

POLICY:	STALL ALLOCATION PROCEDURE
Policy number:	LTC / SAP / 23 / v.2
Available to:	All Staff, Councillors & Public (Website)
Supersedes Version:	Procedural Guidelines for Allocation of Stalls/Pitches – Adopted December 2011
Approved by:	Full Council
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1. Description

A procedure to formalise the allocation of stalls on the Ludlow Regular Market to ensure the fair treatment and best market presentation for traders, customers and the Council.

2. Purpose of this policy

- 2.1 To provide a market that is attractive to shopping customers, tourists and traders by reason of diversification of trades, goods and produce and to ensure that the quality of presentation of stalls and quality of merchandising is of a high standard.
- 2.2 To demonstrate to traders and other stakeholders that a fair system is in place to allocate stalls, whilst acknowledging that the Market Officer needs to have the final decision on issues arising so that there is efficiency and effectiveness in the operation of the market.
- 2.3 To provide for screening of casual traders attending the market and making application for regular stalls, via a quality control operated by the Market Officer who will not license traders whose conduct or stall presentation is considered to be less than adequate.
- 2.4 To let every stall on each market day in accordance with the above aims and to achieve all potential Council target income to pay for the costs of the service.

3. Scope

This procedure will be applied to the stall allocation of all traders on Ludlow Town Council's regular market days (Monday, Wednesday, Friday and Saturday) on the Market Square and in the Buttercross Market.

4. Procedure

- 4.1 For the purposes of this procedure both 'primary' (a line taking up a clear and obvious majority of a traders allocation of stalls) and 'secondary' (a line taking up a clear and obvious minority of a traders allocation of stalls) lines must be listed on a traders licence and considered against this policy. Where a trader has multiple stalls allocated to them, each with a distinct line these will be treated separately as primary lines and each require a separate licence. In this procedure a "trade" or a "line" is meant to be a particular set of goods that is specific and not generalised. Specific examples would be "Greengrocery", "Flowers & Plants", "Men's Clothing", "Hats/Headwear", "Footwear", "Wooden Crafts", "Jewellery (manufactured)", "Hand-Crafted Jewellery". Generalised descriptions such as "Drapery" or "Clothing" are too all encompassing, may cause "clashes" between traders - and will not be accepted. It is acknowledged that there will be trader/management disagreement on interpretations, but the Market Officer's decision is final in these matters and that decision will be fully explained.
- 4.2 When considering the distinctions within a generalised group of trades or lines a number of different criteria may be used. These include a material difference in the form of nature of the item, it's place of origin, whether it is new or second hand and price. Where price is used as a distinguishing factor in granting a licence, there must be a clear difference in the prices of each product ensuring they are each targeting a different share of market/customer. Any trader who is granted a licence based on price shall be forbidden from holding a sale or promoting special offers that would infringe on the other traders business.
- 4.3 No trades or lines may be 'parked' (specified on a licence, but not sold) or covered by generalisations. The Second Schedule of the Licence must specifically list all lines sold and any additional lines must be added and duly considered using a change of line form. Seasonal variations of existing lines (for instance Christmas wreaths sold on a plant or flower stall) shall be deemed acceptable and not require a change of line application.
- 4.4 It is essential that each stall is well presented in terms of its standard and its layout and in its top, side and back sheeting and – where tables and counters are in use – its "skirting", to ensure that it is attractive to all stakeholders. This is a qualitative judgement and the Market Officer will direct each trader accordingly, including in the use of standard sheeting where appropriate. The Market Officer's decision is final in this matter.
- 4.5 It is essential that each stall has fully adequate levels of stock and that stock is merchandised and presented at a quality level that is attractive to all stakeholders. This is a qualitative judgement and the Market Officer will direct each trader accordingly. The Market Officer's decision is final in these matters.
- 4.6 This market is of a medium size and one of each trade/line (not one stall per trade/line) is the best means of creating an attractive and diversified market in the scenario that there are no vacant stalls. However, this view must be balanced against the benefits of having some competition between particular

trades so that customer choice is available to make the market attractive to customers. In particular, therefore, takeaway food and greengrocery trades should be able to sustain this level of competition in normal circumstances. Other potential “doubling up” of particular trades will be considered by the Council in consultation with trader representatives. Where more than one trader is authorised to sell the same or similar lines on one market day the Market Officer will aim to create as much separation distance between the traders as is practically possible.

- 4.7 More than one stall per trader/trade/line will be allowed; regular allocation of more than one stall per trader will depend upon supply and demand factors.
- 4.8 Each regular market day (i.e. Monday, Wednesday, Friday and Saturday markets) and market location (i.e. Buttercross or Castle Square) is separate for purposes of these lettings guidelines. No advantage is given for traders wishing to trade on more than one market day or location. This will provide for greater diversity of trades/lines in support of the attraction of the market over a full week. This means that a separate list of traders applying for each market day is required as a starting point for management allocating stalls.
- 4.9 Casual traders who are allocated stalls on any of the market days will have a probationary period of three weeks (three market days) so that quality or trade/line differentiation issues can be checked by the Market Officer and any problems overcome. After that period traders who satisfy quality and differentiation requirements will be licensed as regular traders if there are vacant stalls/pitches.
- 4.10 In order to ensure Council compliance with markets common law (the rights of the public to occupy market space when it is available), to provide an attractive market and to support Council income (to pay for the costs of the service), temporarily vacant stalls on individual market days will be let to casual trader applicants selling trades/lines that may replicate regular traders’ lines/goods, though this will only be done if there are no casual traders available selling trades/lines not already represented.
- 4.11 A list of applications for each market day will be kept by the Market Officer.
- 4.12 Any trader wishing to transfer to a stall in a different location, when such a stall becomes available, should apply in writing to the Market Officer who will keep a separate Transfers File for such purposes. Should there be more than one regular trader applying for a particular stall the Market Officer will decide on the basis of balance of trades, length of trader attendance and any other appropriate reason, giving reasons where requested to do so.
- 4.13 These procedural guidelines will be made available to anyone requesting to see them. They will be kept under review to reflect changing trading conditions.

5. Legal

Markets And Fairs Clauses Act 1847

Royal Charter.
Part III of the Food Act 1984

6. Other relevant policies

Market Regulations
Market licence