



## **REGULATIONS FOR MARKET TRADING IN BEDFORD BOROUGH**

The revised Market Regulations apply to all markets (Charter, Kempston, Non-Charter and Specialist) controlled by Bedford Borough Council and shall come into operation from 1 June 2021.

Any stallholder who is granted a licence to trade in the Council's markets must accept and agree unreservedly to abide by these Regulations.

These Regulations are intended to be fair and reasonable whilst providing the flexibility of the Council's market operation to meet the potential future needs of the market's customers. These Regulations also set out penalties for breach and include a clearly defined process to appeal certain decisions taken by the Council's markets team.

These Regulations replace any Regulations previously issued by the Council.

### **The Council's commitment**

The Council commits that it will administer the market operation in such a way as to ensure:

- a safe and welcoming environment in which to trade
- the continuous development and promotion of the markets and market events to attract new shoppers and stallholders
- a balanced market offering with limited duplication of both core and competing secondary product lines
- a fair and thorough application process for stallholders wishing to apply to trade or introduce a new product line
- open and two-way communication with all stallholders

### **Future Changes**

These Regulations may be revoked, amended or supplemented in such a manner and to such an extent as Bedford Borough Council may, in its absolute discretion from time to time, direct. Stallholders are required to familiarise themselves and their employees, agents and contractors with the same. Bedford Borough Council may change these regulations at any time in the future.

The operation of the market is the responsibility of the Markets Team, Lead Markets Officer and Markets Officer (and their delegated colleagues) under the direction of the Manager for Economic Growth & Development, who are entrusted and authorised to apply discretion and judgement in the interpretation of the Regulations.

### **GDPR**

The Council provides a broad range of services and functions many of which require the processing of personal data. The Data Protection Policy Statement sets out its approach to, and intention to, manage personal data it holds in a way that is compliant with the General

Data Protection Regulations (GDPR) and the Data Protection Act 2018.

<https://www.bedford.gov.uk/council-and-democracy/data-protection-foi-eir/gdpr-privacy-statements>

## **1. Compliance Requirements**

- a. Stallholders are required to comply with the directions of the Lead Markets Officer and Market Officer at all times.
- b. Stallholders on the market are required to comply with, and ensure compliance by their employees and other persons acting upon their behalf, the provisions of their contract, these Market Regulations, any and all Acts of Parliament, statutory regulations, byelaws or rules and regulations made by a competent authority or notified by Bedford Borough Council.
- c. Goods that are counterfeit, offensive or dangerous cannot be sold on the market and will be reported to Trading Standards at Bedford Borough Council. Misleading claims of goods and services is unacceptable and will be reported to Trading Standards.
- d. Stallholders are required to comply with any supplementary rules or regulations as may be notified by Bedford Borough Council by way of general notice or declaration from time to time.
- e. All stallholders are expected to conduct themselves whilst on the market, in relation to the public, other stallholders and Council Members and employees in a manner befitting a market managed by Bedford Borough Council.
- f. Violence, verbal assault and abuse will not be tolerated to any member of staff or public and as such will be treated as a failure of conduct and dealt with under the Conduct, Disciplinary, Complaints and Appeals Procedures (Clause 16).
- g. Stallholders are responsible for the behaviour of their employees whilst they are on the market. A breach of the Regulations by employees will be deemed a breach by the stallholder.
- h. No alcohol or illegal substances will be consumed on the market by stallholders or by their employees.
- i. All stallholders must have their licence available for inspection at any point on market days.
- j. All market pitches should be allocated prior to the market stallholder occupying each pitch, particularly when dealing with casual stallholders.
- k. Failure to comply may be subject to Conduct, Disciplinary, Complaints and Appeals Procedures (Clause 16).

## **2. General Conditions**

- a. The markets are operated by Bedford Borough Council at its entire discretion and stalls, pitches and other facilities are licensed (at a charge to be determined by the Council from time to time) at the sole discretion of the Lead Markets Officer (or other Officer for the time being authorised) in consultation with the Team Leader Economic Projects & Place.
- b. The Council reserves the absolute right to refuse a Licence.
- c. All stallholders are required to enter into a Licence Agreement, including any revised licence issued from time to time.
- d. All stallholders may, at the appropriate time deemed by the Council, be subject to market consolidation. This will be done with a formal consultation period involving the Council, stallholders and town centre business partners.
- e. The Market Regulations are applicable to all markets operated by Bedford Borough Council; with specific market regulations relevant to particular markets identified in Clause 3.

- f. Where no charge is issued for a pitch licence, there will be a requirement to complete a Town Centre Booking Form and abide by the Market Regulations.

### **3. Trading Days and Hours of Operation**

- a. Bedford markets can operate seven days a week but usual trading days are: Wednesday and Saturday of each week for the Charter Market and Thursday and Friday for Non-Charter markets in Bedford town centre. A market will take place on a Thursday in Kempston. Specialist markets may take place on any day of the week on either site. Specific details for each market are detailed below.
- b. All stallholders must ensure that their stall is suitably staffed throughout the hours of operation and is open for trade.
- c. Permanent stallholders who fail to attend their pitch by the appropriate time will not be permitted to trade on that market day unless prior arrangement is made with the Lead Markets Officer/Markets Officer. No refund of licence fees will be paid in these circumstances.
- d. The Lead Markets Officer, in consultation with the Team Leader Economic Projects & Place, shall have the right to close the market at their absolute discretion when considered necessary on the grounds of public safety. Refunds of licence fees will only be made to permanent stallholders if the market is closed prior to 10am on the day of trade.
- e. A market will not take place on Christmas Day, Boxing Day and New Year's Day.
- f. Charter Market
  - i. The Charter Market operates between the hours of 8.30am and 4pm every Wednesday and 8.30am to 4pm every Saturday (with the exception of the period from Boxing Day to the Saturday before Easter, when the trading hours will cease at 4pm).
  - ii. Stallholders should be at their pitches by 8am. Stallholders who fail to take their pitch by 8am will not be permitted to trade on that market day unless prior arrangement is made with the Lead Markets Officer.
  - iii. All stallholder vehicles must be off the market site by 8.30am and must not return to this area before 4pm.
  - iv. On St. Paul's Square, no vehicle is to be parked in the loading/unloading area between the hours of 8am and 4pm.
  - v. All stallholders must vacate the market site by 6.30pm.
- g. Non-Charter Market
  - i. The Thursday market operates between the hours of 9.30am and 4pm.
  - ii. The Friday market operates between the hours of 9am and 4pm.
  - iii. Stallholders should be at their pitches by 8.30am on Thursday and 8am on Friday. Stallholders who fail to take their pitch by these times will not be permitted to trade on that market day unless prior arrangement is made with the Lead Markets Officer.
  - iv. All stallholder vehicles must be off the market site by 8.30am on Thursday and 9am on Friday and must not return to this area before 4pm.
  - v. All stallholders must vacate the market site by 6pm.
- h. Kempston Market
  - i. The Kempston market operates at the Saxon Centre between the hours of 8.30am and 4pm every Thursday.
  - ii. Stallholders will be at their pitches by 8am. Stallholders who fail to take their stall by 8am will not be permitted to trade on that market day unless prior arrangement is made with the Lead Markets Officer.

- iii. All stallholder vehicles must be off the market site by 8am and must not return to this area before 4pm.
- iv. All stallholders must vacate the market site by 5.30pm.
- v. All stallholders are responsible for replacing bollards when entering or exiting the site.
- vi. Stallholders are responsible for the removal of all of their own waste at the end of each market.
- vii. Sunday trading is only available to stallholders who book in and pay in advance. The stall fee is non-refundable unless the Council cancels the markets operations before 10am.
- i. Specialist Markets
  - i. Specialist markets operate outside of standardised trading days and times. Arrangements will be made on individual markets basis but are subject to these Market Regulations.

#### **4. Access by Vehicles and Parking**

- a. Stallholders shall comply with the permitted access hours and any traffic management directions made by the Lead Markets Officer/Markets Officer such as an allocated time to enter the market, a position for unloading and a direction of movement and point of exit from the market.
- b. Stallholders are required to comply with all Traffic Regulation Orders affecting the public highway. Details are available from Bedford Borough Council [www.bedford.gov.uk/parking-roads-and-travel/roads-and-pavements/traffic-regulation-orders](http://www.bedford.gov.uk/parking-roads-and-travel/roads-and-pavements/traffic-regulation-orders)
- c. All vehicles and trailers shall be roadworthy, insured and in possession of an MOT certificate and current road fund licence. All drivers must possess a full UK driving licence and be insured to drive same. Proof of these must be available upon request.
- d. Any spillages of oil, fuel or any liquid from vehicles must be immediately cleaned-up and reported to the Lead Markets Officer/Markets Officer. Vehicles that leak oil or fluids will not be allowed onto the market and the filling or emptying of fuel tanks whilst attending the market is expressly prohibited.
- e. All vehicle movement associated with the market operation shall, regardless of the time of day, be controlled by ensuring a maximum speed of 5 miles per hour and the display of hazard warning lights.
- f. The need for vehicles to carry out any reversing manoeuvres while on site should be kept to a minimum but is a foreseeable occurrence/hazard.
- g. Daytime restocking is expressly prohibited on the market.
- h. Parking spaces within the designated parking area will be allocated by the Lead Markets Officer having regard to the management of the market. All drivers are to park carefully utilising all available space. Parking permits must be displayed. Stallholders not parking in compliance with this will be subject to the Penalty Charge Notice (as determined by Parking Services). Appeals against any such charge can only be pursued via the formal appeals process.
- i. Stallholders whose vehicles are too large for the designated parking area will be required to use the car park at Melbourne Street.
- j. All permits should be returned within 5 days of a stallholder leaving the market.
- k. Other than in exceptional circumstances, determined in writing by the Lead Markets Officer, stallholders will not be permitted to park vehicles on the market site.

- l. It is a specific requirement that stallholders must park their vehicles in such a manner as to cause the minimum inconvenience to other stallholders.
- m. When loading/unloading their vehicles, all stallholders shall cause as little obstruction and inconvenience to the general public, other stallholders or the Council's employees and contractors as possible. In particular, stallholders must comply with requirements to ensure emergency access as the Lead Markets Officer/ Markets Officer deems necessary, including a standing requirement to park vehicles parallel to the emergency access so as not to compromise access.

## **5. Terms for Permanent Stallholders**

- a. The Licence is personal to a stallholder and will be in the name of the registered stallholder(s) only. The Licence will cease on the death of a sole stallholder or dissolution of a company or partnership.
- b. Permanent stallholders wishing to leave the market are required to give four week's written notice to the Lead Markets Officer of their intention so to do. The same also applies to stallholders wishing to give up one of their pitches. At the Council's discretion, this may be waived in exceptional circumstances.
- c. The Council retains the right to relocate stallholders under temporary and permanent circumstances. Stallholders moved temporarily will be given one working weeks' notice. Stallholders moved permanently will be granted a consultation period of four weeks.
- d. A registered stallholder may, at the discretion of the Lead Markets Officer or another officer appointed by the relevant Chief Officer, be able to transfer his/her licence to another party subject to the following conditions having first been met:
  - i. Formal written request from the exiting stallholder giving details of the new stallholder to be submitted to the Lead Markets Officer.
  - ii. Prior completion of a new registration form and licence agreement by the new stallholder.
  - iii. The new stallholder has not previously had a licence terminated by the Council on any market within the Borough. Receipt by the Lead Markets Officer of a satisfactory reference for the proposed stallholder from a previous market where they have acted as a stallholder, or from a previous employer or equivalent.
  - iv. Written proof of the requisite public liability cover is provided.
  - v. The Council is paid 25% of the price received for the sale of the business, subject to a minimum payment of £762.00 (or as varied from time to time).
- e. Stallholders are required to advise the Lead Markets Officer or Markets Officer in writing, by telephone or text before 7am on the day of the market if they will not be attending a market. Where there is more than one registered stallholder, this will only apply where all stallholders will not be attending.
- f. Each stallholder is permitted up to a maximum of four un-notified absences in any 12-month period. An excess of four un-notified absences in any 12-month period could result in disciplinary action.
- g. All permanent stallholders not on their pitch by the designated time, unless by prior arrangement, will be recorded as an un-notified absence.

## **6. Terms for Casual Stallholders**

- a. A Casual Licence will be issued daily and will be valid only for that day and for that pitch. It must be available at all times.

- b. A licence will be issued to each market stallholder in order to provide stallholders with an exclusive right over a specific pitch. A stallholder's exclusive rights only extend as far as the pitch allocated by the Markets team.
- c. Pitches will be allocated prior to the market stallholder occupying each pitch by the Lead Markets Officer/Markets Officer. No casual stallholder may take up a pitch until so allocated.
- d. Once allocated a pitch, casual stallholders are required to comply with all the Market Regulations, including the requirement to remove vehicles from the market area by the required time specified in Clause 3.

## **7. Payment of Fees**

- a. Permanent licence fees will be invoiced monthly and can be paid by one of the following methods only:
  - i. By monthly direct debit in advance (Any adjustments will be addressed via the subsequent monthly invoice)
  - ii. By presenting a barcoded invoice at any Post Office or Payzone outlet
  - iii. Online using the Bedford Borough Council website by selecting the Pay For It option. The correct category to use is "Sundry Debtors".
- b. Casual licence fees are to be paid in full on the day to the Lead Markets Officer/Markets Officer via card payment only.
- c. All licence fees must be paid by 10am each market day. Casual stallholders who do not pay their licence fees on time may not be permitted to trade again on the market until all arrears have been paid, unless repayment agreed with the Lead Markets Officer.
- d. Licence fees will only be refunded in full in the event of the death of a sole stallholder. A partial refund may be made in accordance with Clause 7e below.
- e. For all permanent stallholders payment is due for their licence irrespective of whether they attend the market. The only exceptions to this are:
  - i. The market is closed before 10am on the day due to poor weather.
  - ii. A 50% rebate to the standard stall rate will be given to sole stallholders during periods they have been hospitalised (and are able to produce written evidence of this). No other refund will be given for absences due to illness.
  - iii. In extreme cases, special circumstances have led to the application of a tariff concession (e.g. adverse trading conditions such as disruption caused by contractor works).
  - iv. The above exceptions do not apply where a stallholder is in arrears with their licence fee on the relevant date in question.
- f. Permanent stallholders will be charged for 48 weeks per calendar year. This will be addressed by charging the first four weeks in every five week month.
- g. In addition, each permanent stallholder will be given one additional free week every six months subject to the stallholder not being in arrears with their licence fee or in breach of the Market Regulations at any time during the previous six months and there being no non-notified absence during this period.
- h. Any stallholder in arrears with their licence fee will be subject to disciplinary procedures detailed in Clause 15.
- i. All permanent stallholders will be able to attend, subject to available space, two additional days of the Christmas markets held each year (excluding established market days) without payment of the licence fee, subject to the stallholder not being in arrears or in breach of Market Regulations and there being no non-notified absence during the previous 12 month period.

- j. Licence fees and other charges are determined by the Council and will be advised to stallholders once approved by the Council. The Council will usually review all charges annually but reserves the right to do so at different intervals should circumstances require.

## **8. Pitches/Stalls**

- a. Stallholders will provide their own stalls unless the Council specifically undertakes to provide them. Any proposed permanent stalls are to be subject to the prior approval of the Lead Markets Officer at their absolute discretion.
- b. Stallholders will be held responsible for damage caused to Council property including to the surface of the market site. The cost of any necessary repairs will be charged to the stallholder of the pitch so affected.
- c. The stalls are to be erected in accordance with the market plan held by the Lead Markets Officer and as delineated in the Licence Agreement. They are not to be moved from their respective pitch.
- d. During construction/unloading/dismantling/loading operations stallholders must ensure that they carry out these tasks in such a manner to safeguard themselves, their colleagues and members of the public.
- e. Sites used for the market are general public thoroughfares. Stallholders should remain constantly alert to the possibility of members of the public straying onto the site and must cease erecting and dismantling operations if members of the public are in the immediate vicinity.
- f. All stalls are to be maintained by the stallholder to the highest standard visually and this will include the cosmetic refurbishment of stalls (such as painting of bars) plus new/clean sheets/covers.
- g. Stallholders are to provide covers for their stall as appropriate. All covers used are to be a standard, design and appearance that are satisfactory in the reasonable opinion of the Lead Markets Officer or Markets Officer.
- h. All pitches, other than approved trailers, are a standard size of 10ft by 10ft.
- i. Trailers will only be permitted subject to the express written agreement of the Lead Markets Officer having regard to the available space and visual impact on the market.
- j. The stallholder must not do or permit anything which in the opinion of the Lead Markets Officer may be or become a nuisance to any member of the public using the market, neighbouring business such as shops or any occupiers of neighbouring or adjoining stalls/pitches or which may be detrimental to the efficient running of the market and to use the stall/pitch in a diligent and business like professional manner.
- k. Stallholders shall be responsible for ensuring full compliance with relevant Health and Safety legislation.
- l. All goods offered for sale must be placed on tables / trestles / display stands or similar. No trading will be permitted from the ground with the exception of plants and pottery.
- m. Gas Cylinders
  - i. The use of LPG/pressurised cylinder(s) will not be permitted without the prior consent of the Lead Markets Officer.
  - ii. All stallholders using bottled gas must provide a controllable discharge type, dry powder fire extinguisher situated near the appliance, displaying a current test approval. Paraffin appliances will not be permitted.

- iii. All LPG/pressurised cylinders shall be stored outside any stall, vehicle or building connected to the appliance via securely fixed metal piping or armoured flexible piping. Only cylinders using pressure relief valves will be allowed which must be positively secured in the upright position.
  - iv. All LPG/pressurised cylinders not in use must be stored upright in the open air away from any fixed or temporary source of ignition, with suitable hazard warning signage provided, complying with all relevant legislation.
- n. Generators
- i. Only super silent running diesel generators are permitted on the market. No re-fuelling of generators is allowed on site. Generators should be located so as not to be accessible to members of the public or other unauthorised persons. All cables should be routed away from pedestrian traffic routes in order to avoid tripping hazards and must be protected from mechanical damage.
  - ii. Generators that, in the opinion of the Lead Markets Officer, are too noisy will not be permitted to be used and must be switched off immediately upon request.
- o. Electricity
- i. A 240v electricity supply is currently available on all market sites subject to availability. This is industry standard 16 amp C form. The Council reserves the right to convert this to 110v if it considers this appropriate or to require compliance with all relevant legislation. The use of any electrical equipment is subject to the stallholder ensuring that it is in good condition, weatherproof and suitable for outside use.
  - ii. All connections to the supply must be made by a suitably competent person (using robust, moisture and tamper proof connections which are suitable for outside use). Suitable and sufficient earth-leakage protection should be installed and maintained as part of the fixed wiring installation. Stallholders must ensure that trailing cables do not present trip hazards and are suitably protected.
  - iii. Electricity is only available for essential use linked to the operation of the business for example appropriate lighting and scales. Stallholders will be required to submit their request to a member of the markets team with clear requirements of use, the distribution of electrical access is at the sole discretion of the markets team.
- p. Obstruction
- i. No stallholder shall allow or cause any goods to be placed on any stall/pitch or space such that they encroach beyond the allotted limits of the stall/pitch.
  - ii. The maximum bar extension to the front and sides of any allocated stall/pitch/es is/are two feet provided space permits and the extension does not cause inconvenience to another stallholder or the general public. Extensions beyond these are at the sole discretion of the Lead Markets Officer.
  - iii. In the event that stall extensions are permitted (either to the side or the rear) in accordance with Clause 9, stall extension charges as approved from time to time will be payable. This charge may be waived or reduced where street furniture and other obstructions (such as trees) are within the area.

- iv. The use of 'A' boards is not permitted in any circumstances within the central roadway through the town centre. Elsewhere they will only be permitted if they satisfy the requirements of the Council's Disability, Equality & Access Officer and Lead Markets Officer.

## **9. Applications for Pitches and Line Extensions**

- a. Stallholders will be notified in the event that a pitch becomes vacant. Vacancies may also be advertised as appropriate in the market press together with the local papers. All applications must be made using the appropriate form.
- b. All new pitches on the market, and all pitches vacated by existing stallholders, will be offered in the first place to existing stallholders deemed suitable for the purpose in the Council's opinion for a period of two weeks (subject to perishable goods and volume stallholders being retained on St. Paul's Square). This will enable them first priority (in order of time served on the market) in determining whether to locate to an alternative pitch. Subsequently any person including existing stallholders may make applications.
- c. Any existing stallholder may make written representation as to why in their opinion a stall/pitch should not be allocated or a line extended. Such representation must be posted to or left at Borough Hall reception desk addressed for the attention of the Lead Markets Officer or handed to the Lead Markets Officer or the Markets Officer within fourteen days of the date of the notification.
- d. Applications for pitches and product line changes or extensions will be determined by the Lead Markets Officer in consultation with the Team Leader Economic Projects & Place (or other Officer for the time being authorised).
- e. Applications for new or additional pitches or product changes or extensions will not be considered whilst the applicant is in breach of these Regulations, including being in arrears with licence fee.
- f. The Council will allocate product lines to vacant pitches as it considers best for the market. The Council does not undertake that competing lines with existing stallholders will not be accepted. The Council does, however, reserve the right to decline any application if it considers that any particular trade or line will be over represented on the market or within the town centre.
- g. New pitch allocations and line extensions will not become effective until the licence has been signed and returned to the Council. In the case of casual stallholders allocated a permanent pitch, all charges will continue to be levied at the casual rate until this occurs.

## **10. Sale of Fresh Food**

- a. All stallholders operating food stalls shall comply with the provisions of Food Hygiene and Food Labelling Regulations or any other statutory legislation or re-enactment thereof from time to time in force, for example, allergen labelling and temperature control requirements. Without prejudice to the generality of the foregoing, stallholders are required to comply with the following:
  - i. A first aid box shall be provided and any cuts and abrasions shall be covered by a blue, waterproof dressing.
  - ii. All food must be stored above the ground and protected at all times from the risk of contamination. Food may be kept at a recommended height of 18 inches above ground.

- iii. Only pre-packed foods for direct sale and fresh fruit and vegetables should be sold from market stalls. These must comply with all Food Labelling requirements. The stalls must be covered.
- iv. Open or unwrapped food, other than fruit and vegetables, must only be sold from stalls or vehicles which are approved by the Council for this purpose.
- v. Stallholders selling cooked or raw meat, poultry, fish or dairy products must provide adequate refrigeration and this produce can only be sold from stalls or vehicles which are approved by the Council for this purpose.
- vi. Waste water from sinks, wash hand basins etc must be removed from site by the stallholder at the end of each day.
- vii. Food handlers must not smoke behind or in the vicinity of the sales counters.
- viii. Food handlers should keep their clothing and all parts of the person likely to touch the food clean.
- ix. Food handlers should wear clean, washable over-clothing, preferably a coat or overall.
- x. No un-bagged refuse, waste or unfit food is to be allowed to accumulate on or about the stall/pitch. It must be bagged securely on a regular basis throughout the day.

#### **11. Refuse Disposal**

- a. Every stallholder on the market shall ensure that their stall and any adjoining passages, whether used by them alone or in conjunction with other stallholders, are properly swept from time to time and will ensure that litter is not allowed to accumulate.
- b. It is the responsibility of each stallholder to remove their trade waste from the site. Stallholders will ensure that the rubbish is adequately bagged, secured during the day and removed from the site at the end of the day by the stallholder. Any stallholder who does not remove trade waste in accordance with this Clause may be subject to disciplinary action. The Council reserves the right to recover from stallholders the cost of removing and disposing of their waste.
- c. All litter is to be removed from the stall/pitch area at the end of the trading day.
- d. Litter bins are provided for use by the general public only and not trade litter.
- e. Stallholders providing containers for food or drink consumption on the market place shall make such additional arrangements for litter as the Lead Markets Officer shall deem necessary.
- f. Where waste bins are provided no additional side waste is to be left next to the bin or on the market sites.

#### **12. Prohibited Goods**

- a. No stallholder may sell or offer for sale goods other than those registered and assigned to them within the First Schedule of their Licence Agreement. Any request to extend or change their range of goods will be subject to the procedure outlined in Clause 9.
- b. The use of a stall/pitch on the market for the sale of animals will not be permitted.

### **13. Health and Safety Requirements**

- a. All stallholders are required to comply with directions issued from time to time by the Council with a view to maintaining or improving the health and safety environment on the market. In particular, stallholders must have regard to the approved risk assessment, a copy of which can be obtained from the Lead Markets Officer.
- b. Stallholders are solely responsible for the safety of their stall, stock and vehicle. Any incidents that occur during market operations caused by the stallholder is solely their responsibility and should be covered by their Public Liability Insurance.
- c. During cases of adverse weather or local and/or national emergencies, where it may be deemed unsuitable to trade, it is the responsibility of the Lead Markets Officer or any other nominated officer to make the decision to reduce/cancel market operations. It is still the responsibility of the stallholder to assess their ability to trade in these conditions individually.
- d. Bedford Borough Council shall not be liable for damage to any property or for any losses, claims, demands, actions, proceedings, damages, costs or expenses or other liability incurred by the Licensee or any employee of the Licensee or any person or body authorised by the Licensee to be within the market area. Nor shall the Council be liable for any such loss suffered by a visitor or member of the public except where caused by the proven negligence of the Council and shall indemnify the Council against all actions, proceedings, costs, claims, demands, damages, charges and expenses whatsoever arising out of the discharge of the Contract to trade on markets.
- e. Electricity supply is to be used to assist trading only.
- f. All stallholders are required to comply with all health and safety directions issued by the Lead Markets Officer/Markets Officer. Such instructions are supplemental to and do not vary these Regulations.
- g. There are significant health & safety risks posed to themselves, the public and other stallholders whilst stallholders deliver goods and assemble or dismantle stalls. Stallholders must input to and be aware of the market's risk assessment and devise and implement suitable safeguards to minimise risks in their working methods.
- h. All electrical equipment must be PAT (Portable Appliance Tested) and a certificate of proof must be available upon request from the Lead Markets Officer/Markets Officer (or delegated colleague).
- i. Smoking is not permitted by stallholders, their employees and suppliers within or near market stalls in line with relevant Smoke Free Legislation. Stallholders should not serve members of the public in any instances whilst smoking. This is to protect stallholders, their employees, suppliers, neighbouring stallholders and their stock as well as customers.
- j. All stallholders are required to:
  - i. Familiarise themselves with all Health and Safety instructions issued by the Lead Markets Officer/Markets Officer.
  - ii. Ensure all employees, agents and contractors are adequately informed, instructed, supervised and trained in health and safety matters.
  - iii. Take reasonable care of their personal health, safety and welfare and that of others who may be affected by their acts or omissions.

- iv. Make available and ensure the use by themselves and all employees or staff of appropriate personal protective clothing and equipment suited to the task.
  - v. Assist the Council by reporting any accident or incident that has or may cause injury to a person or damage to plant or property.
  - vi. Co-operate and comply with all directions of the Council to ensure compliance with all statutory responsibilities and to ensure all instructions regarding health and safety issues are understood and applied by employees, agents and contractors.
- k. Stallholders are required to pay particular attention to the hazards of:
- i. Vehicle movements – Reversing, towing stall trailers and unattended stall trailers.
  - ii. Stall erection and dismantling – Handling of components and stability of partly-constructed frames.
  - iii. Sheeting – Fixing of stall sheets and clips during windy conditions.
  - iv. Trip hazards – Stall components, stock and electrical cables that create a trip hazard.
  - v. Electrical safety – Power and lighting distribution from the supply boxes.
  - vi. Training – The use of unsupervised or untrained staff to set up and dismantle stalls.
  - vii. Working at height – set up and dismantling of stalls when standing on steps or trailers

#### **14. Accidents**

- a. All accidents and “near misses” involving stallholders, their employees or members of the public must be reported immediately to the Lead Markets Officer/Markets Officer for investigation and entry in Bedford Borough Council’s AssessNET Incident Report form. It is the responsibility of stallholders to record and report all notifiable accidents and “near misses” occurring during stall set up and dismantling to the Health and Safety Executive (HSE), as required by legislation.

#### **15. Stallholders Insurance and Identity Requirements**

- a. In all cases for general trading, stallholders must provide evidence of third party public liability insurance to the Council’s minimum requirement at the time but, without prejudice to the foregoing, subject to the minimum of £5,000,000 (five million pounds). Evidence of this will be requested at the point of registration and a stallholder shall show the Lead Markets Officer/Markets Officer on demand such policy of insurance (usually on an annual basis).
- b. Insurance limit requirements may vary for Specialist markets.
- c. Stallholders will indemnify the Council against all costs, claims and damages arising from their use of the pitch, car park or any other facility provided by the Council in respect of the market operation. Stallholders not producing evidence of insurance will not be permitted to trade until this has been rectified and will be required to vacate the market immediately. No rebate of licence fees will be given in these circumstances.
- d. It is entirely the stallholders responsibility to ensure any vehicle used is legal and suitably insured for all activities conducted during market operations.

- e. All stallholders' permanent addresses, dates of birth and National Insurance numbers must be registered with the Lead Markets Officer who must thereafter be notified of any changes. Two forms of documentary proof of identity and address must be supplied. Stallholders must be eligible to work in the United Kingdom. Stallholders who fail to provide this information will not be permitted to attend the market until this is rectified. Data will be held in line with the Council's GDPR Policy.

## **16. Conduct, Disciplinary, Complaints and Appeals Procedures**

- a. The following procedures relate to breaches of Market Regulations. Disciplinary action beyond a verbal or first written warning (apart from a precautionary suspension) will not be taken without a hearing being held by the appropriate Chief Officer (or other Officer for the time being authorised) on at least three working days' notice or such shorter period as the parties shall agree at which oral and written evidence can be presented and cross examination can take place in accordance with the principle of natural justice. In cases of alleged serious misconduct the licence may be suspended pending the hearing and the determination of any appeal there from.
- b. Normally, for the first breach, a verbal warning will be given which will be placed on the Council's file. For a second breach, normally, a written warning will be given which, again, will be recorded on the Council's file. For subsequent breaches, normally there will be a suspension of the trading licence for up to four weeks leading to permanent termination if the breaches continue. Each will remain on a stallholder's record (as held by the Council) for a minimum period of twelve months.
- c. However, the Council has a discretion to proceed as it thinks fit having regard to the circumstances of the case and the nature of the breach, for example to proceed by way of a written warning, suspension, or termination, even for the first breach. Examples of conduct which would normally justify termination of a licence are outlined below.
- d. The licence to trade may be terminated if serious misconduct or dishonesty occurs including the following:
  - i. If, in the reasonable opinion of the Lead Markets Officer, the stallholder brings the market into disrepute
  - ii. If the stallholder is convicted for selling counterfeit products or is in receipt of a caution, formal warning or such other similar measure from the Trading Standards Service or any other Government Agency
  - iii. Assault, including verbal assault or abuse on a member of the public, Council Officers or other stallholder(s)
  - iv. Failure to make payment of the licence fee, outlined in Clause 7 within the time limit specified therein
  - v. Failure to comply with the Traffic Regulation Orders or health and safety requirements affecting the market sites
  - vi. If the stallholder has insufficient or out of date public liability insurance.
- e. Notwithstanding the above, any permanent stallholder who does not pay the licence fee, when present on the market, in the matter described in Clause 7 will not be permitted to attend the market until the fee has been paid.

- f. In the event of a stallholder being issued with a warning, being suspended or having their licence to trade withdrawn, there will be a right of appeal as follows:
- i. Appeal – this must be submitted in writing, stating in detail the grounds of the appeal, within five working days from, but not including, the day the stallholder is notified of such an event. The appeal must be made to the appropriate Chief Officer. The decision of the Chief Officer is final in all respects. In considering any appeal the Chief Officer will have regard to any relevant documentation or interview such persons, including the stallholder in question, as they consider appropriate. The result of the appeal will be conveyed in writing to the registered address of the stallholder.
  - ii. Non-compliance with a decision to suspend a stallholder for a breach of Market Regulations may be considered as part of the disciplinary hearing to which the suspension relates or, if imposed as a penalty, be the subject of further disciplinary proceedings.