Council. Any changes in Market charges or discounts will be communicated to all Regular Traders.
- 11.6 Any outstanding charges levied in the absence of Traders will be paid on the first day of return to the Market.
- 11.7 No refunds of rents will normally be payable to Regular Traders for non-attendance at any Market except in highly exceptional circumstances e.g. poor weather conditions at the discretion of the Council..
- 11.8 Regular Traders may be absent from the Market for up to three weeks for holiday purposes and not pay any rent. The pitch may be reallocated on a temporary basis during the period of absence.

Name of Trader (In Capitals)

Trading Name (In Capitals)

Signature

Town Clerk

Market Superintendent