POLICY:	MARKET REGULATIONS
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1. Description

Regulations for the operation of the Town Council's regular markets that take place on Mondays, Wednesday, Fridays and Saturdays throughout the year.

2. Purpose of this policy

To regulate the safe and fair operation of regular markets run by Ludlow Town Council. To ensure the health and safety of all users including members of the public, customers, visitors, market traders, Council staff and Councillors on Ludlow market square and the Buttercross market area.

3. Scope

To regulate all markets run by Ludlow Town Council held on regular market days.

4. Procedure

4.1 MARKET DAYS

Normal Market Days are Monday, Wednesday, Friday and Saturday. Emergency conditions may require an adjustment to this rule. The Town Clerk reserves the right to close the Market, or any part thereof, before or during the Market day if thought necessary through adverse weather or insufficient Traders. The Traders shall not be liable for any rent in the event of such closure.

4.2 ACCESS TO FACILITIES

The Market in which the facilities are available will be open at 6.30am unless previously agreed with the Town Clerk. At 5.00 pm the Stall holder must cease trading. Traders are required to clear all merchandise and other articles, including vans, from the Market within 60 minutes of closing time and ensure that neither the stallholder nor his/her employees remain in the said Market, without prior agreement of the Market Officer. Ludlow Town Council reserves the right to remove any unauthorised vehicle or mobile unit remaining on the square after this time.

4.3 REGULAR STALL ALLOCATION

a) **Trader Contact Details**
Traders must provide their full contact details to the Town Council and undertake to clearly display their name, postal address and telephone number on their stall at all times when trading. Email addresses where available should also be displayed. This can be in the form of business cards, leaflets, packaging or simply a notice.

b) **Applications**
These should be made on an official application form obtainable from the Market Officer or Ludlow.gov.uk. Applications should be specific regarding the type of goods to be sold e.g. 'country clothing' or 'baby clothing'. General descriptions such as 'clothing' or 'fancy goods' are not sufficient. Applications from Traders for a change of line, additional lines or additional stalls should be made in the same way.

c) **Waiting List**
This will comprise data from the completed application forms, and permanent stall allocations will only be made from this list.

d) **Type of Goods Sold**
Stall allocation is based on the type of goods sold and the quality of stall presentation allowing no undue duplication and taking into account the date of application and the maintenance of the widest possible variety on the Market. In accordance with our stall allocation guidelines.

e) **Spreading Over**
Traders may, with the Market Officer's permission, occasionally spread goods over to a neighbouring stall that is vacant through the absence of a trader. Occasional 'spreading over' is charged at £5.00 per day rent at the discretion of the Market Officer. Casual Traders' stall allocations will be given precedence over existing Traders spreading over. Regular spreading is not allowed as traders requiring extra stalls on a regular basis need to be allocated and licensed accordingly.

f) **Regular Stall Allocation**
This is to be decided by the Market Officer. Vacant stalls will be let on a casual basis until permanent allocation is decided.

g) **Waste Disposal Arrangements**

All applicants for a market trading licence must provide full details of the arrangements they have in place for the lawful collection, storage and disposal of waste generated through their trading activities.

This must include details of arrangements for the disposal of general waste, food waste, wastewater, liquids, cooking oils, fats and any other substances arising from their business activities, as applicable.

Where relevant, applicants must identify the waste contractor or authorised disposal facility being used and provide any further information or supporting evidence reasonably requested by the Town Council.

Satisfactory waste-disposal arrangements must be demonstrated before a trading licence is issued.

Existing Stall Holders must provide the required information when requested by the Town Council and within any reasonable deadline specified. The Council may require updated information where a trader's business activities or disposal arrangements change.

Failure to provide the required information or demonstrate satisfactory arrangements may result in the issue or renewal of a trading licence being withheld, or permission to trade being suspended or withdrawn, until satisfactory arrangements have been demonstrated.

4.4 CASUAL STALLS ALLOCATION

Casual Traders should arrive by 8.30 am. Stalls will be allocated after 8.30am taking into account the number of times the trader has previously attended the market and the time of that days arrival and at the discretion of the Town Clerk. In exercising discretion the Town Clerk will take account of the goods offered by the regular traders on the day in question and the goods to be offered by the casual traders. If there is a significant duplication the Market Officer may refuse facilities to the casual trader. A list of casual traders will be kept and each time a trader attends the market it will be noted. Each trading day is counted as a separate entity and regular attendance on one trading day will not influence any decision pertaining to stall allocation on another trading day. If traders do not agree to become regular traders when invited by the Market Officer they will go to the end of the new traders waiting list. Stalls that are known to be vacant on any particular market day will be allocated from 8.30am.

4.5 STANDARD REGULATIONS

All Traders should keep fully aware of any current statutory legislation e.g. Health & Safety that may affect an open market and should comply with such regulations at all times whilst trading on Ludlow Market.

4.6 NEW TRADERS

When a permanent stall or pitch becomes available the next appropriate trader on the waiting list will be invited to trade. Upon the completion of 3 weeks on the same permanently vacant stall the Trader will be invited to become regular from the fourth week at the discretion of the Town Clerk. If the new trader does not wish to continue the permanent stall or pitch will be offered to the next appropriate trader on the waiting list.

New Traders may also be invited to trade on casual stalls or pitches, available due to holiday/sickness etc., the Market Officer will advise the trader that this is not a permanently available pitch and the trader will have no right to become a regular trader upon the completion of 3 weeks. New Traders will be granted a one off introductory concession of half price rent for 3 weeks trade regardless of whether the stall or pitch is available on a permanent or casual basis.

To qualify as a New Trader, the trader must not have traded on a Monday, Wednesday, Friday or Saturday Ludlow Market during the previous 2 years.

4.7 PAYMENT

All payments for the current market day will be collected by the Market Officer or another Member of Staff as delegated by the Town Clerk on each Market day. Stalls must be paid for whether or not the trader attends the Market except for Holidays (see Regulation 8), approved sickness or exceptional circumstances approved by the Market Officer (see Regulation 10). Unpaid sums will be recoverable by way of a common debt and subject to the Council's Debt Recovery policy. Failure to pay may lead to court action where stall holders could be asked to pay the Council's costs.

4.8 HOLIDAYS CONCESSION

A concession of two complete weeks holiday per year without charge will be granted, at the discretion of the Market Officer, to Regular Traders, subject to written notice of at least three weeks and provided that no more than a total of 5 stalls are vacant on any one trading day as a result of this concession.

4.9 CHARITY STALLS

Stalls may be provided free of charge to any registered charity or registered collector for a registered charity. Stalls may also be provided free of charge to any 'not for profit' (NPO) organisation that is not a registered charity at the discretion of the Market Officer. All charity stall holders are required to clearly identify that they are collecting for a charity or NPO. Stalls will be provided on any general market day where there are free stalls available and no demand

from paying stall holders for those stalls. Any person receiving a stall free of charge will be bound by the same stall allocation guidelines as paying traders.

4.10 NON ATTENDANCE

Any trader who misses a Market due to illness, accident or any other unforeseen problem should contact the Market Officer by phone on 01584 871970 (07800 555692) as soon as they are aware they will not be attending, and to inform the Market Officer when they will be attending the Market for trading again. A regular trader shall be exempt from paying rent due to illness for three days per trader per market (i.e. day of the week) per financial year. Following this, traders shall be liable for the rent incurred on the missed day. The Council may reserve the right not to grant this exemption if a trader has not given suitable notice or for any other reason at the discretion of the Town Clerk. Council reserves the right under certain circumstances to re-allocate stalls after 3 months absence through sickness.

4.11 TERMINATION

The Council shall have the right to terminate a Market Licence without notice on the following grounds:

a) If Payment of rent is in arrears for two weeks or more.

b) If the Facilities shall not be used by the Stall holder for the purposes of his trade on each trading day throughout a period of three (3) consecutive weeks at the Market Officer's discretion. Unless a Fit Note is provided in which case the Council may require an independent Doctor's examination in the case of prolonged illness. The Council reserves the right to re-allocate stalls after 3 months absence through illness.

c) If the Stall holder shall be adjudged bankrupt or have a receiving order made against him or make a composition or arrangement with his creditors or suffer distress or execution to be levied on his goods

d) If the Stall holder or his employees act contrary to the Licence or Market Regulations.

e) If the Stall Holder fails to comply with the waste disposal requirements set out in Regulation 4.13, or fails to provide satisfactory evidence of lawful waste disposal arrangements when reasonably requested under Regulation 4.3(g). The Council reserves the right to suspend or withdraw permission to trade, subject to the applicable Market Licence conditions and compliance procedures.

4.12 ELECTRICITY AND GAS SUPPLY

Traders may not install electrical equipment without the permission of the Market Officer who will determine the terms and conditions of use of the Council's electricity supply which is open to review by him/her at any time. Traders must only use the supply available for the operation of lighting, tills,

scales, refrigerators and other fittings associated with market stalls. All electrical equipment must be safe and sound to the requirements of statutory regulations such as the Health & Safety at Work Act. Permitted maximum amperage for electrical equipment is 10 amps for Vans, 5 amps for all other stalls unless otherwise authorised by the Market Officer. Fuse capacity must not be altered. In no circumstances should cables be left on the ground. Electricity will be chargeable per trading day (see Ludlow Town Council's Schedule of Fees). If a trader does not wish to use electricity this charge will not be applied. **ONLY ELECTRIC LIGHTING IS ALLOWED ON STALLS**. **NO PORTABLE GAS APPLIANCES ARE ALLOWED WITHOUT THE EXPRESS PRIOR PERMISSION OF THE TOWN CLERK IN WRITING.**

4.13 DISPOSAL OF REFUSE AND WASTE

a) All general refuse must be placed in the containers provided by the Town Council's contractor, where this facility is available to Stall Holders. The availability of this facility is not guaranteed and only refuse generated by the Market Trader through their activities on the Market may be deposited in these containers. The disposal of any other rubbish is strictly prohibited.

b) Cardboard boxes must be flattened. Traders are required to keep their stall areas and the avenues adjoining their stalls free from refuse and litter at all times and must take all reasonable precautions to prevent litter from being blown about.

c) All associated packaging and rubbish must be removed to the designated disposal point. All perishable waste and items that may cause an unpleasant smell must be placed in suitable, securely tied bin liners before being deposited in the authorised containers, where permitted.

d) Stall Holders are responsible for ensuring that all waste arising from their trading activities is collected, contained, stored and disposed of lawfully and appropriately. This responsibility includes, but is not limited to:

- General and commercial waste.
- Food waste and perishable materials.
- Wastewater and other liquids.
- Cooking oils, fats and grease.
- Cleaning and washing water.
- Any other substances arising from their trading activities.

e) **PROHIBITION ON DISCHARGES TO DRAINS AND SEWERS**

Under no circumstances may Stall Holders discharge, pour, empty or otherwise dispose of any waste, wastewater, oils, fats, food waste or other substances into any public sewer, drain, gully or surface water drainage system.

All such waste must be collected, contained and removed from the Market for lawful and appropriate disposal using suitable arrangements.

Unauthorised discharges or disposal into public sewers or drainage systems may constitute an offence under the Water Industry Act 1991 and/or other applicable environmental legislation.

f) Stall Holders must ensure that they have appropriate arrangements in place for the lawful disposal of all waste and wastewater generated through their trading activities. They must not rely on the Market's public drainage infrastructure or general refuse facilities as a means of disposing of liquid waste, oils, fats or other substances for which separate disposal arrangements are required.

g) The Town Council reserves the right to request information or evidence from any Stall Holder to demonstrate compliance with these requirements. Stall Holders must cooperate with reasonable requests for such information.

4.14 CONTACT WITH THE TOWN COUNCIL

Course of action open to Market Traders who wish to contact the Town Council:

a) In the first instance all problems shall be brought to the attention of the Market Officer.
b) If you are unable to obtain a satisfactory solution to your problem, please put your concern to the Town Clerk in writing.
c) If you are still dissatisfied, please ask an Officer of the local Market Traders' Federation to approach the Town Clerk who may put the matter before the Town Council's Services Committee.
d) It is agreed that decisions of the Town Council will be binding on all parties.

4.15 FORMAL TRADER COMPLAINTS AND COMPLIANCE

A formal trader complaints and compliance system is part of market procedures and each trader attending the market accepts the use of the system as part of these regulations and the licence conditions.

4.16 INFLUENCING THE BUSINESS OF FELLOW TRADERS

No products may be advertised for sale that are not held on the stall that day and all items that are offered for sale must be specified within the Second Schedule of a trader’s licence. Any trader proven to be offering for sale or offering to source any items sold by another licensed trader will be subject to the compliance process.

Due consideration will be given to the ‘spirit’ of a trader’s actions. If the Market Officer or the Town Clerk consider a trader’s actions to be negatively affecting

another trader's business, even if said action does not directly breach another term or regulation, then the compliance process may still be invoked

4.17 REGULATIONS REVIEW AND ANNUAL CIRCULATION

These Regulations may be reviewed and amended by the Council as it considers necessary.

The current approved Market Regulations shall be issued or made available to all Stall Holders annually as a reminder of their responsibilities and obligations when trading on Ludlow Market.

All Stall Holders are responsible for ensuring that they and any employees, agents or assistants working on their behalf are familiar with and comply with the current Market Regulations.

The Regulations shall also be made available on the Ludlow Town Council website.

4.18 PUBLIC LIABILITY INSURANCE

Traders must provide proof of holding current Public Liability Insurance before they will be permitted to trade from a stall or pitch. Proof of insurance should be produced on demand to the Market Officer. Traders shall indemnify the Council against all costs, claims and convictions arising as a result of their occupation and use of the Market.

4.19 EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

All Traders must comply with the Children and Young Persons Act 1933 & 1963, the Education Acts 1944-48 and the Employment of Children Act 1973.

Definition - A "child" is any person not over compulsory school age.

Definition - "Employed" is extended to include any child who assists in a trade or occupation even where the child receives no monetary reward.

4.20 CONDUCT OF TRADERS

Market traders, their agents and/or employees paid or unpaid, are required to conduct themselves, whilst attending the markets, in an orderly manner and not use their trading positions so as to cause annoyance, inconvenience or concern to any other users of the market and/or market management, or Council Members.

4.21 GENERAL MATTERS

No traders shall engage in “pitching” i.e. calling out their wares. Traders should not demonstrate their goods except in places within the market area which may be designated by the Market Officer.

The sale of live animals, fish, birds and other fowl shall not be permitted.

Acupuncture, ear and body piercing, tattooing or electrolysis will not be permitted on the market.

4.22 SALE OF ITEMS

Members of staff of the Town Council will ask traders to remove inappropriate items or any items that may be viewed as dangerous or offensive or outside of the Licence line of trade to the public from display.

5. LEGAL

The Food Act 1984 (Part III).
Children and Young Persons Act 1933 & 1963.
The Education Acts 1944-48.
The Employment of Children Act 1973.
Water Industry Act 1991.
Environmental Protection Act 1990.
Environmental Permitting (England and Wales) Regulations 2016.
Environmental Protection (Duty of Care) Regulations 1991.

6. OTHER RELEVANT POLICIES

Specialist Market Regulations
Ludlow Market Sale of Alcohol Policy
Stall Allocation Policy
Market Compliance Procedure
Market Complaints Procedure