



# RAYLEIGH TOWN COUNCIL

## MARKET REGULATIONS FOR WEDNESDAY STALL HOLDERS

Rayleigh Town Council (the Council) operates a weekly outdoor market in Rayleigh High Street, which is held on Wednesdays. A market is described as a concourse of buyers and sellers of articles. Any trader wanting to have a stall at this market must contact the Council and complete an application form.

All traders attending the market are subject to control through these Regulations which cover conduct of traders, attendance, stall lettings, insurance liabilities, fees and complaints/enforcement. These Regulations are designed to allow clear understanding of how the market is operated and demonstrates responsibility from both traders and the market operator (Rayleigh Town Council). Equally they provide protection in areas of dispute and insurance cover against claims for all attending the market. The Council does however welcome any comment you may wish to make to improve either content or style of presentation. The market is operated to give traders and their customers access to goods and services and we should all seek to maintain these in a quality environment, demonstrating our joint approach to good service.

### **Contact**

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# Market Regulations

These regulations are applicable to all traders.

## 1.Regular Lettings

1.1 The allocation of pitches will be designated by the Council. A pitch will be 3 metres by 3 metres and the Council may allow more than one pitch per trader.

1.2 Pitches made vacant by termination of a regular trader will be allocated at the discretion of the Council

1.3 A regular reservation of a pitch will only be registered after the completion by the prospective regular trader of a signed undertaking to sell only a fixed type of goods upon the official form provided. Requests for a change to a different type of goods must be made in writing to the Council whose decision shall be final and binding upon the trader. Only one classification of goods to be sold from each pitch.

1.4 The sub-letting of pitches or any part thereof is prohibited. Regular traders may not dispose of or transfer the reservation of any pitch thereof.

## 2. Attendance at Markets

2.1 Traders and all attending the open market will observe and carry out the instructions and directions of Council officers or of the appointed person.

2.2 The normal open market hours are 8.00 a.m. until 2.00 p.m for Taxi Rank and 8.00am until 5.00pm for pavement areas other than Taxi Rank.

2.3 Setting up may commence at 6.00am to 8.00am and clearing away at the end of the market commences from 2.00pm in the Taxi Rank and 3.30pm for the pavement areas other than the Taxi Rank. The market areas must be clear of all stalls, goods and litter by 3.30pm in Taxi Rank and 5.00pm in pavement areas other than Taxi Rank.

2.4 Regular traders shall ensure that the stalls or pitches in their occupation are open for business during the normal hours of the open market unless prior permission of the Council Officer/appointed person has been obtained for the closing of the pitch.

2.5 The trader shall be present at the stall or pitch throughout the market day and not delegate this save for periods of up to a maximum of four weeks per calendar year for holidays and to notify the Council in writing in advance of such periods.

2.6 Traders may have up to 4 weeks per calendar year for holidays and will not be charged a pitch fee if at least two week's notice has been given to the Council. Agreement for periods over four weeks may be allowed at the discretion of the Council.

2.7 Absences due to sickness must be notified at the earliest opportunity. Absences extending beyond one week must be supported by a medical certificate and further medical certificates must be furnished on request to the Council. Other absences must be notified in advance.

2.8 The Council may reallocate pitches on a permanent basis if a trader is absent without an acceptable explanation for more than 2 non consecutive weeks in any 3 month period.

2.9 The Council reserves the right to reallocate any pitch if the regular trader is absent for any reason.

2.10 A trader shall inform the Council immediately of any change of address and other contact details.

2.11 The Council will reallocate a pitch/pitches if a trader leaves the market.

### 3. Use of Stalls

3.1 Traders will be allocated a pitch or pitches each measuring 3 metres by 3 metres (area of land on the High Street in a designated position) and must provide their own stalls and covers in green/white, which must be of good standard, inflammable, properly anchored and with no overhead projections. Stalls on the road side in the lagoon should cover the rear of the stall with canvas type material. The standard size stall is 3 metres by 3 metres. The Council may allocate more than one pitch to a trader.

3.2 A trader shall not erect any trestle, dress rail or permit any other article to be displayed on the market outside the defined area of the pitch.

3.3 A trader shall secure any broadloom carpets on display with retaining clips of a type to be approved by the Council.

3.4 Stalls or pitches must occupy a designated place which must be approved by the Council. This stall or pitch cannot be moved without prior approval.

3.5 A trader shall not provide any lighting to his stall.

3.6 No trader shall use or permit the use of any oil, solid fuel, electrical or gas heaters and generators without prior permission from the Council.

3.7 Every trader is required to exhibit his name and pitch number and to register his name and address with the Council.

3.8 No trader may make a change in the type of goods sold as prescribed on the signed undertaking (see regulation 1.3) except with the prior permission of this Council and the completion of a new undertaking.

3.9 Nothing herein contained shall be construed as requiring the Council to permit a trader to transfer from one pitch to another, but if such is permitted a trader shall continue to sell goods previously permitted to be sold on his usual pitch.

3.10 A trader selling foodstuffs shall comply with the Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1961 or any statutory modification or re-enactment thereof from time to time in force.

3.11 All traders shall comply with the provisions of the Children and Young Persons Act 1933 to 1963 (as amended by the Education Acts) or any other statutory modification thereof and any such trader shall comply with Byelaws.

3.12 A trader shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any pitch on any part of the market except where the animal is a guide dog for a registered blind person.

3.13 No trader shall sell or permit to be sold any animals domestic or otherwise, or give cause to be in contravention of the Pet Animals Act 1951 as amended by the Pet Animals Act 1983 or any statutory modification or re-enactment thereof from time to time in force.

3.14 A trader shall not conduct an auction at or on any stall or pitch

3.15 A trader shall not during the course of his trading on the market, generally tout for custom. No person shall, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.

3.16 A trader shall not use the method of selling known as 'demonstrating'.

3.17 A trader shall conduct his trading in such a way as to ensure so far as is reasonably practicable that any persons present on the open market whether a trader or member of the general public there for any purpose whatsoever, is not exposed to any risks to their health and safety and shall in all respects comply with the Health and Safety at Work Act 1974 or any statutory modification or re-enactment thereof from time to time in force.

3.18 Traders shall not use radios or any equipment for the reproduction of sound and/or vision on stalls or pitches in their occupation except where permission has been granted by the Council when such is required in connection with the traders business and the bringing of such equipment on to the open market for any other purpose is forbidden. Any trader using such equipment shall be responsible for any fee payable to the Performing Rights Society or to any other body in respect of the broadcasting of the sound or pictures or copyright or otherwise. No electrical items/generators/gas cylinders may be used without prior consent of the Town Council. All generators used must be silent, however **NO PETROL GENERATORS or LPG ARE ALLOWED**. RCD's must be used as

appropriate. Safety certificates for all electrical/gas equipment must be provided to the Town Council.

3.19 The decibel (noise) level of such will be entirely at the discretion of the Council.

3.20 No trader shall sell or permit to be sold ornamental weapons or replica guns, fireworks or anything else which, in the opinion of the Council is considered to be a risk to anyone attending the Open Market.

3.21 No trader shall sell or permit to be sold any item that contravene:-

Copyright Design and Patents Act 1988;

Trade Descriptions Act 1968;

Trademarks Act 1994

Video Recordings Act 1984 and similar associated legislation.

Licensing Laws eg alcohol, fire arms, animals etc.

3.22 Traders must comply with the minimum age requirements as determined from time to time by Trading Standards on Age Restricted Sales

3.23 Traders must not sell goods from the back of their stall on the road side in the lagoon and this side should be covered by canvas type material.

3.24 Traders must not block pedestrian access on the High Street and taxi rank.

## **4. Privately Owned Stalls, Vehicles, Stands**

4.1 All privately owned stalls, vehicles or stands on the open market must be constructed to a specification acceptable to the Council and must be inflammable and kept in a good state of repair, totally at the expense of the trader. All equipment must be properly anchored.

4.2 Traders who have such equipment or vehicles, irrespective of whether such traders are the actual owners or hirers, must indemnify the Council as provided for in Section 6 of these Regulations against any claim for damages or injury to persons or property arising from such equipment, however this may be caused.

## **5. Vehicles and other articles of carriage**

5.1 **TAXI RANK ONLY** Unless directed by the Council, vehicles will not be allowed on the open market between 8.00 a.m. and 2.00 p.m. and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches. Unloading is permitted from 6.00am to 8.00am and loading is permitted from 2.00pm to 3.30pm. In order to minimise congestion in the High Street traders will be allocated a strict time span by the appointed person when they can bring vehicles into the area for loading/unloading purposes.

### **5.1 PAVEMENT AREAS (NOT TAXI RANK)**

Unless directed by the Council, vehicles will not be allowed on the open market between 8.00 a.m. and 3.30pm and should at all times be brought on only for such time as is needed to expeditiously load and unload goods to and from stalls or pitches. Unloading is permitted from 6.00am to 8.00am and loading is permitted from 3.30pm to 5.00pm. Vehicles may be parked in the allocated spaces which are designated for Rayleigh Hi Fi in a car park at the rear of Bellingham Lane for loading/unloading purposes only (with prior agreement of the Town Council) and must be parked in another car park once loading/unloading is complete.

5.2 Pedestrian access on pavements should be available at all times. Vehicles must not be parked on pavements.

5.3 Vehicles may be parked in the Hockley Road car park at the far end if the appropriate fee is paid to Rochford District Council and ticket displayed. Traders should also display an identification badge in windscreens to show that they are with the market (badge will be provided by Rayleigh Town Council).

5.4 Hampers, boxes or containers must only be brought by traders on to the open market at such times when they will cause no obstruction to vehicles or avenues, or cause inconvenience to other traders or the public.

5.5 All persons manoeuvring vehicles on the market shall be appropriately qualified to drive/propel the type of vehicle and hold valid insurance cover.

5.6 High sided vehicles may not enter the taxi lagoon area due to potential damage to tree near to entrance.

## **6. Liability and Insurance**

6.1 A trader, employee or attendant shall have no claim against the Council for any loss or damage sustained through fire, theft or other cause whatsoever.

6.2 The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its Officers or Agents.

6.3 A trader shall have no claim for compensation for loss of goodwill or otherwise on the termination of his pitch or at any other time.

6.4 A trader shall indemnify the Council from and against all actions, proceedings, damage, claims, losses or outgoings of whatever nature arising out of the traders use of any stall, pitch, vehicle or stand etc. on the open market and shall take out a policy of public liability and products liability insurance for a sum of £5 million each or other sum as determined from time to time by the Council and provide a copy of the current policy to the Council on request.

6.5 It shall be the responsibility of the trader to insure his stock, fixtures, fittings and any other valuables brought into the market or car park against damage by fire, theft or flood.

## **7. Conduct of Traders**

7.1 Traders and their employees or attendants are required to conduct themselves in an orderly manner and are not permitted to do any act which may cause the public to congregate around the stall or pitch in such a manner to cause an obstruction to another stall or avenue or behave in such manner as to bring the Market into disrepute.

7.2 A trader, employee or attendant shall not act in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public, or damages any property of the Council.

7.3 A trader shall be responsible for the actions of his employees and attendants, and if, in the opinion of the Council, an employee or attendant has acted in any way which contravenes these Regulations or causes nuisance, annoyance or danger to other traders or the public or damages any property of the Council, the trader should seek the immediate removal of that employee or attendant.

7.4 The Council can seek the immediate removal of a trader, his employees, attendants or any other person associated with the trader, who, in the Council officers opinion, is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.

7.5 Damage or failure of equipment belonging to the Council shall be reported immediately to the Council and no attempt whatsoever shall be made to affect a repair. No person shall interfere with any plant or equipment belonging to the Council.

7.6 The giving and receiving of gratuities is strictly against the policy of the Council.

7.7 Public conveniences are available at Crown Hill and the King George's Sports Pavilion

## **8. Payment of Charges**

8.1 The charges levied for any pitch shall be such sums as may be laid down by the Council from time to time.

8.2 All charges levied by the Council will be paid by traders monthly in advance (by the last Wednesday of the previous month) by sending a cheque to Rayleigh Town Council or attending the office and paying by cash (note office opening hours Monday to Friday 9.00am to 3.30pm).

8.3 Alternatively payment in advance may be given to the appointed person on the last Wednesday of the month. The appointed person will provide a receipt for any payments accepted from traders.

8.4 All Cheques should be made payable to Rayleigh Town Council.

8.5 The Council will give receipts for cash payments only.

8.6 The Council will not make a charge for holidays taken if at least 2 week's notice has been given to the Council.

8.7 The Council will not make a charge for weeks where the market falls on Christmas Day, Boxing Day or New Years Day.

8.8 The Council will charge an administration fee of £1 per week, per pitch for the first two weeks over the due date. This will rise to £5 per week, per pitch from the third week that a payment is late. This fee will be VAT inclusive.

## 9. Procedure for dealing with complaints

9.1 Complaints by traders in respect of any matters affecting the open market must be brought to the attention of the Council in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.

9.2 If a complainant is not satisfied with the action taken by the Council on any complaint then the matter may be referred by letter to the Chairman of the Council.

9.3 Disputes of any kind must be reported directly to the Council.

## 10. Penalties

10.1 Any act or omission which contravenes one or more of these Regulations may be subject to a penalty. The penalties are as follows :

- Verbal warning (confirmed in writing);
- Written warning;
- Final written warning;
- Suspension;
- Permanent ban.

10.2 The penalty imposed for any particular incident will depend on the seriousness of the breach and any previous penalties imposed.

10.3 If a trader is suspended by the Council the facts will be reported to the Chairman of the Council.

10.4 The trader will be notified in writing of such a report and may, if he so wishes:

- (a) Submit a written defence to the Chairman of the Council; and/ or
- (b) Appear in person (with a right to be represented by a friend or Solicitor) before an appeals panel, which will consist of Town Councillors.

10.5 Any decision made by the panel will be final and binding and will be notified to the trader in writing.

## 11. Glossary

11.1 'Council' means Rayleigh Town Council.

11.2 'Open Market' means the place designated by Rayleigh Town Council being the place where the market is held.

11.3 'Pitch' means the 3 metre by 3 metre area of land that a stall may be situated in a position as designated by the Council. Some stall holders may hire more than one pitch with the Council's permission.

11.4 'Stalls' shall include, unless the context otherwise requires, and wheresoever situated upon the market, any stall, table, stand, equipment or any other device used by a trader shall for the purpose of the regulations be considered within this meaning, normal size is 3 metres by 3 metres.

11.5 'Demonstrating' shall mean that by action a person includes the functional purposes of the goods displayed and all that this implies.

11.6 'Auction' shall mean persons bidding against one another for the purpose of securing goods being sold on the market becoming their property by offering the higher bid.

11.7 'Trader' shall mean a person who regularly occupies a pitch on the open market to expose for sale any goods or who seeks to distribute information or promotional literature.

11.8 Unless the contrary intention appears the words importing the masculine gender shall include the feminine and words in the singular shall include the plural and vice-versa.

11.9 "Vehicle" means a motor vehicle as defined in Section 190(1) of the Road Traffic Act, 1972, (\*See footnote) and any cycle, tricycle, cart, wagon or trailer.

\*(In the Road Traffic Act, 1972 "Motor Vehicle" means a mechanically propelled vehicle intended or adapted for use on the roads).

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