****

OUTDOOR MARKETS EVENTS

**RULES AND REGULATIONS TO OCCUPY A STALL OR PITCH**

Ashfield District Council aim to develop and support thriving and successful markets as part of their vision to create an Ashfield, where people want to live, work, play and be involved. We see markets and events providing a valuable service for their local community, not only in the provision of goods, but as a low risk entry into the world of business.

The Council are keen to support our market traders and encourage new people to take up market trading.

People trading from the markets and events must abide by the following rules and regulations to ensure that the markets are safe and secure for all users of the markets. Please read them carefully and ensure you understand them fully before signing the application form.

If you have any questions, please contact the Ashfield Markets Team:

Markets Office

Idlewells Shopping Centre

Sutton in Ashfield

NG17 1BP

Tel: 01623 551385

Email: markets@ashfield.gov.uk

**All traders must ensure full compliance with all rules and regulations as follows:**

# DEFINITIONS

## The ‘Council’ is defined as Ashfield District Council.

## The ‘Market Officer’ includes any employee appointed by the Council to manage their markets.

## The ‘Trader’ includes any person representing the trader including their employees, agents or representatives whether paid or unpaid.

## The ‘Stall’ includes any stall, pitch or space provided by the Council and any vehicles or stalls provided by the trader.

# APPLYING FOR A STALL

## All traders must complete an application form before being allocated a stall. As part of the application process traders must provide evidence of their identity and their right to work in the UK. A passport, or NI number and proof of address, is usually sufficient.

## On the application form the trader must state the type of goods they wish to sell. The Market Officer will decide which goods the trader is permitted to sell and no variations will be allowed unless confirmed in writing by the Market Officer.

## All traders are classed as casual traders. There is no right to attend the market or occupy a particular stall.

## All traders must hold and maintain valid insurance cover for third party public liability with a limit for claims of not less than £5 million.

## The trader must notify the Market Officer in writing if there is any change to the trader’s personal details.

## The Council is required to protect the public funds it administers and may share information provided to it with other bodies responsible for administering public funds, in order to prevent and detect fraud. To see the Council’s full Data Matching, Fair Processing Notice visit the website at www.ashfield.gov.uk.

# HOURS OF ACCESS AND TRADING

## Trading hours are stated on the event application form. Stalls must be kept clean, tidy, stocked and attended during all trading hours.

## Traders must not bring any goods or equipment to the market before 3 hours prior to the stated event start time, nor allow any goods or equipment to remain in the market later than 2 hours after the stated event end time. Traders must not interfere with the stall erection or dismantling operations.

## All traders must arrive at the market at least 30 minutes prior to the event start time. After this time the Market Officer may allocate their stall or pitch to another trader.

## All vehicles, trolleys, pallets, cages, etc. must be removed from the Market at least 30 minutes prior to the event start time. Vehicles must not return to the Market before the stated event end time unless permitted by the Market Officer.

## Whilst on the Market, all vehicles must be positioned to avoid obstructing other vehicles and deliveries to adjacent stalls or shops or pedestrians. Vehicles must be unloaded and loaded without delay and not left unattended. They must be removed from the Market site without delay.

## The Market Officer may, in their absolute discretion, cancel the market for any reason, either before or during the event, the council will not be liable for the following:

a) A Refund

b) Damages or any losses incurred by the cancellation of the market

In the event of cancellation of the event due to government restrictions in relation to the Covid pandemic, all stall fees and charges received by the Council will be refunded.

In the event that the Trader either wishes to cancel his booking after acceptance by the Council, they must do so in writing to the Markets Office Ashfield District Council. For the avoidance of doubt, the Council shall not be obliged to accept the Traders notice of cancellation. Notwithstanding that the Council may resell or reallocate the cancelled stall, the Council is under no obligation to reimburse all or any part of the fee’s paid, such decision is at the discretion of the Council.

# PAYMENT OF FEES and charges

## All fees and charges for the use of the stall and other facilities, as approved from time to time by the Council, are payable on demand before the day of trading.

## The Council do not accept cash so all payments must be made by credit or debit cards.

# GENERAL REGULATIONS

## The trader must comply with all relevant statutes, statutory instruments, Local Acts, Byelaws and Common Law.

## The Market Officer may, in exceptional circumstances, alter, vary or rescind any of these regulations, either in respect of individual traders or groups of traders, subject to such alterations being of temporary nature only. The trader must comply with the directions of the Market Officer.

## The trader must conduct themselves in a manner which, in the opinion of the Market Officer, does not cause a danger, annoyance, nuisance or impediment to any market users, traders, shopkeepers or members of the public.

## No animal must be brought onto the Market except as authorised by the Market Officer.

## No child must be employed upon the Market except in strict accordance with the relevant statutory legislation.

## The “pitching” of goods (shouting to advertise their availability) is allowable at the discretion of the Market Officer. P.A. systems, microphones and loudspeaker systems are not permitted.

## Any sale by auction, canvassing, market research or personal questionnaire is expressly prohibited.

## The trader must not exhibit any display or advertising material other than in respect of the goods they are permitted to sell as agreed with the Market Officer.

## The trader must comply with the Equalities Act 2010 as amended and must not discriminate directly or indirectly based on any of the protected characteristics contained in the Act.

# PROHIBITED GOODS

## Tobacco and Vapes including products containing tobacco and vaping equipment are not permitted to be sold from the market.

## Goods that are inappropriate, counterfeit, offensive or dangerous may not be sold on the Market. The Council supports the ‘Real Deal Initiative’.

# REGULATIONS RELATING TO THE USE OF THE STALLS

## The pitch will be allocated on arrival and will be the shape and size as agreed with the markets office

## During the trading hours the trader must prominently display a name board on the stall stating the name of the trader, or the business name, legibly and conspicuously.

## During the trading hours all goods, fixtures and fittings must be stored, exhibited or exposed for sale within the designated perimeter of the stall only. No goods or equipment must encroach in to the public circulation areas of the market.

## The trader must not adapt or alter any fixture or fitting forming part of the stall and must not remove the roof sheets or attach any extensions to the stall without the express permission of the Market Officer. Side sheets may be added and/or removed as required by the stall holders.

## Traders wishing to trade from their own stall, or from a vehicle, must obtain the written permission of the Market Officer. The stall or vehicle must be strong and robust and be of good visual appearance to enhance the appearance of the market. Any request should be supported by photographs, details and measurements of the proposed arrangement, showing the proposed overall appearance during trading hours. The Council reserves the right to terminate any agreement if they consider the bespoke trading vehicle or trailer have a negative impact on the market.

# Use of electricity and connections

## ONLY DEISEL GENERATORS will be permitted.

## All electrical equipment must be supported by P.A.T. certification.

## Flexible cables should not be laid in areas accessible to the public unless they are protected against mechanical damage.

## Mechanical protection or armoured cables should be used wherever there is a risk of damage. Cables offering integral mechanical protection are steel wire armoured or cable with external protective steel wire braid. Where flexible cables are used above floor level they should not be unsupported across gaps wider than two meters without the use of a suitable catenary wire support.

## Any connectors should be IP67 rated or better and protected against damage.

## Electric fires, heaters, and petrol generators are prohibited.

# SALE OF FRESH FOOD

## All fresh foods must be stored and displayed in accordance with food hygiene regulations and all edible goods must be stored, displayed and sold from at least 300 mm above ground level. Some types of goods may require refrigeration – advice and guidance on handling methods is available from the Environmental Health section at Ashfield District Council.

## All fresh food sellers must provide evidence of a minimum three star rating issued by a Local Authority Environmental Health Officer.

## All fresh food sellers must provide written allergen information on all unpackaged food and make this available upon request.

# SALE OF ALCOHOL

## All sales of alcohol must be in closed containers for consumption off-site. Consumption of alcohol at the event is strictly prohibited.

## Sellers of alcohol products must apply to Ashfield District Council for a Temporary Event Notice (TEN) at least twenty eight clear working days before the event, excluding the day of application and the day of the event.

## You must forward a copy of your TEN to the markets office to be filed with your application, a further copy must be displayed at the event where it can easily be seen. If you do not have a TEN or are unable to produce a copy on demand you will not be permitted to trade.

# WATER

## There is no access to fresh water on site, where water is required the trader must bring their own in suitable containers.

# REFUSE DISPOSAL

## No trade waste must be brought onto the Market. The trader shall be responsible for the control, collection and removal of trade waste in such a manner as prescribed by the Market Officer. Public litter bins must not be used for trade waste.

## The trader must not discharge any noxious or foul liquid waste on the floor or in the drains at the market.

## The trader’s stall and surrounding area must be left clean and clear of refuse at the close of trading.

# HEALTH & SAFETY REQUIREMENT

## In accordance with the Health and Safety at Work Act. The trader must undertake a risk assessment of their working methods and implement control measures to mitigate against risk. Such risk assessments are to be kept under regular review. Please inform the Market Officer if you require any help or assistance with this.

## All accidents and “near misses” involving traders, their staff or members of the public must be reported immediately to the Market Officer for investigation and entry into the accident book. It is the responsibility of traders to report all notifiable accidents and “near misses” to the Health and Safety Executive.

## Cooking equipment may only be used with the prior written permission the Market Officer. No equipment incorporating a naked flame may be used within council stalls.

## On being requested to evacuate the market by the Market Officer or emergency services traders must leave the market without delay and, where possible and without danger to themselves or others, assist in directing customers away from the market area.

# customer complaints

## Complaints made by a member of the public against a trader, will be notified to the trader and they will be requested to resolve the dispute. If this is not achieved the Markets Officer will arrange a private dispute resolution meeting between the parties.

## If the Market Officer finds in favour of the member of the public the trader will be required to rectify the situation.

# BREACH OF THE RULES AND REGULATIONS

## Any trader failing to comply with the rules and regulations, at the discretion of the Council, may be asked to leave the event. In such circumstances, no refunds will be given and any losses or damages incurred shall be the sole responsibility of the trader and the council will not be responsible in respect of.

# Indemnity

## The trader shall fully and effectually indemnify the Council against all costs, claims, demands, proceedings and losses whatsoever made against or incurred by the Council as a result of the traders exhibiting or advertising any goods or services at the market.

# APPEALS PROCEDURE

## If a trader wishes to complain about any aspect of the operation of the Market, they should first address their concerns to the Market Officer. The Market Officer will seek to resolve issues and concerns fairly, openly and consistently.

## If a trader is still unhappy with the outcome they may request a formal investigation to be conducted by the Market Retail Manager. The request must be made in writing and should clearly outline the trader’s grievance, including the provision of any evidence in support of their grievance.

## The Market Retail Manager will convene a hearing with the trader. The Market Officer will present the reasons for their decision and the trader will be permitted to present their grievance. There will be an opportunity for both parties to raise questions of the other party and to summarise their positions. The Market Retail Manager will decide based on the evidence provided and confirm the outcome and reasons in writing.

## If a trader is unhappy with the Market Retail Manager’s decision they may request a final appeal to the Town Centre and Markets Manager or such other Council Officer as may be appropriate. The decision of the Markets and Town Centre Manager will be final.

# PROMOTION

## The Council reserves the right to record film and still images of the event for promotional purposes.

## The council reserves the right to share details of the stall holders with the event sponsors.

Please note that during the current pandemic situation we are also asking traders to provide a COVID risk assessment to demonstrate that they are working safely.  You can find more information about [Working Safely on gov.uk](https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19).  Most outdoor market traders need to comply with the guidance for Shops and Supermarkets.