

South Holland District Council

Market Regulations Handbook

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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 Regulations Handbook 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.

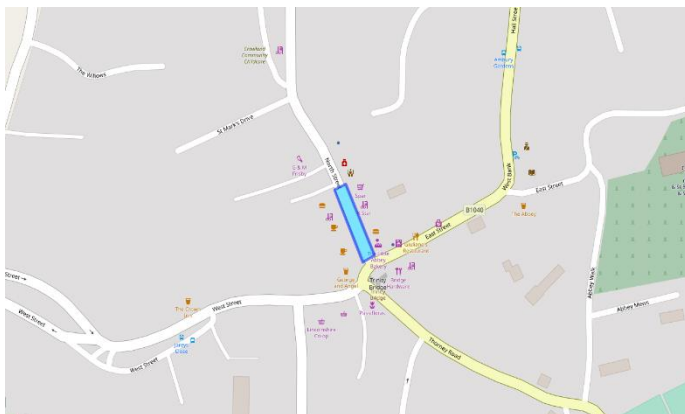
Our markets provide customers with fresh, local and affordable products which have become more valuable to the public over the recent times. It is our commitment to work with our current and new stallholders to support, develop and advance our markets to be the markets of choice for our residents and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

Please do not hesitate to email us at markets@sholland.gov.uk or contact the Markets Inspector on 07827 955887.

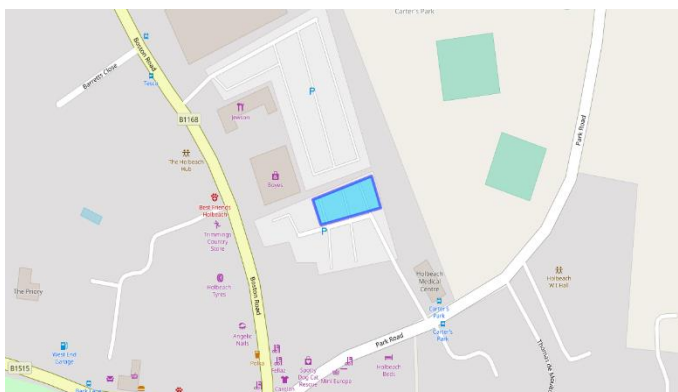
Out of hours contact can be made on 07920 766682 if there is something you want to bring to our attention.

South Holland District Council currently runs 5 markets all year round in the towns of Crowland, Holbeach, Long Sutton and Spalding. The Holbeach Saturday market is currently dormant, for more information about this market please contact markets@sholland.gov.uk.

The Markets –



Crowland
North Street
Every Friday
09:00 – 14:00



Holbeach
Boston Road South Car Park
Every Thursday (and Saturday)
09:00 – 14:00

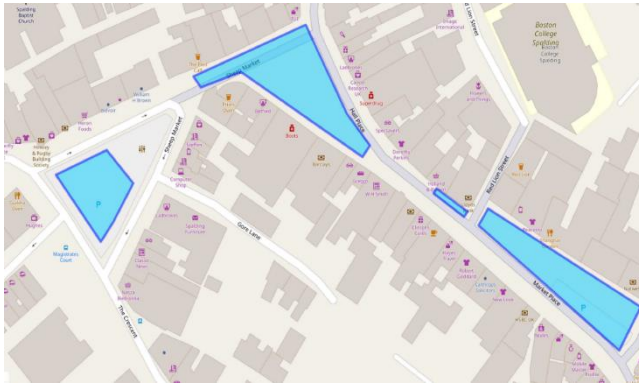


Long Sutton

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 can be varied around Bank Holidays but will never 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 markets team will be on hand to help with any queries or issues 7.30am – 5pm Monday to Friday. Saturdays will be covered by the out of hour’s service.

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 SHDC website and social media channels.

The Council will facilitate and work with the market engagement group to ensure two-way communication with our stallholders that supports the growth of our markets

The Council will facilitate and encourage the nomination and positioning of Market Representatives to ensure the stallholders always have a voice.

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 1AX

'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 Inspector' 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' 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 marketplace where the stallholder is positioned containing the agreed stall or number of stalls, 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.

'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, whether Registered or Casual. Active stallholders must inform the Council of any changes to their names or contact information.

'Registered Trader' means a stallholder who has been allocated a reserved pitch for each market day and has agreed to comply in full with the Councils Regulations relating to the payment of rents and the operation of the market.

'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 Regulations relating to the payment of rents and the operation of the market. They have the right on application to be placed on the waiting list to become a registered trader. They will not be placed within 48ft from a stallholder who sells the same commodity, nor will they be put in a space held by an absent registered stallholder who sells the same commodity.

'Market Representative' means a stallholder voted into the position of representative by their peers. They are the main point of communication between the stallholders on their appointed market and the Council.

"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 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 Inspector 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 are 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 which will need to be displayed on their stall at all times. 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, for which payment is required at the time of booking. *****INSERT LINK*****

Regular market traders of SHDC are afforded priority access, allowing them to book their pitch(s) for up to seven (7) days before any market. After this time and no earlier than seven (7) days before the market is due to stand will casual traders be able to book and pay for any pitch.

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.

Registered traders will be required to use the book and pay system and will have to book 7 days in advance for any market. If no booking is made the stallholder will be contacted by the Markets Team. If there is no response or the pitch is not required on that day it will be made available for a casual trader for that day only.

Stallholders will receive an email receipt for book and pay.

If, due to a registered trader not booking to stand, a reserved pitch becomes available it will be let by the Markets Inspector to a stallholder who has filled in their application and is on the waiting list. The market inspector will be responsible for maintaining commodity balance within the markets and may refuse an application due to replication of a commodity within the market.

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

First Time Stallholders

To support new stallholders, we intend to be able to provide an option for new stallholders to hire a 3m x 3m gazebo and table for a maximum of 6 weeks at an additional cost and subject to availability.

For more details please contact the Markets team at market@sholland.gov.uk.

Charity Stalls

On all of South Holland District Councils markets there is one allocated Charity pitch which is available free of charge. Registered Charities must complete an online application form and will be able to book once per month on each market through the book and pay system. If additional bookings are required in a month, the Charity can become a Casual Trader and will be subject to the fees for the pitch size required. A charity can hire a 3mx3m gazebo and table for a maximum of 6 weeks at an additional cost and subject to availability. For more details please contact the Markets team at market@sholland.gov.uk.

Market Charges

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 each stallholder.

All pitches have a maximum depth of 3m/10ft, the costs set out below are for a 3m x 3m pitch.

Market	Fee per Pitch (10ft x 10ft)
Crowland	£7.00
Holbeach	£7.00
Long Sutton	£8.50
Spalding Tuesday	£7.00
Spalding Saturday	£7.00

Electric hook up will incur an additional £1 contributory cost.

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 Inspector 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 Inspector to authorise the reimbursement.

- a) With regard to non-attendance of a stallholder due to certified sickness and bona fide visits to medical practitioners, a stallholder will have rents reimbursed for a period of up to 3 months. A medical certificate or letter will be required from a doctor clearly stating that the registered trader is unable to attend his/her market stall. If certified sickness continues for a period of six months, discussions will be held with the stallholder concerned and the situation will be reviewed. The aforementioned review will be instigated by the Markets Inspector after consultation with the Environmental Services Manager. The outcome will be made known to the stallholder.
- b) In extenuating circumstances, should any medically certified leave of absence be extended to a period of twelve months, the stallholder will be invited to attend a meeting when a comprehensive review of the situation will take place.
- c) 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 inspector.
- d) If a stallholder is required for jury service, they must inform the markets inspector 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.

All registered traders are required to give 4 weeks' notice in writing when leaving any of the Councils Markets.

A pitch left unoccupied for 3 consecutive weeks by a registered trader may be considered to be vacant unless a reason considered acceptable by the Markets Inspector is given.

An aggregate of 15 absences by a registered trader in any 12-month period may result in the loss of a reserved pitch unless a reason considered acceptable by the Markets Inspector is given. Documentary proof such as Medical certificates may be required.

Notice of non-attendance must be given to the Markets inspector by emailing markets@sholland.gov.uk or by calling 07827 955887/ 07920 766682.

Sale of Goods

Stallholders shall not sell any type of goods other than those for which they are registered. This regulation may be relaxed if no other stallholder has applied to be on the waiting list or the Markets Inspector agrees that the sale of the additional goods will not interfere with the balance of the market.

Permission to change or alter commodities must be gained from the Markets Inspector 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 will not be 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

All pitches have an identification code and stallholders shall only occupy the position allocated to them.

No alterations or additions can be made to the stall or pitch without the authorisation of the Markets Inspector.

Subletting of stalls or 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 Inspector.

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.

Stallholders are required to keep their stalls, fittings and space below 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 Inspector 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.

Generators will only be allowed if in the opinion of the Market Inspector, 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 requiring refrigeration or heating. No stallholder shall use these points unless agreed with the Markets Inspector and may be subject to an additional charge.

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 Inspector 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 Inspector expressly 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 Inspector. Unauthorised early departures will be deemed a breach of terms and conditions 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 Inspector.

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 inspector. 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 Inspector.

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 Inspector may relax these provisions during adverse weather conditions or emergencies. If the Markets Inspector is not in attendance permission may be given by the Markets representative only.

General

A stallholder must notify the Council of any change in the operation of the stall 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.

A stallholder must notify the Council of any changes in the commodities that they sell by emailing markets@sholland.gov.uk.

If a stallholder employs someone on a regular basis to manage their stall, positive proof of such employment must be provided (e.g. insurance card, tax documents etc.)

Every stallholder shall furnish proof of third party public liability insurance in the minimum of £5,000,000 (five million pounds) when first starting on any of the markets. The insurance must be renewed, and a copy of the renewal certificate produced to the market's inspector by the stallholder each year.

Stallholders and their assistants are requested to dress in a respectable manor as would be expected within their working environment as not to cause offence to customers 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 market's inspector.

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

The stallholders shall comply with all of the above regulations and ignorance of market regulations will not be accepted as a defence. Infringement of any of the regulations 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/stall 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 Inspector. 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 Market Inspector 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 Market Inspectors by reporting and 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 Market Inspector 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 Market Inspector.

Market Representatives

Every year a nomination and voting process will take place in order to appoint a Market representative and vice for each market. These representatives will be the main point of communication between the stallholders on their market and the Council. They may be consulted on decision making processes and will be able to advise other stallholders ensuring good two-way communication between the council and its stallholders.

Compliance with Market Rules

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

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

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 you or your employee(s):

- Behave in a way that the Council believes, in its sole discretion, amounts to a serious breach of standards of trading detailed in the Market Rules;
- Offer or display food for sale that is unfit for human consumption or
- Convicted of any offence under the Weights and Measures Act 1985 or any Act, Regulation or Order relating to the sale of foods or goods including but not limited to offence for the sale of counterfeit goods.

If a stallholder fails to comply with the conditions of their licence or terms contained with the Market Regulations Handbook, the Council may take disciplinary action. The appropriate level of action will be dependent on the seriousness of the offence. In the event of action being taken the stall holder may appeal against that action within the period and to the person(s) indicated below.

Disciplinary Procedure

Breaches of licence conditions, terms and conditions of the Market Regulations Handbook or market procedures:

1. First breach – the Market Inspector 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 Inspector.
3. Third breach (within any 12 month rolling period) – a final written warning shall be issued by the Market Inspector.
4. Failure to comply with a written warning shall be reported to the Service Manager for Environmental Services who will invite representations from the stallholder and will then decide on the appropriate action which may include termination of the licence. Furthermore, the stallholder may be permanently excluded from trading at any market within the South Holland district depending on the seriousness of the breach.

Please note - the Council reserves the right to suspend a stallholder from the market immediately if the breach or level of behaviour is likely to cause serious difficulties with the continued operation of the market, consists of threats to others or involves the sale of unauthorised or unsafe goods. Stallholders not complying with the Market Rules may be suspended from trading by the Markets Inspector

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 the Environmental Services Manager, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE.

2. If the appeal is against a decision made by the Environmental Services Manager, the appeal should be addressed to the Place Manager, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE.
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 marketplace.

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 regulations.
- 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, info@nabma.com, 01691 680713

National Market Traders Federation – www.nmtf.co.uk, 01226 749021,