

# MARKET REGULATIONS FOR SPELTHORNE BOROUGH COUNCIL MARKETS

**These Market Regulations apply to all markets controlled by Spelthorne Borough Council in its Borough and shall come into operation on the 1<sup>st</sup> October 2008**

## **1. Definitions and Interpretation**

In these regulations the following terms shall except where the context otherwise requires have the following meanings:

- 1.1 **Casual Licence** means a licence issued by the Market Operator to a Stallholder on behalf of the Council to allow the Stallholder to sell their goods from the Stall on an allotted Pitch on the day specified in the licence
- 1.2 **The Council** means Spelthorne Borough Council of Council Offices, Knowle Green, Staines, Middlesex, TW18 1XB
- 1.3 **General Market** means a market selling a range of goods usually found within a market including but not limited to items such as luggage, watch batteries, cards and wrapping paper, pet products and clothing
- 1.4 **Goods** means such provisions, meat, fish and such other marketable commodities and articles as the Stallholder is authorised to sell under the terms of his Pitch Licence or Casual Licence as applicable
- 1.5 **Licence** means both a Pitch Licence and a Casual Licence
- 1.6 **The Markets** means either General Markets and/or Specialist Markets
- 1.7 **Market Operator** means the contractor managing the Markets on behalf of the Council
- 1.8 **Pitch** means the areas within the market places which a Stallholder is authorised to occupy for the purpose of selling and/or storing goods (and includes any standing space)
- 1.9 **Pitch Licence** means the licence issued by the Market Operator to the Stallholder on behalf of the Council to allow that Stallholder to sell their goods from the Stall on the allotted Pitch
- 1.10 **Stall** means a temporary structure used to facilitate the sale of Goods
- 1.11 **Stallholder** means the person holding a Licence authorising him to carry on business from the Pitch allocated to him
- 1.12 **Vehicle** means any lorry, motor car, wagon, cart, truck, barrow or other vehicle capable of carrying goods whether or not mechanically propelled
- 1.13 These Regulations shall apply to each Market and to avoid any doubt the Council shall be the sole arbiter of the correct interpretation.

- 1.14 In these Regulations words importing the masculine gender shall be deemed and taken to include the feminine gender and the singular to include the plural and vice versa unless the contrary as to the gender or number is expressly provided or unless the same is inconsistent with the text.

## **2. Licence to trade at Markets**

- 2.1 Every Stallholder requires a Licence to trade at a Market.
- 2.2 A Licence will be issued at the sole discretion of the Council (acting through the Market Operator) and upon such terms and conditions that the Council may consider appropriate from time to time.
- 2.3 The Licence will include details of the Stallholder's name, address, the Pitch allocated to him, the day(s), which he is licensed to trade and the Goods he is permitted to sell from his allocated Pitch.
- 2.4 All Stallholders are required to strictly comply with the terms of their respective Licence(s) and any breach of these Regulations shall be a breach of the Stallholder's Licence.

## **3. Casual traders**

- 3.1 The Market Operator is authorised by the Council to re-allocate unused Pitches as a casual vacancy to a Stallholder under a Casual Licence.
- 3.2 Payment for a Casual Licence must be in advance and at such rate as determined from time to time by the Council.
- 3.3 Application for a Casual Licence must be not later than 8:00 am on the day of the vacancy.

## **4. Provision of Stalls**

- 4.1 The Market Operator shall be responsible for the provision, erection, placement, striking and storage of all Stalls used at the Markets.
- 4.2 The Market Operator shall have discretion to give consent to and require any Stallholder requiring a specialised form of Stall (including any specially adapted vehicle), necessary for the sale of their particular Goods, to provide his own Stall (in which event the Stallholder shall be responsible for the provision, erection, placement, striking and storage of thereof).

## **5. Requirements of Stalls which are not provided by the Market Operator**

- 5.1 The following provisions apply where a Stall is not provided by the Market Operator:
  - 5.1.1 no Stall shall be placed erected or used by the Stallholder except upon the Pitch that he has a Licence for;

- 5.1.2 all Stalls shall conform to the requirements of these Regulations and shall be placed and erected in a safe manner to the satisfaction of the Market Operator;
- 5.1.3 no variation from the size and structure of the Stall approved for use on the relevant Pitch by the Market Operator shall be made without the prior written permission of the Market Operator;
- 5.1.4 if a Stall has a roof or covering, such roof or covering shall not be less than 7 feet in height at the front and shall not project more than 2 feet over any footway. No part of any Stall shall exceed a height of 7 feet 6 inches;
- 5.1.5 every Stallholder shall keep the sides of his Stall covered if he is required to do so by the Market Operator; and
- 5.1.6 All Stalls and other equipment shall be kept clean, in good repair and must be presentable and in keeping with the rest of the Stalls.

## **6. Electricity**

- 6.1 The Council will provide access to an electricity supply and the cost of such supply is incorporated to the Pitch Fees.
- 6.2 Stallholders are permitted to use their own generators, but these must not cause a nuisance to any other Stallholder or the public. Clauses 6.4 to 6.6 shall apply equally to generators as they do the Council's supply. If a generator is used this is the choice of the Stallholder and there will not be a reduction in the Pitch Fees.
- 6.3 The Stallholder may only use the electricity provided by the Council or generators provided by the Stallholder for the following purposes:
  - 6.3.1 Providing a reasonable level of illumination for the display of goods and lighting the area adjacent to the Stall to allow the safe movement of persons around the Stall; and
  - 6.3.2 Operating refrigeration or other electrical equipment essential to the conduct of the Stallholder's business.
- 6.4 No electrical kettle, fire or heating apparatus shall be connected to any electrical supply used or provided at the market.
- 6.5 No electrical equipment requiring a supply of electricity amounting in total to more than 200 watts per 8 foot length of stall shall be used.
- 6.6 All electrical cables, cable sizes, plugs, sockets, connectors and other fittings and equipment (by whosoever provided) shall be of a size, voltage, configuration, design, capacity appropriate and fit for their intended use and in conformity with the Institute of Electrical Engineers' Wiring Regulations (Seventeenth Edition) or any subsequent edition thereof which may come into effect.

## **7. Display of Goods**

- 7.1 Stallholders shall not place or suspend Goods on or from that part of the roof of a Stall which projects over any access way or footway.
- 7.2 No Goods or other articles or things whatsoever shall be placed, stored, displayed or exposed for sale outside the Pitch allocated to the Stallholder, and within that area outside the line of the Stall, as prescribed by the Market Operator.
- 7.3 No Stallholder, his servants or any other person acting on his behalf shall cause or allow any Goods to be placed, stored, displayed or exposed for sale outside the Pitch allocated to the Stallholder, and within that area, outside the line of the Stall, as prescribed by the Market Operator.
- 7.4 No Stallholder his servants or any other person acting on his behalf shall stand upon or offer Goods for sale outside the area of his Pitch.

## **8. Method of selling Goods**

- 8.1 No Goods shall be sold or offered for sale by auction or by means of a mock auction
- 8.2 All Goods displayed by a Stallholder must be for sale on demand on request by a member of the public and sold by him or on his behalf
- 8.3 Stallholders must not use any form of PA System or other such systems used for the projection of voice.

## **9. Permitted Goods**

- 9.1 A Stallholder may only expose or offer for sale Goods that are compliant with the type of Goods which the Council have permitted him to sell on his Pitch
- 9.2 If a Stallholder wishes to make a material change in the type of Goods he is permitted to sell from his Pitch, he shall require written consent from the Market Operator, which may only be effected by issuing a revised Licence for that Pitch
- 9.3 If a Stallholder exposes or offers for sale any Goods other than the type of Goods he is permitted to sell on his Pitch the Market Operator shall be entitled to demand forthwith the removal of such Goods from sale and view
- 9.4 No Stallholder shall display or offer for sale from a Stall any Goods which in the opinion of the Council (acting by the Market Operator) may be offensive to members of the public by reason of:
  - (a) their being of an indecent nature or otherwise associated with matters of a sexual nature;
  - (b) their being associated with the misuse of controlled drugs contrary to the Misuse of Drugs Act 1971;
  - (c) their likely use for, or association with violence; or

(d) such other reason as shall from time to time be considered appropriate by the Council and communicated to the Market Operator and the Stallholders.

9.5 No Stallholder shall display or offer for sale any Goods that are counterfeit, illegal or stolen.

## **10. Loading and unloading of Goods**

10.1 During Market Trading Hours no Stallholder or other person resorting to the Market and being in charge of any Vehicle for the purposes of loading or unloading of any Goods shall enter the Market Places

## **11. Behaviour**

11.1 Every Stallholder shall refrain from swearing, and from using abusive or offensive language of any nature, and shall be courteous to members of the public, other Stallholders, the Market Operator and officers of the Council.

11.2 Every Stallholder shall be responsible for ensuring that his servants, helpers or any other person acting on his behalf also abide by the requirements of Regulation 11.1 above.

11.3 No Stallholder, servants or any other person acting on his behalf shall remove or interfere with any Stall or with the boards, coverings or other parts of any Stall, unless the same belongs to or have been provided by the Stallholder.

11.4 No Stallholder, servants or any other person acting on his behalf shall remove or interfere with any Stall or parts of a Stall used by any other Stallholder.

## **12. Cleansing**

12.1 Every Stallholder shall be required in order to prevent nuisance or obstruction, remove or cause to be removed from the Market all waste litter or rubbish which may have fallen or may have been thrown or deposited thereon in relation with the use of his Stall or the loading or unloading of Goods

12.2 Every Stallholder shall ensure that any other person resorting to the Market and being in charge of any Vehicle for the purposes of loading or unloading of any Goods to be used by the Stallholder shall comply with the requirements of Regulation 12.1

12.3 As often as may be necessary during the course of each Market Day every Stallholder shall transfer such waste litter or rubbish to the disposal receptacle provided by the Market Operator ensuring that no material is deposited in the Market in the process of transfer

12.4 Stallholders must not use any public litterbins for the purpose of depositing their waste

12.5 Every Stallholder must comply with the provision of Regulations 12.1 – 12.4 regardless of whether the waste, litter or rubbish concerned may not have emanated from a Stall, Vehicle or activities for which that Stallholder is responsible.

### **13. Setting up and clearing away**

- 13.1 The Market Trading Hours are:  
(a) 8:00 am – 5:30 pm
- 13.2 The hours specified in Regulation 13.1 may be altered at the Council's discretion at any time. Such alteration may take effect either on a temporary basis, or until further notice (in which case no less than 1 months written notice shall be given, specifying the date upon which the altered hours are to take effect).
- 13.3 All Stalls shall be properly erected and covered, Goods displayed and all Vehicles removed from the Market Place and any adjoining highways and designated loading areas by no later than half an hour prior to the start of Market Trading Hours.
- 13.4 All Stalls shall be removed and all Goods cleared away and removed from the Market by 7:00 pm or such other time as shall have been previously agreed between the Council and Market Operator.
- 13.5 No Stall or Goods shall be cleared away or removed from the Market before 6:00 pm.

### **14. Payment of fees**

- 14.1 Every Stallholder shall be required to pay to the Council via the Market Operator a fee for using a Pitch for the purpose of selling Goods. The sums for a Pitch Licence and for a Casual Licence shall be determined annually by the Council

### **15. Signage**

- 15.1 Every Stallholder shall exhibit in a conspicuous position on each Stall a sign stating in letters not less than 2.5cm in height his trade name and telephone number at which he may be contacted
- 15.2 The sign and the writing shall be of such size as to be clearly visible to the passer-by
- 15.2 If the Market Operator is not satisfied that the measures required by Regulation 15.1 are adequate for the purposes of identifying a Stallholder he may require that Stallholder to take such steps necessary amend the sign to the dimension as specified

### **16. Compliance with legislation**

- 16.1 The Stallholder shall comply with all relevant Statutes, Statutory Instruments, Orders, Regulations, Codes of Practice, Bylaws, Directives or the like, to be observed and performed in connection with the exercise by him of his Licence, and in particular (where applicable) with:
- (a) the Health and Safety at Work Act 1974 and any relevant Regulations thereunder;
  - (b) the Food Safety Act 1990 and any Regulations or Bylaws made thereunder concerning food premises and food business;
  - (c) the Medicines Acts 1968 and 1971 and any relevant Regulations thereunder;

(d) all relevant provisions of any applicable child employment or protection legislation.

16.2 The Stallholder shall indemnify the Council and Market Operator against all liabilities, damages, costs, losses, claims, demands and proceedings whatsoever arising whether directly or indirectly from breach of these regulations.

## **17. Insurance**

17.1 Each Stallholder must have public liability insurance for a minimum amount of £2,000,000

17.2 The Stallholder is required to show a copy of such policy to the Market Operator prior to the issue of his Licence and upon every renewal of such policy taking place during the subsistence of the Licence

## **18. Breach of the Regulations**

18.1 Any complaint regarding a Stallholder's compliance with these regulations must be made in writing to the Market Operator.

18.2 If the Council or Market Operator is of the opinion that there may have been a breach of these Regulations the following procedures shall apply:

- (a) The Market Operator will raise any apparent breach with the Stallholder concerned with a view to the Stallholder taking action to remedy the breach;
- (b) Where the Stallholder is required to remedy a breach by the Council or the Market Operator he shall do so forthwith;
- (c) If the breach is still apparent after a period of five days period has expired since the Stallholder was required to remedy the breach the Market Operator will write to the Stallholder advising that if the breach is not remedied within 5 days the Council will be asked to take action against the Stallholder;
- (d) The Stallholder shall be entitled to make written submissions to the Council in relation to the breach in question.
- (e) The Council and the Market Operator shall be entitled to suspend the Pitch Licence for a specified period, until the issue is rectified or terminate the Pitch Licence entirely.