

MARKET TRADERS' HANDBOOK

**Terms and Conditions for Trading
at Arnold Market**

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MARKET TRADERS' HANDBOOK – TERMS AND CONDITIONS

1. Application to Trade

- 1.1 Before you start trading at Gedling Borough Council's ("the Council") market at Market Place, Arnold, Nottingham ("the Market") you will need to complete a Market Traders Application Form. You must complete and submit the application form along with all relevant supporting documentation to the Council and be issued with a Market Trader's Licence (a "Licence") before you start trading. You can complete the application form on your first day of trading.
- 1.2 A copy of the application form can be obtained from the Council's market management team ("the Market Management") (see Useful Contacts at section 14). Alternatively the application form and guidance notes are available on the Council's website at <https://www.gedling.gov.uk/business/arnoldmarket>.
- 1.3 You will need to provide the Council with photographic identification, proof of your home address and eligibility to work in the United Kingdom and evidence that you hold Public Liability Insurance. If you employ members of staff (whether paid or unpaid) you will also need to provide evidence of your Employers' Liability Insurance. This documentation will need to be provided at the time you submit your application form.
- 1.4 You do not need to complete a new application form each time you trade at the Market provided that the information provided on your original application remains correct and your documentary evidence and insurance is still valid. A new application form will need to be completed when any of your information changes and at least every 12 months. The Council reserves the right to request you to provide this information or produce your evidence at any time at its sole discretion.
- 1.5 By signing the Licence you are agreeing to comply with conditions of the Licence and the terms contained within this Handbook. Breach of these terms and conditions by a market trader may lead to termination of their Licence. The Council reserves the right to change these terms and conditions at any time. The Council will notify you of any changes

7 days in advance of the change taking effect and will publish any changes on its website.

- 1.6 The Council reserves the right to refuse a trader a Licence to trade at the Market if the information provided by a trader is inaccurate or incomplete or if they feel that the goods proposed to be sold are already over represented on the Market. The Council may also allow the retention or introduction of a particular trade or line of goods to an area of the Market with a view to benefiting the Market as a whole.

2. The Licence

- 2.1 A Licence is personal to the trader it is issued to and cannot be assigned or sub-let.
- 2.2 A Licence entitles the trader to sell specific goods from an allocated stall or pitch where a mobile trading unit may be sited.
- 2.3 Traders must pay the licence fee to the Council in accordance with the terms of their Licence.
- 2.4 Traders must display their trading name on their allocated stall or on their mobile trading unit every time they trade. This must be visible to users of the Market.
- 2.5 A Licence may be terminated by the Council in accordance with the Licence and the terms of this Handbook.

3. Trading Days & Times

- 3.1 Currently the Market is open to traders on every Tuesday, Friday and Saturday between the hours of 8.30 am and 3.30 pm. The Council reserves the right, at its sole discretion, to close the Market at any time. This includes for reasons such as adverse weather conditions (for further details please refer to the Council's Health and Safety Requirements).
- 3.2 All traders must be at their allocated stall by 7.30 am on each trading day. Any stall not occupied by 8.00 am may be reallocated by the

Council at its sole discretion. Traders are expected to actively trade until 3.30 pm, unless otherwise instructed by the Council.

- 3.3 Vehicles may be brought onto the Market for loading and unloading. All vehicles must be removed by 8.00 am and must not return until 3.30 pm unless you have express permission from the Council.
- 3.4 Traders from mobile trading units sited on the Market are expected to abide by the same trading rules that apply to stall holders and must be present and actively trading on their licenced trading days during the time periods set out above.
- 3.5 Continual breaches of the trading hours may lead to your Licence being revoked.

4. Licence Fees

- 4.1 The current licence fees are set by the Council and can be obtained from the Market Management (please see Useful Contacts). Alternatively, this information is published on the Council's website at <https://www.gedling.gov.uk/business/arnoldmarket>.
- 4.2 The Council may review the licence fees at any time and will notify the trader of any change to the fees by giving them 7 days' notice in writing. The Council will also publicise any changes on its website.
- 4.3 It is the trader's responsibility to pay all fees that are owed for each trading day in accordance with the conditions of their Licence.
- 4.4 Additional charges may apply where traders are authorised by the Council to use extra space, boards or trestles.

5. Regular Traders

- 5.1 Regular traders are those traders who have traded at Arnold Market for over 8 weeks in any rolling 12 week period ("Regular Traders").
- 5.2 Regular Traders will be issued with a Licence for 6 months allowing them to sell specified goods from an allocated stall. Payment of the Licence Fee shall be due monthly in arrears and must be paid online

via the Council's online payment system at <http://www.gedling.gov.uk/business/arnoldmarket>.

- 5.3 Regular Traders will be liable to pay a retention fee if they do not attend on one of their licenced trading days which will be half the charge for the stall or pitch for that day.
- 5.4 If a Regular Trader is unavoidably delayed, their regular stall may be reserved. However, you will need to inform the Market Management (see Useful Contacts) before 8.00 am.
- 5.5 Regular Traders are entitled to 5 days' holiday each year for each day that they are licenced to trade on the Market in a week. For example, if you are licenced to trade at the Market on each of the 3 weekly trading days, you will be entitled to 15 days' holiday per year. The holiday year runs from 1 April until 31 March the following year. You will not be liable to pay the licence fee when using your holiday allowance, provided you have informed the Council at least 1 week in advance.
- 5.6 Regular Traders that are unable to attend the Market due to ill health must notify the Market Management on 0115 901 3891 before 8.00 am on each day of absence. During the period of sick absence you will still be liable for half of the licence fee payable for that trading day or period as detailed at paragraph 5.3. If you are unable to trade due to long term health please contact the Market Management to discuss. The Council will consider each case on an individual basis. You may be required to submit a doctor's note or other documentary evidence.

6. Casual Traders

- 6.1 Casual traders are new traders that may apply to trade at the Market on a particular trading day ("Casual Traders"). If your application is successful you will be allocated a vacant stall or pitch provided that one is available. Casual Traders will be issued with a one day Licence. The licence fee is payable upon completion of the Licence by online payment at <http://www.gedling.gov.uk/business/arnoldmarket>.
- 6.2 A Casual Trader cannot stand for more than 8 weeks in a rolling 12 month period. After 8 weeks you will become a Regular Trader.

- 6.3 If you are a Casual Trader who wishes to sell the same goods as a Regular Trader you may not be allocated a vacant stall or pitch. The Council reserves the right to refuse a Casual Trader a Licence if they feel that a particular line of goods is already over represented at the market. They may also allow the retention or introduction of a particular trade to an area of the market that will benefit Arnold Market as a whole. This will be at the sole discretion of the Council.
- 6.5 Casual Traders are required to apply for a Licence as set out above. You can complete the application form on the first day of trading. If you are issued a Licence you are agreeing to comply with the conditions of the Licence and terms of this Handbook by signing the Licence.
- 6.6 Prior to being granted a Licence you will need to provide the same photographic identification and documentary evidence as detailed at section 1 above. This information need not be provided by a Casual Trader on every occasion you wish to trade at Arnold Market. The application will remain valid for 12 months provided that the information, evidence and insurance remain valid and correct.
- 6.7 Casual Traders are not guaranteed the same stall or pitch if they wish to trade on consecutive trading days or weeks. Allocation is at the sole discretion of the Market Management.

7. Stalls & Layout

- 7.1 Improvement plans at Arnold Market are being undertaken by the Council. Traders will be informed should the layout of the market change or if the current stalls will be replaced. The Council currently provides market stalls complete with canopies. These stalls are provided with boards.
- 7.2 Each stall is provided with lighting under the canopy. You must not connect any unauthorised equipment or appliance to the Council's electricity supply.
- 7.3 Stall boards must not be placed on the ground or be used for any purpose other than displaying goods. Stall boards must not be removed from other stalls without the prior consent of the Council.

- 7.4 Only authorised representatives or contractors of the Council can alter the position or nature of the stalls or fix any equipment to them.
- 7.5 You must only trade from the stall(s) allocated to you by the Council.
- 7.6 You must confine your goods to the stall allocated as no encroachment will be allowed beyond the edge of the canopy. Stallholders must ensure that their goods are laid out in such a manner that doesn't cause any obstruction to their neighbouring stalls and doesn't obstruct the movement of members of the public around the market.
- 7.7 The setting up of extra stalls is not allowed unless you have been given prior permission by the Council which may be given subject to an additional charge.
- 7.8 You are not allowed to play music or use public address systems on the stalls.
- 7.9 No stalls or pitches will be available on any day the Council closes the market due to public holidays or special events.
- 7.10 You are responsible for the health and safety of all persons attending your trading space. You must therefore make sure there are no trip or slip hazards and that all equipment and goods are secure and not at risk of falling.
- 7.11 Traders are referred to the Council's Health and Safety Requirements for Arnold Market which can be found at <https://www.gedling.gov.uk/business/arnoldmarket>. These must be adhered to at all times.
- 7.12 You shall be responsible for any damage caused to a stall or the market by yourself or your employees. You are liable to pay the Council the cost of all or any damage caused.
- 7.13 The allocation of a stall in the market by the Council is personal to you as licence holder and is not transferable. You must not sub-let the stall or assign or transfer the benefit of your Licence to another person.

7.14 You must not use the stall for pitching or mock-auction without the prior permission of the Council.

7.15 All accidents, incidents and near misses must be reported immediately to the Market Management by calling 0115 901 3891.

8. Mobile Trading Units

8.1 In addition, traders using mobile trading units must ensure they only set up their mobile trading unit on the pitch allocated to them by the Market Management and only trade from that allocated pitch.

8.2 It is the trader's responsibility to ensure that the mobile trading unit is road-worthy and has the appropriate tax and MOT.

8.3 Traders from mobile trading units are permitted to connect to the electricity point designated by the Council. Electricity costs are included in the Licence Fee payable for that trading space. Traders shall only connect equipment and appliances which are strictly necessary to enable them to trade and that are portable applicable testing (PAT) tested and have the appropriate British kitemark or CE marking.

9 Refuse and waste

9.1 You must keep your allocated stall or pitch and the immediate surrounding area clean and tidy and clear of rubbish and waste.

9.2 At the end of the trading day you should ensure that the stall or pitch is left clean and all waste is disposed of before leaving the market. Waste should be placed in the green bins within the market storage area.

9.3 If you dispose of waste in an unauthorised way you will be reported to the Council's Public Protection department.

10. Selling Food

- 10.1 Anyone selling food on the market must comply with all current applicable food safety legislation and must meet the standards detail in the Council's Health and Safety Requirements for Arnold Market.
- 10.2 Food should also be labelled in accordance with statutory requirements and those handling food should be appropriately trained.
- 10.3 Advice can be obtained from the Council's Food Safety Team (see Useful Contacts).
- 10.4 You will need to provide the Council with details of the local authority your food business is registered with and your current Food Hygiene Rating, along with a copy of your certificate, when making your application to trade at Arnold Market.

Please note: the Council will only accept food vendors on the market with a Food Hygiene Rating of 3 or above.

11. Standards of Trading

- 11.1 You must not sell stolen goods, counterfeit goods, unsafe goods, tobacco products (duty unpaid), unauthorised alcohol goods, offensive weapons, fireworks, legal highs, real fur, livestock and items of a pornographic or offensive nature. Any concerns or suspected breaches of this paragraph will be reported to Nottinghamshire Police and/or Trading Standards whichever is the most appropriate authority.

Please note: the Council reserves the right to immediately terminate your Licence and ask you to vacate the market if you breach paragraph 11.1.

- 11.2 You can only use your trading space for the trading of authorised and legal commodities. Authorised commodities are those goods specified on your Licence only. You must obtain prior written permission from the Council to change the authorised commodities.
- 11.3 All body piercing, tattooing, acupuncture, semi-permanent skin-colouring and electrolysis operations on the market are strictly prohibited.

11.4 All goods sold from Arnold Market must be legal and:

- be the lawful possession of the trader;
- be lawfully offered for sale by the trader;
- be sold as described – verbally, on the label, packaging or otherwise;
- be of satisfactory quality;
- be fit for any particular purpose made known by the trader; and
- not be sold to anyone underage if it is illegal to do so.

11.5 Goods and equipment sold at Arnold Market must comply with all relevant legislation and electrical goods must meet European Standards by having the appropriate CE marking or BS kitemark. Advice can be obtained from Trading Standards (see Useful Contacts).

11.6 The trader must conduct their business professionally, in a business-like manner and without interfering with the business of any other trader.

11.7 The trader shall be responsible for the actions of any of his employees while they are engaged on the market and shall ensure compliance by them with the conditions of their Licence and the terms of this Handbook.

11.8 All traders and employees are required to be courteous and show good manners to fellow traders, Council employees and contractors, Councillors and members of the public at all times and in all circumstances treat them with dignity and respect that they would expect to receive themselves.

11.9 Aggressive behaviour, intimidation, swearing and the use of foul, abusive or offensive language is unacceptable. Likewise behaviour exhibiting discriminatory and prejudicial attitudes will not be tolerated.

Please note: the Council reserves the right to immediately terminate your Licence and ask you to vacate the market if you breach paragraphs 11.8 or 11.9.

12. Breaking the Rules

12.1 The Council has the right to terminate your Licence immediately if you or your employee(s):

- behave in a way that the Council believes, in its sole discretion, amounts to a serious breach of the standards of trading detailed at section 11 above;
- offer or display food for sale that is unfit for human consumption; or
- are convicted of any offence under the Weights and Measures Act 1985 or any Act, Regulation or Order relating to the sale of food or goods including but not limited to offences for the sale of counterfeit goods.

12.2 If a trader fails to comply with the conditions of their Licence or the terms contained within this Handbook, the Council may take disciplinary action against the trader which may lead to termination of their Licence and exclusion, either on a temporary or permanent basis, from trading from Arnold Market. The action taken will depend on the severity and/or persistent nature of the breach(es). A copy of the disciplinary procedure is attached to this Handbook at Appendix A. A trader may also be referred to the Council's Employee Protection Register group (Council's Violence register).

13. Data Protection and Freedom of Information Requests

13.1 In processing your application to trade at Arnold Market the Council will hold personal data about you. The Council is a data controller for the purposes of the General Data Protection Regulations 2018 and Data Protection Act 2018 and will process your personal data in accordance with the data protection legislation. The Council will use your personal data for the purpose of processing your application for a market trader's licence and does so with your consent. If you are granted a licence the Council will process your personal data for the purpose of managing the licence agreement on the basis of the processing being necessary for the performance of a contract. The Council may contact you using the contact information provided about

any market issues. Please see the Council's full privacy notice at <https://www.gedling.gov.uk/business/arnoldmarket>.

13.2 The Council is under a duty to protect public funds and to this end may use the information held or provided by you for the prevention or detection of fraud. The Council may also share this information with other departments of the Council and other public bodies or agencies such as the Police for these purposes but also for the prevention and detection of crimes, audit and administration and for performing statutory enforcement duties.

13.3 The Council is also required to comply with the Freedom of Information Act 2000 ("the FOIA"), the Environmental Information Regulations 2004 ("the EIR"), any subordinate legislation made under the FOIA or EIR and any guidance issued by the Information Commissioner. The Council may be required upon request to provide information it holds to the person making the request unless an exemption under the FOIA or EIR applies. The Council, at its sole discretion, will determine whether an exemption applies before disclosing information.

14. Useful Contacts

Market Management

Please contact the Market Management for all day-to-day matters relating to Arnold Market using the contact details below:

Address: Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

Telephone: 0115 901 3891

Email: arnoldmarket@gedling.gov.uk

Payment: <https://www.gedling.gov.uk/business/arnoldmarket>.

Other useful contacts:

Food Safety Team

Address: Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

Telephone: 0115 901 3974

Email: foodsafety@gedling.gov.uk

Trading Standards

Address: Nottinghamshire County Council
Trading Standards
100 Chesterfield Road South
Mansfield
Nottinghamshire
NG19 7AQ

Telephone: 0300 500 80 80 (switchboard)

Email: trading.standards@nottscc.gov.uk

APPENDIX A

Gedling Borough Council's Market Traders Disciplinary Procedure

Breach Procedure:

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

1. First breach – the Market Management shall issue a verbal warning. A record of the verbal warning will be made by the Council.
2. Second breach (within any 12 month rolling period) – a first written warning shall be issued by the Market Management.
3. Third breach (within any 12 month rolling period) – a final written warning shall be issued by the Market Management.
4. Failure to comply with a written warning shall be reported to the Service Manager for Property who will invite representations from the trader and will then decide on the appropriate action which may include termination of the licence. Furthermore, the trader may be permanently excluded from trading at Arnold Market depending on the seriousness of the breach.

Please note - the Council reserves the right to suspend a trader from the market immediately if the breach or level of behaviour is likely to cause serious difficulties with the continued operation of the market, consists of threats to others or involves the sale of unauthorised or unsafe goods.

Appeals Procedure:

At all stages of the disciplinary procedure the trader has a right of appeal. The following appeal procedure applies:

1. The trader must make the appeal in writing within 10 working days of receipt of the warning. The appeal must be sent to the Service Manager for Property, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.
2. If the appeal is against a decision made by the Service Manager for Property, the appeal should be addressed to Deputy Chief Executive and Director of Finance, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.
3. If an appeal hearing is necessary, the trader shall be given adequate notice of the hearing and shall have the right to be accompanied at any hearing by a representative of their choice.

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