

South Holland District Council



Markets Policy

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Our Mission Statement

To ensure the district of South Holland is a vibrant place to work, live, shop and visit and that everyone has an opportunity to be part of its future.

Welcome to South Holland Markets

The following Market Policy details the agreement that is made between South Holland District Council and our stallholders, setting out the obligations and requirements that must be complied with to ensure safe environments for all those that frequent our markets and support the markets and their growth.

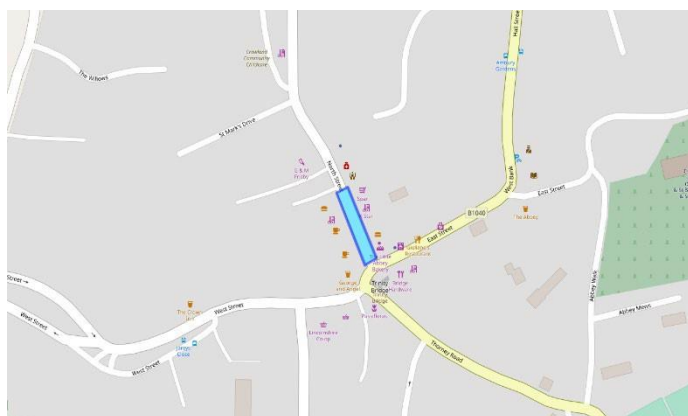
South Holland District Council is invested in the development and ongoing success of our markets. We believe that by working together, SHDC and stallholders can continue to grow each of our markets and aspire to increase footfall through a wider selection of produce and commodities.

Our markets provide customers with fresh, local and affordable products which have become more valuable to the public over the recent times. It is our commitment to work with our current and new stallholders to support, develop and advance our markets to be the markets of choice for our residents and visitors.

Please do not hesitate to contact us at Markets@Sholland.gov.uk or contact the Markets Officer on 07436600979.

South Holland District Council currently run 5 markets all year round in the towns of Crowland, Holbeach, Long Sutton and Spalding.

The markets

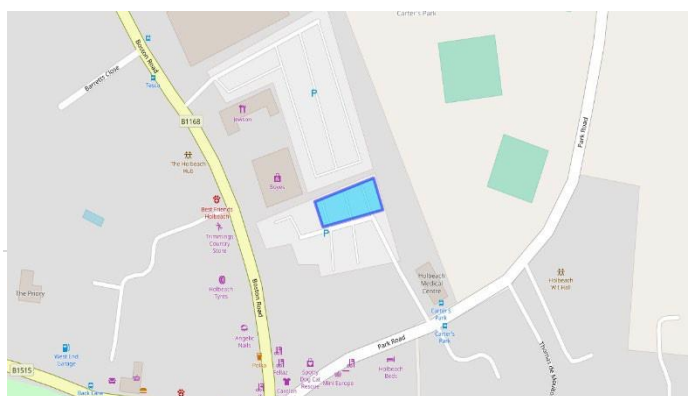


Crowland

North Street

Every Friday

09:00 – 14:00



Holbeach

Boston Road South Car Park

Every Thursday 09:00 – 14:00

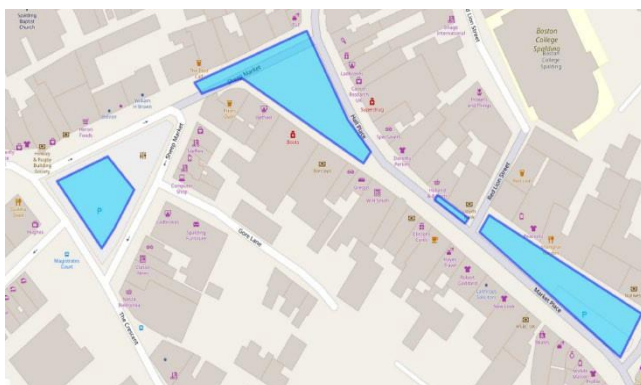


Long Sutton

Market Place

Every Friday

09:00 – 14:00



Spalding

Market Place, Hall Place and Sheep Market

Every Tuesday and Saturday

09:00 – 14:00

The days of trading maybe varied around Bank Holidays but will not be held on Christmas, Boxing or New Year's Day. More details regarding our markets, including any changes around bank holidays can be found at www.sholland.gov.uk.

What you can expect from us

A Council representative will visit each market.

The Council will facilitate the online application process and check that you have everything in place to be able to stand on our markets.

The Council will facilitate and run the online booking system that will secure your position on the markets. The Council will promote the markets via the SHDC website and social media channels. The Council will update stallholders with any relevant Government advice or legislation.

Terms of reference

‘The council’ means the district Council of South Holland, whose principle office is The Council Offices, Priory Road, Spalding, PE11 1EX

‘The market’ means the open-air markets held in Crowland, Holbeach, Long Sutton and Spalding respectively in the locations determined by the District Council.

‘The Market Officer’ means the person appointed by the Council to exercise general management, supervision, control and enforcement of market rules or any person nominated to deputise in the absence of the Market Inspector.

‘Stall/gazebo’ means any structure, standing bench, table, place or space and any vehicle or trailer used or intended to be used for the display or sale of goods.

‘Pitch’ means the place or space in the Market Place where the stallholder is positioned containing the agreed gazebo or number of gazebos, allocated to the individual stallholder.

‘Fittings’ means any free-standing structure or additional attachments used for displaying goods, not normally comprising of the make-up of the stall/gazebo.

‘Vehicles’ include any mechanically propelled vehicle (other than mobility scooters or wheelchairs) and any cycle, tricycle, wheelbarrow, cart, handcart, truck, wagon or trailer.

‘Goods’ includes provisions, commodities and articles brought into the market for the purpose of sale.

‘Stallholder’ means a trader given permission to trade on the market. Active stallholders must inform the Council of any changes to their names or contact information.

‘Casual Trader’ means a stallholder who is allowed to stand for the day of market only and has agreed to comply in full with the Councils Market Policy relating to the payment of rents and the operation of the market.

“Loading and unloading” means the process of getting goods and equipment in and out of the stallholders’ vehicles and setting up or taking down the stall/gazebo or pitch.

“Market Licence” means the authority of the Council, which is personal to the Stallholder, to sell permitted items on a specified market from a pitch, subject to market rules and such other conditions as may be included in the market licence.

“Permitted Commodities” means those goods and commodities for which the Stallholder has the approval of the Markets Officer to sell during the course of trading hours.

Application and booking on the markets

All stallholders are required to complete an online application which is assessed by the Markets Inspector.

The application will require you to provide:

- details of all commodities that you will be selling.
- proof of public liability insurance for claims up to £5 million.
- proof of registration with the food safety team, confirmation that you hold a food rating of 3 stars or above and food hygiene certificates if you're selling food.
- business details, including any market federation membership number.
- full contact details.
- Details of the markets you wish to trade on.

Once all the required information is received, and providing the application is successful, the applicant will receive a licence to trade. The licence permits the stallholder to trade on agreed markets only and sell only the permitted commodities as provided in the application process. Should these need to be amended you must contact the Markets Team. Should you fail to do so, you will be requested to cease trading the unauthorised commodities immediately and may be subject to disciplinary procedures.

To stand on a market day, stallholders are required to book a pitch through the online book and pay system (GOSS), for which payment is required at the time of booking. For more details and access to the payment portal please see the South Holland District Council website or follow:

<https://www.sholland.gov.uk/markets>

If any stallholder stands without booking and paying in advance through this system, they will be requested to cease trading on that day and may be subject to disciplinary procedures.

Stallholders will receive an email receipt for book and pay.

In the event that an allocated pitch becomes unsuitable to the stallholder it is allocated to, the Market Officer shall, at their discretion, allocate an alternative position if there are any available.

Charity and non-commercial organisations

Where the market can be let to capacity, priority will be with commercial traders to stand.

All applications from charities and non-commercial organisations shall be treated in the same way as applications from commercial traders, including complying with all conditions set within the policy.

Each charity/non-commercial organisation shall be permitted to stand, free of charge, once every 3 months. Attendance at subsequent markets shall be chargeable at the full casual rate.

There will be no more than 4 charity/non-commercial organisations pitches permitted at each market, unless a speciality Charity Market is held. Gazebos/stalls may be provided depending on availability and staffing levels.

No organisation shall stand to promote and/or influence political parties, political campaigns, the promotion of a particular religion, or the promotion of religion in general without the consent of the

Council.

Registered Charities must complete an online application form. For more details, please contact the Markets team at Markets@Sholland.gov.uk.

Market fees

The most up to date charges for standing on our markets can be found on our website <https://www.sholland.gov.uk/markets>

The Council reserves the right to amend its charging policies at any time and will give a minimum notice of one month to stallholders.

The costs set out below are for a 3m x 3m pitch.

Market	Fee per Pitch
Crowland	£5.00
Holbeach	£9.00
Long Sutton	£11.00
Spalding Tuesday	£10.00
Spalding Saturday	£10.00

‘Traders with 10ft pitch and additional requirements’ - £2.00 extra

Traders that would like to request additional requirements such as electric, additional seating area, gazebos etc., will need to seek permission from the Market Officer prior to booking.

Cancellations and non-attendance

In the case of any cancellation, payments will not be refunded. Instead, the non-trading days may be reimbursed by way of a free future booking, at the discretion of the Markets Officer subject to the reason for cancellation as detailed below.

Cancellations made by the stallholder will only be reimbursed if there is an unforeseen reason such as illness or bereavement. Documentary evidence such as medical certificates may be required by the Markets Officer to authorise the reimbursement.

- With regard to non-attendance of a stallholder due to certified sickness and bona fide visits to medical practitioners, a stallholder will have fees reimbursed for a period of up to 3 months.
- Stallholders who suffer a close family bereavement will be allowed two weeks absence, without forfeiture of rights and free of market charges. An explanatory letter or email must be given by that stallholder to the Market’s Officer
- If a stallholder is required for jury service, they must inform the Markets Officer in writing as soon as possible and the market rents may be waived.

The Council may cancel a market at short notice due to adverse weather conditions. The Council will endeavour to gain a consensus from Stallholders before the decision is made to cancel the market

and the stallholder will be reimbursed by way of a free booking on a future date.

In the event the Council has received notification from statutory undertakers or other bodies that work is to be undertaken in the Market Place, the Council reserves the right to give one weeks' notice to terminate any bookings made within the period of works.

Notice of non-attendance must be given to the Markets Officer by emailing Markets@Sholland.gov.uk or by calling 07436 600979.

Sale of Goods

Stallholders shall not sell any type of goods other than those for which they are registered.

Permission to change or alter commodities must be gained from the Markets Officer in writing by emailing Markets@Sholland.gov.uk. If the changes are significant a new application form may need to be completed.

Sale of live animals, fish, birds and other fowl is not permitted.

Practices of acupuncture, ear piercing, tattooing or electrolysis will not be permitted.

No counterfeit, replica guns/weapons, drug related, pornographic or adult entertainment goods to be displayed or sold.

Stallholders selling food items must comply with all current and applicable food safety legislation and must be registered with the Local Authority in whose district they reside. The Council will only accept food vendors on any of the markets with a Food Hygiene Rating of 3 stars or above and the relevant food safety rating should be displayed at all times. Food should also be labelled in accordance with statutory requirements and those handling food should be appropriately trained. For more information, please contact South Holland District Councils Food Safety Team at Foodhs@Sholland.gov.uk.

Use of the Pitch

No alterations or additions can be made to the gazebo or pitch without the authorisation of the Markets Officer. Subletting of stalls/gazebos, pitches or any part thereof is prohibited.

All pitches have a maximum depth of 3m/10ft. No goods shall be placed beyond the boundaries of the stall/pitch, either hanging or on the ground unless permission to do so has been gained from the Markets Officer.

All stallholders are required to be aware of and comply with the relevant statute law and regulations.

It is the responsibility for all stallholders to acquaint themselves with the trading regulation regarding their own specialist area and abide by it.

Stallholders are responsible for supplying, erecting, dismantling and upkeep of their own stalls/gazebos.

Stallholders are required to keep their stalls/gazebos, fittings and space underneath the stalls clean and free from litter. All fittings, fixtures and appliances owned by the stallholders must be kept in good condition and must not constitute a danger to the public. The stallholder, in accepting these regulations, agrees to indemnify the Council against any liability for accidents, damage or injury

caused by or arising from the disrepair condition or construction of any stall which belongs to the stallholder.

Stallholders must ensure that they, or any person working for them, does nothing which, in the opinion of the Market Officer is a nuisance or annoyance to a member of the public or detrimental to the efficient operation of the market.

No stallholder or their assistants shall use amplified sound for the purpose of advertisement, entertainment, trade or business without the authorisation of the Markets Officer.

Generators will only be allowed if in the opinion of the Market Officer, they are not likely to be a danger, health hazard or nuisance to members of the public or other stallholders.

Electrical hook up points are available at Spalding and Holbeach and these are reserved for food vendors. No stallholder shall use these points unless agreed with the Markets Officer.

Pitches not in use are to be kept clear from obstruction and not used as storage or ad-hoc trading areas.

South Holland District Council reserves the right, through the Market Officer to request removal of goods from sale that have been identified by Trading Standards as not fit for sale.

All stalls, goods, vehicles and refuse must be removed from the markets area no more than one and a half hours after close of the market but not before 14:00. Stallholders must not leave the market site before this time unless the Markets Officer permits it and/or when circumstances (i.e. bad weather) necessitate the early ceasing of trade. If Stallholders need to leave early, they must seek agreement from the Market Officer. Unauthorised early departures will be deemed a breach of Market Policy and may result in disciplinary procedures.

Refuse

You must keep your allocated stall or pitch, and the immediate surrounding area, clean and tidy and clear of rubbish and waste. All stallholders will ensure that any rubbish or waste is stored appropriately so that it does not spread across the market or town. It is the responsibility of each stallholder to ensure that all refuse generated by or collected upon his or her pitch, is taken away with them for disposal and it is the responsibility of each stallholder to sweep their pitch clean after each market at the end of the trading day.

Under no circumstances shall stallholders dispose of commercial market waste in public litter bins or drain water tanks or empty water containers into the public drainage system. If a Stallholder makes arrangements for the removal and disposal of their waste, it is their responsibility to ensure that any persons removing or disposing of the waste holds an appropriate waste carriers' licence which can be inspected by the Markets Officer.

If a Stallholder disposes of waste in an unauthorised way, they will be reported to the Community Safety Team for investigation and may result in disciplinary procedures.

Vehicles

Stallholder's vehicles and/or goods delivery vehicles may only be brought into the market in such a manner as will cause no obstruction to any public road, pavement or footway used by the public nor inconvenience to other stallholders or the occupiers of any premises adjoining the market. Vehicles

may not stand for longer than is reasonably necessary for loading or unloading goods.

Unloading of goods must be carried out before commencement of the sale of goods to the public and not later than the commencement of the market at 9:00am, unless permission has been granted by the Markets Officer. No vehicles should be brought onto the market area or stalls removed from the market area before 14:00. One permit will be issued per trader for Victoria Street or Holland Road car parks.

Where it can be demonstrated that it is essential to a stallholder's commercial operation that a vehicle remains on the market, this shall be permitted where possible, with the prior agreement of the Markets Officer.

Vehicles driven by market stallholders in Spalding shall access the Market Place via Broad Street and shall leave via New Road. Movement of stallholders vehicles are not allowed in the Market Place or Hall Place, Spalding, during the hours of Lincolnshire County Councils pedestrianisation (10:00-16:00) on the day of the market. The Markets Officer may relax these provisions during adverse weather conditions or emergencies.

General

A stallholder must notify the Council of any change in the operation of their business e.g. any amendment to the business name and/or address and any change in contact details by emailing Markets@Sholland.gov.uk. Failure to do so may result in the cancellation of the stallholder's licence.

Every stallholder shall provide third party Public Liability Insurance for the minimum of £5,000,000 (five million pounds) upon application. The insurance must be renewed, and a copy of the renewal certificate produced to the Market Officer by the stallholder each year.

Stallholders and their assistants are requested to dress in a respectable manner as would be expected within their working environment as not to cause offence to customers, Council staff and other stallholders.

Stallholders and their assistants shall not do any act or anything which may cause danger, nuisance or annoyance to other stallholders or visitors to the market. Stallholders and their assistants shall comply with all reasonable instructions and requirements of the Markets Officer.

Stallholders and their assistants shall not harass, threaten or otherwise prevent the Markets Officer from managing the markets or enforcing these regulations.

The stallholders shall comply with all of the above regulations and ignorance of the Market Policy will not be accepted as a defence. Any breach of the Market Policy may result in disciplinary procedures taking place.

Health and Safety

All stallholders are duty bound by law to follow the Health and Safety at Work Act 1974. As a condition of your licence to occupy a pitch/gazebo upon the market, all stallholders are required to comply with all Health and Safety instructions as issued at registration of a stallholder and from time to time thereafter by the Markets Officer. Such instructions and regulations are additional to and do not vary the byelaws relating to the operation of the market.

Failure to comply will result in suspension or permanent removal from the market.

Because of possible risks to the public passing through the Market Place, it is the responsibility of all stall holders to ascertain and comply with Health and Safety legislation concerning the delivery, erection and dismantling of “own units” and the storage of their refuse, be that be done by themselves or others.

It is the responsibility of all stallholders to undertake a Health and Safety risk assessment of such working methods and apply suitable safeguards.

All Stallholders shall comply with any guidance issued by the Government for the purpose of protecting themselves and the public in regard to COVID 19.

Stallholders are reminded of the requirement to effect and maintain Public Liability insurance at all times and provide evidence of the same to the Markets Officer upon request.

All stallholders are expected to:

- a) Familiarise themselves with these health and safety instructions.
- b) Ensure Risk Assessments are undertaken, and safe systems of work are implemented and regularly reviewed.
- c) Ensure all employees, agents and contractors are adequately informed, instructed, supervised and trained in health and safety matters.
- d) Take reasonable care of their health, safety and welfare and that of others who may be affected by their acts or omissions.
- e) Assist the Markets Officer by reporting an accident or incident that has or may cause injury to a person or damage to property.
- f) Co-operate and comply with all directions given by the Markets Officer regarding Health and Safety issues.

Any accident caused through failure to observe statutory requirements or negligence is the responsibility of the licenced stallholder.

All stallholders are responsible for the safe erection and dismantling of their stall, to ensure their own safety and that of those using and visiting the stall.

Those erecting or dismantling stalls should always be aware of staff, members of the public and traffic in the surrounding area. Although different stalls have different requirements with regard to erection and dismantling, the following must be adhered to for all stalls and the Council Reserves the right to ask a stall to be removed if not deemed safe/appropriate.

- a) Stalls must be stable once erected
- b) Stalls must be capable of coping with the weather conditions on the day.
- c) All welds on stalls components must be sound
- d) Stall components must not be excessively corroded
- e) Sheeting must be securely lashed to stall structure, in a way which prevents pooling of rainwater.
- f) Trained and experienced staff only should undertake stall erection or dismantling
- g) A suitable safety platform or stepladder must be used whenever working above ground level.
- h) Working areas should be maintained in a safe and tidy condition with refuse and litter removed from the area before dismantling commences.
- i) Stallholders must ensure equipment is maintained in a good condition.
- j) Stallholders must ensure correct and safe handling techniques are used at all times.
- k) Stallholders must always wear appropriate PPE

- l) When dismantling stalls, bars are to be removed in a controlled manner (without dropping from height or left unattended causing trip hazards)
- m) Any incidents that result in injury to a member of the public, or anyone working on a stall (including those during erecting and dismantling stalls) must be reported to the Markets Officer.

Compliance with Market Rules

Stallholders are required to comply with all reasonable directions of the Markets Officer.

As part of the application process stallholders must tick the form to say they have read, understand and intend to comply with the Market Policy.

Any acts that are a breach of any of these regulations may result in disciplinary action such as a verbal, written or final warning. It can also lead to suspension from market or revocation of licence from all SHDC run markets.

The Council has the right to terminate your Licence immediately if any trader, or its employees, breach the Markets Policy, depending on its severity.

Disciplinary Procedure

1. First breach – The Markets Officer shall issue a verbal warning. A record of the verbal warning will be made by the Council.
2. Second breach (within any 12-month rolling period) – A first written warning shall be issued by the Market Manager.
3. Third breach (within any 12-month rolling period) – A final written warning shall be issued by the Market Manager.
4. Any further breaches may result in a suspension from trader for a period of time to be determined by the Market Manager, or termination of the traders licence.

Appeals Procedure: At all stages of the disciplinary procedure the stallholder has a right of appeal. The following appeal procedure applies:

1. The stallholder must make the appeal in writing within 10 working days of receipt of the warning. The appeal must be sent to Markets@SHolland.gov.uk, for the attention of the Markets Manager.
2. If the appeal is against a decision made by the Markets Manager, the appeal should be addressed to the Leisure and Culture Assistant Director.
3. If an appeal hearing is necessary, the stallholder shall be given adequate notice of the hearing and shall have the right to be accompanied at any hearing by a representative of their choice.

Emergency Procedures

There may be occasions when it is necessary to evacuate the marketplace for safety reasons. Stallholders can play a valuable role in helping to ensure that a calm and effective evacuation takes place by giving clear guidance on what is expected of the members of the public.

Evacuations will only be instigated by the emergency services.

There is no officially designated assembly point and large numbers of people are likely to require moving. It is essential that such a movement is away from potential danger and that stallholders assist in ensuring members of the public are vigilant of emergency vehicles entering and exiting the Market Place.

The principal focus of an evacuation will be to protect members of the public, who will be expected to either disperse or await safe access back onto the market site, depending on the nature of the emergency.

In order to facilitate easy evacuations, stallholders must make sure that stalls do not encroach on walkways or traffic routes, taking account of the fact that there may be wheelchairs, pushchairs and prams etc. present.

Stallholders right to assign their stalls goodwill

- a) To be considered for the right to assign a stalls goodwill to the market stallholder wishing to sell their stalls goodwill must have traded for two years or more on one of South Holland District Councils market on a continuous basis.
- b) Both the market stallholder and the chosen purchaser (i.e. market stallholder buying the stalls goodwill) must make a joint application to the Council for approval before they can enter into any agreement.
- c) To ensure the market remains balanced the purchaser buying the right to sell on the transferred stall, must only sell those lines of goods previously sold by the market stallholder selling the stalls goodwill.
- d) The new market stallholder (purchaser of the stall) must adhere to all Market Policy.
- e) No actual transfer is to take place until the application has been dealt with and approved in writing by the council.
- f) The council reserves the right to reject applications.

Contacts and Resources

SHDC Markets team - Markets@Sholland.gov.uk

SHDC Food Safety team – Foodhs@Sholland.gov.uk

The Food Standards Agency – www.food.gov.uk

The Food Standards Agency Registration page - <https://www.food.gov.uk/business-guidance/register-a-food-business>

NABMA - www.nabma.com, 01691 680713

National Market Traders Federation – www.NMTF.co.uk - 01226 749021