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Ipswich Market Regulations

March 2016

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1. Introduction

Ipswich Borough Council has a vision for the Ipswich Cornhill Market and this is:

‘To create a varied and quality market, this is an asset to the town centre and to the neighbouring retailers’;

The Council’s commitment to market traders

The Council will ensure that the market operation is carried out in such a way as to:

- Provide a safe and welcoming environment in which to trade;
- Offer a balanced market, with limited duplication of both core and competing secondary product lines,
- A fair and thorough application process for traders wishing to apply to trade or introduce a new product line;
- Open and two-way communication with all traders, either directly or through their nominated representatives.
- A minimum of four market trader meetings are held per annum; wherever possible traders should attend or send a market representative.
- Continuous development and promotion of the market and campaigns to attract new shoppers and traders

All traders must sign to say they have read and agree to abide by the Market Regulations and will not be permitted to trade unless they do so. The right to use a pitch on Ipswich Market shall be subject to compliance with these regulations.

Traders who are classed as regular traders will be issued with a Market Trader Licence which will be reviewed on an annual basis. Any food market trader will be inspected by the Council’s Food Safety Team prior to their Market Trader Licence being issued.

All traders must provide evidence that they hold public liability to a minimum of £5 million and proof of their eligibility to work in the United Kingdom.

Traders will be allocated a pitch for their stall to trade from. The size and position will be at the sole discretion of the Market Supervisor, who reserves the right to change the location and size of a pitch in the event of exceptional circumstances. **The decision of the Market Supervisor in this respect is final and is not subject to an appeal.**

In the event that the market is fully occupied, the Market Supervisor will maintain a waiting list of traders.

These regulations replace the Market Traders Information previously issued by the Council.

2. Definitions

- 'Access Hours' means the hours during which traders can access the market to load or unload their vehicles
- 'Trader' means a person or legal entity offering goods or services for sale granted a licence to trade from a pitch on the market which includes casual and regular traders
- 'Casual Traders' Casual traders are those who choose to trade infrequently, or periodically throughout the year and therefore are not entitled to a regular pitch. Traders are designated 'regular' after trading on Ipswich Market for four consecutive months.
- 'Regular Traders' are those who have traded on Ipswich Market for at least four months and are granted a licence to trade on a pitch on the market for a period of 12 consecutive calendar months
- 'Council' means Ipswich Borough Council
- 'Exceptional Circumstances' means circumstance that could not be reasonably foreseen and for which there is insufficient time to take the necessary action to resolve the situation arising from those circumstances
- 'Food Business' means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food
- 'Licence' means the licence issued to a trader in the form prescribed by the Council which permits casual and regular traders to trade in the market in accordance with these Regulations
- 'Market' means the provision of a market in Ipswich
- 'Market Day' means the day on which the market is authorised by the Council to open for trading
- 'Market Hours' means the hours of operation
- 'Market Supervisor' means the front line officer responsible for the operation of the Market
- 'Charter Market' means the Council's right to hold markets and to receive rents and tolls granted by the Crown

3. Eligibility to Trade

- 3.1 Prior to being accepted to trade on Ipswich Market, traders must complete and return a copy of the Market Trader Application Form. All traders must remain registered and provide the Council with details of any changes to their registered details.
- 3.2 Only traders that sell goods included in the Approved Goods will be considered for acceptance onto Ipswich Market.
- 3.3 In the event that the market is fully occupied, the Market Supervisor will maintain a Waiting List of traders. The Waiting List is in two parts:
 - Traders in approved commodities not currently available in the Market
 - Traders in approved commodities currently available on the Market
- 3.4 Traders included in part i of the Waiting List will have preference over those in part ii to trade.
- 3.5 Any disputes or complaints regarding the management of the Waiting List will be dealt with under Ipswich Borough Council Complaints Procedure.

4. Trading Days / Hours

- 4.1 Normal market trading days are: Tuesday, Thursday, Friday and Saturday. (the Council reserves the right to vary these days). In addition to the normal trading days 21st, 22nd, 23rd, 24th December are offered as extra market days as well as 27th 28th 29th and 30th December.
- 4.2 In exceptional circumstances (for example a major event), the Council reserves the right to cancel the market. Traders will be notified no less than 10 days prior to the market being cancelled, no rent or holiday will be taken for the cancelled market day.
- 4.3 Access hours for loading and unloading are between 06:30 and 08:30 and between 17:00 and 18:30 except were the market day is a Thursday 'late night shopping day' when access hours for loading shall be extended to 22.00 or otherwise instructed by the Market Supervisor.
- 4.4 Trading hours are between 08:30 and 17:00 except on special event days such as Christmas 'late night shopping' when trading can be extended to 20.30 or otherwise instructed by the Market Supervisor.
- 4.5 No trader may begin to clear their stall before the end of trading hours.
- 4.6 It is the responsibility of traders to notify the Market Supervisor of any delay in attending the market (i.e. because of illness, vehicle breakdown or other reasonable cause beyond the trader's control). In the absence of doing so, traders who fail to notify the Market Supervisor by 07.30 may not be permitted to trade on the market day. No refund of pitch fees will be paid in these circumstances and the Council may re-allocate the pitch to another trader in such circumstances.

5. Market Layout and Closure

- 5.1 The designated market highway is the whole of the Cornhill, initially into Lloyds Avenue, north part of Princes Street, Giles Circus and Queen Street. See attached plan Appendix 1.
- 5.2 The Council reserves the right to alter any stall location, change the layout or vary the trading times in exceptional circumstances. No trader will have exclusive occupation of any pitch.
- 5.3 In the event that the Council relocates the market, traders will not retain any rights to occupy any part of the existing market site.
- 5.4 The Market Supervisor shall have the right to close the market at his/her absolute discretion if they consider this to be necessary on the grounds of public safety, for example inclement weather. If cancellation of the market takes place before 10.30 on the morning of the market no charge will apply.
- 5.5 Wherever possible, traders will be given prior notice of maintenance and other work on and around the market which could affect their trading activities. The Council will not be liable for any direct or consequential loss arising from work affecting the market.

6. Pitches and Stalls

- 6.1 The standard size of the licensed pitch is 10ft x 10ft (3m x 3m) or multiples of. The size of each trader's pitch will be agreed with the Market Supervisor. Overhang "extensions" beyond the boundary of the licensed pitch are not permitted except to the dimensions and location(s) expressly authorised by the Market Supervisor which can be withdrawn at any time.
- 6.2 Market pitches will be allocated by the Market Supervisor; traders will not be permitted to set up without prior consent.
- 6.3 Traders are responsible for erecting and dismantling their own stalls with minimal noise and disruption to neighbouring properties and in particular to the visitors and occupiers of the Town Hall. All stalls must use adequate weights appropriate to the size of the pitch.
- 6.4 The sub-letting of any pitch or stall is prohibited.
- 6.5 Allocation of pitches to regular traders where reasonably possible will take account of the traders' wishes for a particular position and also to be in the same position on each market throughout the year. However, this may not be possible due to operational circumstances and in the best interests of running a viable market. Pitches not occupied may be allocated to any other trader.
- 6.6 Traders must ensure that during trading hours pitches are staffed, presentable and in keeping with the market at all times.
- 6.7 Traders are not permitted to encroach the highways or aisles which may impede pedestrian movement around the market, present a safety hazard or may be detrimental to the efficient operation of the market. Packaging under tables must not be visible to the public.

- 6.8 No trader shall keep any live animal, including pets, at their stall/pitch/table.
- 6.9 The Council aims to achieve uniformity in market stalls; however it appreciates that this may be difficult to accommodate with irregular specialist trading vehicles. Where possible, market stalls should be blue and white striped and be of 'pop-up' style (3m x 3m), stalls should be complete with canopies, back sheets with semi-transparent side panels which can be detachable and all gazebo's should have a minimum requirement per leg of 25kg weight.
- 6.10 Regular traders may apply for a market gazebo, covers and weights to trade from whilst on Ipswich market. Traders will be responsible for erecting, dismantling and storing (on non-market days) loaned gazebos. All gazebos on loan must be signed for and any damage or loss to the gazebo will incur a charge of up to the cost of a replacement gazebo.
- 6.11 A small number of market gazebos, covers and weights are available for a single day hire whilst trading on Ipswich Market. Please liaise with the Market Supervisor for gazebo availability.
- 6.12 The Council reserves the right to charge any trader the full cost of repair or renewal to any Council property related to the market, where in the reasonable opinion of the Council, the trader or anyone working with the trade caused the damage.
- 6.13 All traders must display a prominent sign showing their name, company name and if applicable the National Market Trader Federation membership. Traders selling food will also be required to display the sticker showing the rating awarded to them under the Food Standards Agency national Food Hygiene Rating Scheme.

7. Charity Stalls

- 7.1 A maximum of two local charity stalls will be permitted on any one market day.
- 7.2 Charity stalls can be booked no less than four weeks in advance and are subject to availability.
- 7.3 Charity stalls must ensure that they have the correct Street Collections permit. For further information please contact the Licensing and Enforcement Team on 01473 4330745 or email: licensingandenforcement@ipswich.gov.uk

8. Payment of Fees

- 8.1 All fees and other charges are determined by the Council, and will be notified to traders in writing once approved by the Council. Current charges are set out in Appendix 2.
- 8.2 From time to time during promotional activities the Council reserves the right to alter the stall charges by no more than 25%.
- 8.3 Pitch fees will normally be reviewed annually based upon local and national factors affecting the markets industry and the wider economy.

- 8.4 Payment for pitches will be by direct debit, cheque or debit card, no cash payments will be allowed unless under exceptional circumstances.
- 8.5 All fees and charges will be paid between **10:00 – 12:00 noon**, and collected by the Market Supervisor on the day of the market. In the event that a trader does not pay, they will not be allowed to trade on the market until the outstanding fee is paid and may be subject to disciplinary procedures referred to in section 13 below. The Council will apply an administration charge for collecting any unpaid pitch fee referred to in Appendix 2 of these Regulations and such charges will be paid for each and every instance of non-payment.
- 8.6 All regular traders must pay the pitch fee irrespective of whether they attend the market. No credits will be given for non-attendance, except where non-attendance occurs as part of a promotion, holiday or agreed payment scheme.
- 8.7 Failure to pay pitch fees for four consecutive market days shall result in a written notice to the trader. Cancellation of the trader's licence may result if payment has not been made in full within one week of the date of the written notice. There shall be no right to appeal in respect of cancellation of a trader's licence for non-payment of pitch fees.

9. Parking

- 9.1 All vehicles must be unloaded, moved away from the market by 08.30 and parked in a designated parking area. No vehicle movement in the market area will be allowed during trading hours. Public car parking facilities are available at New Portman Road Car Park and Ipswich Village Car Park.
- 9.2 Regular traders can apply for a parking permit at New Portman Road (market days only). Permits must be clearly displayed in the vehicle; failure to do so or adhere to parking regulations may result in an enforcement notice being issued.
- 9.3 Casual traders parking in public car parks must purchase a parking ticket, displaying it in their windscreens and adhering to the car parking regulations. Failure to do so may result in an enforcement notice being issued.

10. Refuse

- 10.1 It is the responsibility of the trader to ensure that all refuse is placed in bin bags or boxes, bags tied and left in the designated area or taken away with them.
- 10.2 Pitches not in use must be kept clear from obstruction and not used as storage areas.

11. Disposal of Liquid Waste

- 11.1 All liquid waste must be removed from site unless otherwise agreed by the Market Supervisor.

12. Approved Goods

12.1 Only approved commodities listed below can be sold on Ipswich Cornhill Market:

Bags and luggage	Video tapes, records and compact/DVD discs/ blue ray
Books	Garden equipment
Bread and cakes	Groceries
Car accessories	Haberdashery
Carpets, fabrics and curtains	Herbs and spices
Chocolate and confectionery	Hobby items and equipment
Cleaning products	Home furnishings
Clothing including sportswear and army surplus	Hot and cold food and drink
Cosmetics	Household goods and sundries
Crafts	Jewellery, including watch straps and batteries
Eggs	Kitchenware
Fish and seafood	Meat and meat products
Flowers and plants	Linens
Footwear	Pet food and pet accessories
Fruit and vegetables	Pottery crockery and glassware
Tobacco accessories including papers, lighters, roller kits, tins	Stationery and paper goods
Mobile phone accessories	Tools
General entertainment audio	Toys

12.2 The sale of the following goods are prohibited: live animals and birds, fireworks, firearms, replica and decommissioned firearms, combat knives, counterfeit goods or any other item deemed by the Market Supervisor as likely to cause offence or danger to the public.

12.3 Traders will only be allowed to sell those goods as stipulated on their application. Any change or additions must be approved by the Market Supervisor.

13. Behaviour, Disciplinary, Complaints and Appeals Procedure

13.1 Traders and any persons working for them are expected to conduct themselves in a manner that does not bring any adverse publicity to the market, fellow traders or to Ipswich Borough Council.

13.2 Traders are expected to present a positive image at the market and to treat customers, fellow traders and others with courtesy at all times.

13.3 Traders may be subject to immediate suspension and/or termination for breaches of these regulations which are considered to be gross misconduct. In the event that a licence is terminated, the trader shall not be entitled to compensation from the Council. These cases will be considered by the Council Head of Service.

Examples of gross misconduct which will normally justify termination of a licence are:

- Dishonesty
- Under the influence of alcohol or illegal substances
- Verbal abuse, use of foul or abusive language, harassment, intimidation and discrimination or bullying

- Assaulting a member of the public, Council staff or another trader
- Bringing the Council or the market into disrepute
- Failure to comply with the requirement of food hygiene regulations
- If the trader persistently fails to pay the pitch fees within time limits set

13.4 The Council will apply the following process in addressing any non-compliance with the regulations:

- first offence by a trader or any member of their staff – a written notice of breach from the Market Supervisor. Traders will be reminded of their obligations and no further action taken;
- a repeat of the same offence by a trader or any other member of their staff – a written notice from the Market Supervisor giving notice of suspension;

13.5 A trader who has been suspended from the market or whose licence has been terminated may appeal in writing to the Head of Service within five working days from, but not including, the day the trader is notified of the decision against which they wish to appeal.

13.6 The trader is entitled to request a hearing to make representations to explain why the decision against which they wish to appeal should be overturned. Such request must be made at the time of submitting the written appeal.

13.7 The Head of Service will conduct the hearing of the appeal in person within 28 days of receipt of the written appeal.

13.8 In considering any appeal, the Head of Service will refer to any relevant documentation and may call on witnesses to give evidence, including the trader in question, as he/she considers appropriate.

13.9 Traders attending an appeal will be entitled to bring with them a friend or colleague or, if they are a member of the National Market Traders Federation, a local representative of the NMTF who are allowed to speak on their behalf.

13.10 The written decision of the Head of Service will be sent to the trader within 14 days of the hearing to the registered address of the trader, and will include an explanation of the reasons for the decision. There shall be no further appeal from the decision of the Head of Service.

14. Holiday and Sickness

14.1 Regular traders are allowed four weeks holiday/absence pro rata per year without the requirement to pay the market fee.

14.2 Regular traders wishing to take more than four weeks absence and continue to retain a preferred pitch will be required to pay, in advance, full market fees for the total of the time away from the market.

14.3 Regular traders are required to give 10 days notice in writing of any intended absence from the market.

- 14.4 On production of a valid certificate, regular traders will not be charged rent for any market day that they spend in hospital or have a valid certificate from a doctor signing them off work.
- 14.5 If a regular Trader is away from the market due to holiday or sickness, the Market Supervisor reserves the right to offer his/her pitch to a casual trader. If the stall holder has more than four weeks sick leave, the Market Supervisor reserves the right to reallocate his/her pitch to another regular or casual trader.

15. Emergencies

- 14.1 If, for any reason a trader is unable to trade, please phone the Market Supervisor on **07917 803599 before 07.00**. Failure to contact the Market Supervisor before this time may result in a pitch fee for the day.

16. Casual Traders

- 16.1 Casual traders will be allocated a pitch on the morning of the market (unless otherwise instructed by the Market Supervisor) and must not move onto a vacant pitch until after 08.15 (or earlier upon instruction from the Market Supervisor).

17 Equality Act 2010 Compliance

- 17.1 Every trader must comply with the Council's duties under the Equality Act 2010 and respect the rights of those with protected characteristics as defined under that Act.

18. Disabled Traders

- 18.1 If any trader is disabled as defined within the Equalities Act 2010, and has notified the Council of the nature of their disability, reasonable adjustments may be made to these regulations to help ensure that the trader is able to trade.

19. Health and Safety

- 19.1 All traders are reminded of their legal duties to ensure that work activities are carried out in such a way that other people at work and members of the public are not exposed to risks to their health and safety. Advice on managing health and safety at work is available on the HSE website at www.hse.gov.uk.
- 19.2 All incidents, accidents or near misses must be reported immediately to the Market Supervisor.
- 19.3 Smoking is not permitted by traders, their employees and suppliers within or near market stalls in accordance with the 2006 legislation which bans smoking in enclosed/substantially enclosed workplaces and public spaces.

20 Electrical Safety

- 20.1 All electrical equipment used on the stall must be PAT Tested (Portable Appliance) for electrical safety and a certificate of compliance supplied to the Market Supervisor. It is the traders' responsibility to set up their own electrical cables ensuring that there are no overhangs or trip hazards. **It is the traders' responsibility to ensure that all electrical equipment is PAT tested annually**
- 20.2 Electricity cannot be used for any other purpose than for trading unless agreed by the Market Supervisor.
- 20.3 Traders are not permitted to use generators on Ipswich Market.
- 20.4 Traders are not permitted to use electrical heaters on Ipswich Market.
- 20.5 The use of any PA (public address) systems on the market area is prohibited.

21 Gas Safety

- 21.1 All stall holders must ensure that any gas/LPG appliance, installation, pipework or flue in use at Ipswich Market is maintained in a safe condition so as to prevent risk of injury to any person. For this purpose, gas appliances must be serviced annually by a Gas Safe registered engineer in order to ensure that appliances continue to operate safely. The engineer's report must be retained and produced upon request by the Market Supervisor or an authorised inspector of the Council.

22 Food Safety and Hygiene

- 22.1 All food businesses must be registered with the Local Authority where the food or equipment is stored.
- 22.2 Food businesses must comply with all current food safety and food hygiene legislation.
- 22.3 All food businesses must ensure that their stall and all food handlers fully comply with the 'Ipswich Market Food Safety Conditions' Appendix 3.
- 22.4 Only food businesses with a food hygiene rating of 4 or above will be allowed to trade on the market. Any trader that goes below 4 will be given six months to comply and be reassessed to reach the minimum required. Failure to reach the minimum standards may result in termination of the market trader's licence.

23 Market Trader Meetings

- 23.1 A minimum of four market trader meetings will be held per annum to discuss market initiatives, campaigns and development.
- 23.2 Wherever possible all market traders should attend or send a market representative.
- 23.3 Agendas and minutes of meetings will be made available to all traders.

24 Administration of the Market Regulations

- 24.1 The Market Supervisor will be responsible for administrating the Council's Market Regulations.
- 24.2 The Operations Manager for Asset and Property will support the Market Supervisor in the interpretation of this policy or the resolutions of any issues arising from its implementation.
- 24.3 In the event that any trader or potential trader is dissatisfied with the management of these Regulations, their issues will be dealt with in accordance with Ipswich Borough Council's formal Complaints Procedure.
- 24.4 The Council reserves the right to require any trader to leave the market place if there is a material breach of any of these conditions. Normally a written warning will be given specifying the breach and citing what remedial action is required before this right is exercised.

25 Contacts:

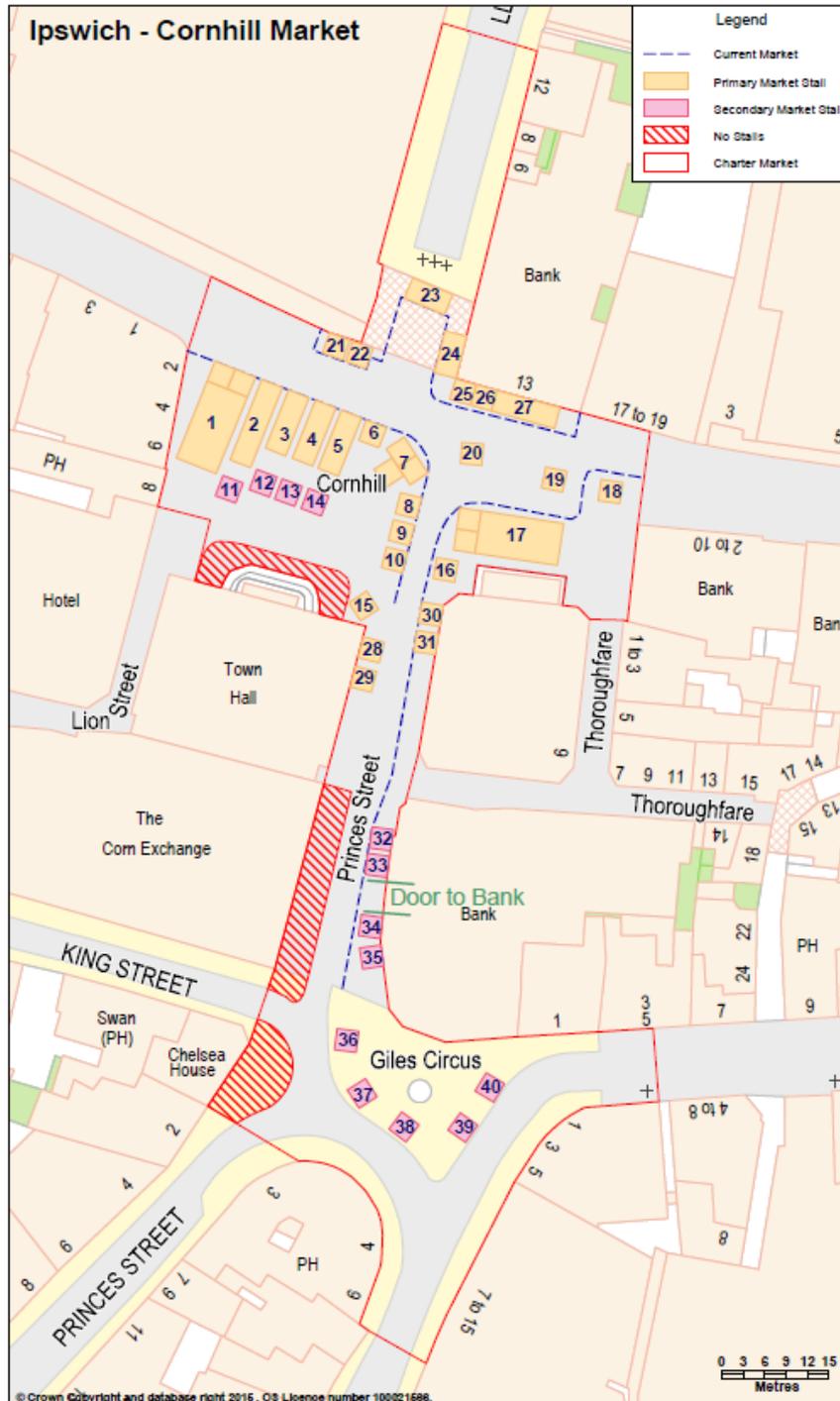
Miss Cari Hodkinson – 01473 432215 or 07921 492516
Email: cari.hodkinson@ipswich.gov.uk

These conditions are subject to variation at any time within reasonable notification.

Appendix 1

Market Layout

Subject to change



Appendix 2

Fees and Charges

Daily Pitch Charges:

Primary pitch (orange pitches):

Regular trader: £2.10 per foot per 10ft x 10ft pitch or multiples thereof

Casual trader: £2.50 per foot per 10ft x 10ft pitch or multiples thereof

Secondary pitch (pink pitches):

Regular trader: £1.10 per foot per 10ft x 10ft pitch or multiples thereof

Casual trader: £1.50 per foot per 10ft x 10ft pitch or multiples thereof

Charity pitches: £15.75 per 10ft x 10ft pitch

Commercial pitches £50.00 per 10ft x 10ft pitch

Hire of gazebo and weights £15 per stall plus daily pitch fee

All traders pay an additional fee of 50p a day to contribute to promotion of the market

Electricity is charged at £2 per plug per day depending on type of lighting and number of sets.

Other Charges

Fee for collection of unpaid pitch fees on each occasion £15 (see section 8.5)

Fee for removal and disposal of waste is variable according to waste disposal costs

Appendix 3

Ipswich Market Food Safety and Hygiene Conditions

Food businesses have a responsibility to ensure that food is kept safe and free from contamination and that it complies with all food safety and food hygiene legal requirements.

1. Registration

All food businesses must be registered with their local authority. Registration must be made with the local authority where the food or vehicle is stored. Food business operators must ensure that the appropriate authority always has up-to-date information on their food business and must notify the registering authority of any significant changes. Casual traders will need to contact Ipswich Borough Councils' Food Safety Team for advice.

2. Documented Systems

Food business operators must have in place procedures based on HACCP (Hazard Analysis and Critical Control Point) principles. The procedures and associated documents and records are to be commensurate with the nature and size of the food business. The control measures identified as necessary within the businesses' procedures, must be in place at all times. Ipswich Borough Councils' Food Safety Team will be able to give specific advice on this requirement.

3. Training

It is the responsibility of the operator of a food business to ensure that food handlers are supervised and instructed and/or trained in food hygiene matters appropriate to their work activities.

4. Facilities/Stall

The stall must be designed in such a way to protect food from adverse environmental conditions, for example, rain, dust, direct sunlight etc. and avoid risk of contamination, in particular from passers-by, animals and pests. Guards or screens must be used to protect exposed foods from contact or contamination by customers. Work surfaces and equipment must be smooth, impervious and capable of being cleaned. Food must not be stored on the ground.

If unwrapped, ready-to-eat food is handled in such a way that it comes into contact with a food handler's hands (whether with gloves on, or not) a wash hand basin with hot and cold running water must be provided, together with facilities for the hygienic washing and drying of hands (anti-bacterial soap and paper towels are recommended as a minimum). Food transported to the market must be wrapped, covered or placed in suitable containers to prevent contamination. Vehicles and containers must be kept clean and in good repair.

5. Samples

It is recognised that samples are a useful means to advertise products to customers. The same controls and food safety legislation apply to samples as to food for sale. Samples must be protected from

contamination and stored out of the reach of animals and young children. To prevent customers contaminating samples, disposable spoons, cocktail sticks etc. must be used. Suitable storage temperatures must be maintained and monitored.

6. Contacts and Further Information

For further information on food safety at Ipswich Market contact Food Safety Team, Ipswich Borough Council on 01473 433015 or environmentalhealth@ipswich.gov.uk

For general food safety information contact Food Standards Agency via www.food.gov.uk

Registrations Details (Traders selling food only)	
Details of Local Authority where your business is registered:	Name: Address:
Details of where any food is stored or prepared:	Address:
Equipment	
Please identify the utilities/services that your business will require	
Gas <input type="checkbox"/> Electricity <input type="checkbox"/> Waste <input type="checkbox"/> Gazebo <input type="checkbox"/> Weights <input type="checkbox"/>	
Vehicle details	
Vehicle registration:	Vehicle Model:
Trading Days	
Please indicate which day/s you wish to trade (Please tick)	
Tuesday <input type="checkbox"/>	Thursday <input type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/>
Method of Payment	
Cheque <input type="checkbox"/> Debit Card <input type="checkbox"/> Direct Debit <input type="checkbox"/>	

I hereby certify that the information I have provide is correct. I hereby accept the terms and conditions contained in the Market Traders Information Pack which has been given to me.

Signed:

Date:

Please return to:

Market Supervisor, Ipswich Borough Council, Economic Development, 15 – 17
Russell Road
Ipswich, IP1 2DE

***The Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.
For further information, visit the Council's website at: www.ipswich.gov.uk/datasharing***

Date application received:

Copy of Public Liability Received: Yes /No

Food Rating Level:

Gazebo & Weights Supplied: Yes/No

Processed: Yes / No

Stall No:

Signed: