



CONDITIONS FOR MARKET STALLHOLDERS

1. Definitions

1.1 “The Market” is held in the town on Thursday of each week and operates 51 weeks of the year. There is no market in the week between Christmas Day and New Years Day.



Market Area

1.2 Traders who wish to join our market need to sign a copy of the Conditions for Market Stallholders and provide evidence of current and valid Public Liability Insurance and any other relevant certificates such as employers liability insurance or food hygiene if asked.

1.4 The Town Clerk or any other “Authorised officer of the Town Council” is the person appointed by the Town Council to supervise all aspects of the market such as the choice of goods to sell, the allocation of pitches, collection of fees etc.

1.5 Any references in these conditions to the authorised officer shall also be taken to apply to other persons appointed by the Town Council who may be undertaking those duties.

1.6 Any decision made by the Town Council shall be upheld by all authorised officers.

1.7 “Stallholders” are either:

- (a) “Regular Traders” – those who have traded regularly in the town for a continuous period of 12 weeks and are not seasonal traders. If a Registered Trader is absent for more than 4 weeks, excepting sickness or bad weather, the trader shall revert to a Casual Trader. The authorised officer must be formally notified of all absences.
- (b) “Casual Traders” – those who trade on an irregular or adhoc basis. Casual Traders must contact the Town Council to record their intent to trade by at least midday on the Monday before market day. The authorised officer must be formally notified of all absences. **Casual Traders arriving without prior notice will not be permitted to trade.**

2. General Conditions

2.1 These conditions apply to all Stallholders.

- 2.2 The authorised officer has authority to refuse to let a site to any Stallholder who does not comply with any of these conditions.
- 2.3 The Town Council will set the fees for Stallholders and rates for using power and water.
- 2.4 Stallholders must display their names on their stalls at all times where they are clearly visible.
- 2.5 Stallholders shall ensure that their stalls are continuously staffed by at least one competent person over the age of 18 years. The Stallholder shall be responsible for the actions of any person working from their stall.

3. General Obligations

- 3.1 The Town Clerk or authorised officer shall enforce these conditions during office working hours only.
- 3.2 Stallholders shall indemnify the Council from and against all claims, damages, loss, expenses and costs in respect of any explosion, fire, accident or injury to property, persons or things which may arise or occur through or in connection with the occupation or use of the stall. Valid Public Liability Insurance and, if appropriate, Market Traders Employers' Liability Insurance Certificates must be presented with the application to trade on the market and must be produced when requested for inspection by the authorised officer. Valid insurance must be held at all times when trading in the market. The Town Council is not liable for any damage caused by the stallholder, their stall or goods.
- 3.3 Stallholders shall not cause or permit any public or private nuisance in or upon the stall or anything which shall cause annoyance, inconvenience or disturbance to the Council or its staff or to other Stallholders or to the public resorting thereto. **Stallholders shall not bring the market into disrepute.**
- 3.4 The continuity of specific locations by Stallholders is encouraged, however no Stallholder has the right to trade from a particular pitch in the Market.
- 3.5 No guarantee of the continuing availability of a specific pitch in the Market, or any pitch in the Market, should be given by any Stallholder when disposing of their goods to a successor.
- 3.6 All Stallholders who intend to cease trading in the Market are requested to advise the authorised officer accordingly.
- 3.7 All traders must sign that they will abide by these conditions before being allowed to trade on the market.

4. The Stalls

- 4.1 Pitches must be occupied by Stallholders before 8.30am unless the authorised officer has given prior permission for a later time. Pitches not occupied by 9:00am will be allocated on a "first-come" basis.

- 4.2 The positions of all stalls shall be sited as directed by the authorised officer.
- 4.3 Stalls shall not be fixed to buildings or street furniture. In addition, nothing should be fixed to the Market House building.
- 4.4 Stallholders may only sell or offer for sale those goods listed on their application form. A stallholder may not amend the list of goods that they sell unless approval has been given in writing by the authorised officer.
- 4.5 Where possible all stallholders must advise the authorised officer if they can no longer attend on market day or with prior notice, via email or telephone.

5. Consideration of the Public and Safety

- 5.1 Stallholders shall not cause nuisance by noise, obstruction to residents and users of the highway when erecting and dismantling their stalls and during the Market. Erection of stalls shall not commence before 7am and the market will finish at 6pm.
- 5.2 The stallholder has the responsibility to apply for the relevant permissions to remain on the pitch beyond 6pm. Ilminster Town Council holds no responsibility for stallholders who remain on the pitch beyond 6pm.
- 5.3 Stallholders shall ensure that their stalls are set up, their vehicles unloaded and removed by 9.30am (unless the stall holder has permission to park their vehicle adjacent to the stall (see 5.9 below).
- 5.4 Access to seats, the defibrillator box, the bus stop, etc shall be maintained at all times.
- 5.5 Where a pitch is located adjacent to live traffic a 300mm (1ft) safety zone shall be maintained to the edge of the carriageway.
- 5.6 In the Market House, a minimum footway width of 2.0 metres must be maintained at all times. Stalls shall be positioned behind so as to ensure maintenance of the footway width.
- 5.7 Stalls shall not obscure traffic signs or the visibility at road junctions.
- 5.8 Canopies, clips and display goods must be positioned high enough so as to cause no risk or danger to pedestrians.
- 5.9 All traders are responsible for maintaining the stall area including gazebo(s). Gazebos must be adequately weighted down. All goods must be stored, exhibited, or exposed for sale within the defined area of the stall only. Goods will be allowed to drape the front of the stall, providing they are hung from the equipment that is within the confines of the stall area. Such goods must be flush to the stall edge. Any request for a pitch transfer will be examined individually.

- 5.10 Stalls and Stallholders shall not obstruct or endanger the users of the adjacent highway. This includes the footway and carriageway.
- 5.11 Only Stallholders who have written permission from the authorised officer may park vehicles adjacent to their stalls. For Stallholders who need to trade from the vehicle e.g. for hot food preparation, the authorised officer reserves the right to allocate any spaces for use by Stallholders.
- 5.12 A stallholder who has written permission from the authorised officer may have tables and chairs located by their stall.
- 5.13 Use of power and water must be agreed by the Town Clerk.
- 5.14 Stallholders who use electric, gas or anything that uses a naked flame must provide suitable firefighting equipment for the equipment they use on their stall e.g., carbon dioxide, foam, powder, or wet chemical fire extinguishers.
- 5.15 The Town Council reserve the right to ask a Stallholder to relocate to another pitch.

6. Prohibited Goods

6.1 The following goods may not be stored, displayed or sold at Ilminster Town Council's markets:

- Any explosive materials, fireworks, hazardous liquids, bulk gases or any substance which might be a source of danger.
- No trader shall store, display or sell on any market ground any item which may cause offence as determined by the authorised officer, the Town Clerk or the Town Council.
- No counterfeit goods are allowed on the market at any time. Any counterfeit goods found to be on sale will result in the expulsion of the trader and the appropriate authorities will be informed.
- The sale of live animals, fish, birds and other fowl shall not be permitted.
- Acupuncture, ear and body piercing, tattooing or electrolysis will not be permitted.
- No Trader may offer goods for sale by wholesale or by mock auction or auction. Hawking or carrying goods for sale in the market is forbidden.

7. Food

7.1 Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1966. Notification must be given to Environment Health at Somerset Council, tel: 0300 123 2224 by Stallholders proposing to conduct a food business from any stall. A summary of the principal requirements of the regulations is obtainable from the Senior Environmental Health Officer. All Stallholders conducting a food business must comply with the above Regulations and demonstrate to the Town Council that any/all regulations have been complied with.

8. Litter

8.1 Stallholders are responsible for ensuring that all rubbish, litter, unwanted goods, etc., are properly stored throughout the day and removed at the end of the day's trading.

Additional precautions shall be taken by Stallholders during inclement weather to prevent litter from their stalls being blown along the highway. Stallholders may be charged at business rates for the removal of any litter remaining at the end of trading.

9. Cancellation of the market

- 9.1 A market may be called off due to adverse weather conditions if it is deemed that the prevailing weather at the time is likely to cause danger to staff, the public or traders if the market were to go ahead. These conditions could be, but are not limited to:
- Winds more than 35+ mph where measures cannot be put in place to protect traders, or for most of the market opening hours (9am to 5pm).
 - Untreated ice/snow
 - Persistent torrential rain that may cause the Market area to flood.
 - Red weather warning
- 9.2 Weather conditions such as normal rainfall are an occupational hazard for outdoor market traders and would not be a reason to cancel a market. The authorised officer will notify, via email, traders of a market cancellation or partial closure.
- 9.3 Traders should also monitor the weather conditions in relation to their offering and notify the authorised officer should they decide not to attend a market due to the weather, before 5pm the previous day.
- 9.4 Cancellations for other reasons
It is unusual for a market to be cancelled for reasons other than adverse weather. If the authorised officer decides to close the market on the day, then the following pitch fees will be charged:
- Closed before 10am – 0 Pitch fees
 - Closed between 10am – 12 noon – 50% Pitch fees
 - Closed after 12 noon – 100% Pitch fees

10. Charges

- 10.1 Current market charges can be found on the Schedule of Charges and are based on the size of the pitch.

Pitch Sizes - Thursday Market

2m x 2m (6.5 x 6.5)
3m x 3m (10 x 10)
3m x 4m (10 x 13)
3m x 6m (10 x 20)
3m x 9m (10 x 29)

- 10.2 To assist new traders starting at the market, they will pay for the first week and get the second consecutive week free.
- 10.3 From 2nd January to 31st March each year, if a Stallholder books and attends three consecutive markets, they can get the fourth consecutive week free.

- 10.4 Young Traders aged between 18 and 30 who book and attend their first four consecutive markets get the next week free.
- 10.5 Power and water will be charged at a set fee agreed by the Town Clerk.

11. Payment

- 11.1 Market Fees shall be paid to the Town Council by bank transfer or BACs at least 48 hours before trading, and a receipt will be issued. Failure to meet payment requirements may affect the Stallholders trading position.
- 11.2 Regular stallholders are asked to pay 4 weeks in advance and casual stallholders are asked to pay in advance for 4 future dates they plan to attend the market.
- 11.3 Current market fees are available on the Town Council website, Schedule of Charges. Non-payment will be treated as termination. Payment is non-refundable.
- 11.4 Any trader who is VAT registered must declare it to the authorised officer and to the relevant tax authority.

12. Cancellation

- 12.1 If a refund is deemed appropriate, the final decision will be at the discretion of the Town Clerk.

13. Non-compliance with Market Conditions

- 13.1 If any trader fails to observe any of these conditions and/or the instructions of the Town Clerk a verbal warning will be issued in the first instance.
- 13.2 Continuing failure to observe the market conditions and/or the instructions of the Town Clerk will lead to a written final warning being issued.
- 13.3 If the Town Clerk considers it necessary to give a written warning and/or sanction, it will be implemented with immediate effect. This will not affect any rights of appeal.

14. Appeal Rights

- 14.1 If a decision is taken by the Town Council to permanently ban a trader then the trader may appeal against this decision. The Resources Committee of the Town Council will hear the appeal.
- 14.2 Any complaints regarding a decision taken by the Town Clerk shall be submitted in writing, addressed to the Chair of the Resources Committee.



Please complete and return to:

Ilminster Town Council,
Old Magistrates Court,
Ilminster. TA19 0AJ

or email: town.council@ilminster.gov.uk

I agree to abide by these Terms and Conditions

Trading Name

Proprietors name

Phone No: Mobile Phone No:

E-mail address:

Postal address:

.....

.....

Goods to be sold:

Signature: Date:

Office use only:

Evidence of insurance:

Date seen:

Date expired:.....

Food & Hygiene Certificate:.....

Date seen:.....

Date expires:.....

Other trading information: