

**Issue No. 12**

**Date of Issue: 24/09/2018**

## **MARKET REGULATIONS**

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### **Notes:**

1. The following Market Regulations supersede all previous editions.

### **Definitions:**

1. **Newbury Town Council**, for the purposes of these regulations shall be stated as **NTC** or **the Council**.
2. A **Trader** for the purposes of these regulations shall be defined as any person(s) or company/business selling or applying to sell, goods/items etc. from a market pitch.
3. An **Approved (regular) Trader** for the purposes of these regulations shall be defined as any Trader subject to written approval from NTC, who has completed the agreed probationary period. The probationary period will involve attendance of no less than 4 markets in succession (Sat/Thu or both) - at the discretion of NTC.
4. A **Probationary Trader** for the purposes of these regulations shall be defined as any trader who has not completed the probationary period as defined by NTC in accordance with these regulations.
5. A **Charity, Religious Group or Society** for the purposes of these regulations shall be defined as any temporary trader or one off stall which has been given prior permission by NTC to set up on a Market Day.
5. The **Market** for the purposes of these regulations shall be defined as the Market held in the Market Place, Newbury, Berkshire, weekly on Thursday and Saturday or any other location or day as required by Newbury Town Council.
6. A **Pitch** for the purposes of these regulations shall be defined as the total area that NTC agrees to allow traders to occupy for the purposes of trading on any one market day. NTC reserves the right to move without prior notice, any pitch it feels is in the interest of the market

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## **THE REGULATIONS**

1. The Market shall normally be held in the Market Place on each Thursday and Saturday between the hours of 9.00 a.m. and 4pm\*. All goods and stalls are to be removed from the Market by 5pm.  
\*Except where these fall on Christmas Day or Boxing Day or in such circumstances that NTC require its relocation. The Council reserves the right to cancel or move the relevant market to a more appropriate location or day.
2. The standard pitch shall have a frontage of approximately 3 metres (or 10ft) and a depth of approximately 3 metres (or 10ft). The Council may allow a trader, (if in their opinion the conditions in the Market so permit), to occupy a pitch having a greater frontage upon the trader paying the appropriate additional frontage charge.  
New traders who apply from 1 April 2016 must trade from a gazebo style canopy stall. All additional temporary space charge will be payable in cash/cheque on the day of the market.
3. All new traders and charity/promotional/information stalls will be located within the Market Place area of the Market and their position decided by the Market Managers.
4. Present Pitch Charges – Please see attachment
  - a) Electricity Charges (Included in the standard charge)
  - b) All extra space not allocated to a traders regular pitch will be charged at the standard rate.
5. All traders shall comply with any directions of the Council or its representative on all matters affecting the conduct of the Market.

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### **5. (a) The following shall apply to all Approved Traders**

- (i) The Approved Trader shall pay the appropriate charge to NTC monthly in advance by Direct Debit, Standing Order, or in cash to the Market Manager.
- (ii) Traders who choose to pay daily will pay the appropriate fee to the Market Manager, on attendance, this being a 50% increase on the standard daily rate.
- (iii) Extra space to that agreed shall be paid on the applicable market day in cash/cheque. Failure to pay the appropriate charge to NTC on or by the appointed agreed date may incur an additional charge and may result in expulsion from the market.
- (iv) An Approved Trader shall give NTC adequate notice of their expected absence from the market. Adequate notice, for the purpose of these regulations is deemed to be 5 working days before the expected date of absence. The Trader shall contact NTC as soon as possible in cases of unexpected absence such as vehicle breakdown or illness. In the case of a Trader being too ill to attend the market, a doctor's certificate shall be surrendered to NTC for inspection upon request. Any Regular Trader not complying with the aforementioned regulations will be deemed to be absent without authorisation, and this shall result in appropriate action being taken.

**5. (b) The following shall apply to all new Traders**

- (i) New traders can take advantage of '4 weeks free rent' – to be eligible, they must pay for the first 4 weeks in advance, they will then receive 4 weeks free rent, and must sign up to paying monthly in advance after this time.
  - (ii) Casual traders will be considered, and must pay the 50% increase in the standard daily rate.
  - (iv) Any available pitches will be allocated on Market days by the Council or its representative who will allocated the location and size of the pitch as it feels appropriate. During the probationary period NTC reserves the right to exclude any probationary trader, either temporarily or permanently, from the market without notice or explanation.
- 6.** Traders selling meat and meat products must (i) pre-wrap all foods, or (ii) provide stalls of the vehicle or caravan type which are raised off the road with an integral floor. All preparation and selling must be carried out from within the stall and food exposed for sale must be additionally protected by transparent front, top and side screens.
- 7.** Except as provided in Regulation 6, a motor vehicle or trailer or cart shall not be used as a stall without the approval of the Council or its representative.
- 8.**
- (i) A trader shall not without the express permission of the Council or it's representative stand any motor vehicle, trailer, or car of any kind in whole or part on the highway adjoining the Market for any period longer than is reasonably necessary for the loading and unloading of goods in connection with the setting up of the stall barrow or selling pitch, or the delivery of goods to the stall, barrow or selling pitch from time to time during the day.
  - (ii) For purposes of unloading and loading, all vehicles must be clear of the market by 9 a.m. and 5 p.m. respectively. All traders shall comply with their allocated market breakdown times as specified by the Council or its representative.
  - (iii) Except as provided in Regulations 6, 8 and 9, no vehicles shall be allowed on the markets during trading hours i.e. 9 a.m. - 4 p.m.
- 9.** Traders must provide their own receptacles of a type approved by the Council for the collection of refuse. Plastic sacks for refuse may be obtained from the Market Manager. A charge may be levied for this service.
- 10.**
- (i) Traders selling open food must supply their own appropriate electrical artificial lighting.
  - (ii) All traders shall supply appropriate electrical equipment i.e flex and sockets for connection to the Council electrical supply. A current test certificate for all such equipment must be supplied for inspection by the Council on request. Failure to do so may result in connection to the supply being refused.
- 11.** Any Trader operating a stall shall conduct their business in an orderly manner and shall refrain from any remarks or conduct likely to cause offence to customers or to persons using the Market Place or occupying premises fronting thereon. No trader shall leave their stall unattended without the express permission of the Council or its representative.

12. No trader shall use any public address equipment, radio, or similar apparatus in the Market without prior agreement from the Market Manager.
13. Traders may not transfer, sub-let or allow any other person to occupy a pitch without the consent of the Council in writing.
14. A trader shall not sell/display (or store) any goods or products from their appointed pitch other than those authorised/approved by the council and indicated as such on the traders approved product list. A trader wishing to alter or extend the product range sold/displayed may only do so with the consent of the Council in writing.
15. The use of a pitch by a trader may be terminated by the Council forthwith if a trader commits any breach of the Food Safety Act 1990, the Food Safety (General Food Hygiene) Regulations 1995 or the Food Safety (Temperature Control) Regulations 1995. "Open Food" means food which is not in a container of such materials and so closed as to exclude risk of contamination.
16. All Market Traders shall ensure that they comply at all times with the following regulations.
  - Health & Safety at Work Act 1974
  - The Management of Health and Safety at Work Regulations 1992
  - The Provisions and use of Work Equipment Regulations 1992
  - The Electricity at Work Act 1989
  - Any other relevant Regulations, Act or Recommendations pertaining to the use, erection and transportation of market stalls.
  - NTC Market Regulations

All traders shall ensure to the satisfaction of NTC that they operate, erect equipment/stalls and transport goods, in a safe manner. Failure to do so to the satisfaction of NTC, shall result in appropriate action being taken by NTC and may result in expulsion of the said trader's stock/stall etc. from the market.

The trader shall keep the Council at all times indemnified from and against all claims, actions and proceedings of whatsoever nature arising out of the condition, erection and use of their stall.

17. Traders are required to have a current insurance policy for third party liability providing insurance cover for a minimum of £5,000,000. Evidence of the insurance must be produced to the Council or its representative upon request, along with relevant Health & Safety / Food Safety documentation.
18. Traders shall at all times display in a conspicuous location upon their stall/pitch an indelible and suitably constructed sign/notice which clearly displays their name or company name. The aforementioned sign/notice shall be no smaller than 210

mm x 297 mm (A4) and the lettering/numbering to be of a size clearly visible to all persons using the market.

19. The Council reserves the right to exclude from the Market any trader who contravenes the provisions of the current Market Regulations.
20. The Council also reserves the right to amend these regulations as required without notice, in consultation with the local N.M.T.F. branch.

**The following shall apply to all Charity Stalls, Religious Groups and Societies, in addition to the regulations set out above (and in particular, item 12).**

Religious groups, Charity Stalls and Societies are welcome to have a stall on the Market as they can provide welcome variety which attracts more footfall. They will be positioned in the Market Place.

An attendance date should be booked and agreed in advance with Newbury Town Council's Services Team. Attendees are requested to remain within the allotted area (as defined by the Market Manager) and only agree to give information to members of the public who ask or who take an interest in material being offered to them.

To ensure variation, a Charity Stall, Religious Group or Society shall be booked no more than twice in the same calendar year.

The volume of any music, public speaking or preaching will be monitored by the Market Manager.

Our Market Manager will ensure these conditions are fully complied with and reserves the right to close the stall without notice or explanation.

To keep the Market non-partisan. Any requests for political stalls will be referred to the Newbury BID to agree a position in Northbrook Street, if available.

**Contact details for further information:**

Market Managers

Debbie and Malcolm Smith 07766 225708

Newbury Town Council Community Services Officer

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