



ILMINSTER TOWN COUNCIL

CONDITIONS FOR MARKET STALLHOLDERS

1. Definitions

- 1.1 "The Market" is held in the town on Thursday of each week.
- 1.2 Any references in these conditions to the Town Clerk shall also be taken to apply to other persons employed by the Town Council who may be undertaking duties either relevant to the market or in lieu of the Town Clerk. The term "duties" in this context covers all aspects of the market's supervision such as allocation of pitches and collection of fees
- 1.3 "Stallholders" are either:-
- (a) "Frontagers" – the occupiers of premises adjoining the street who reserve, occupy and trade the area immediately outside the premises.
 - (b) "Registered Traders" – those who have traded regularly in the town for a continuous period of 13 weeks and have completed a Registration form. 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 Town Clerk must be formally notified of genuine absences.
 - (c) "Casual Traders" – those who trade on a non-registered basis. Casual Traders must contact the Town Council to record their intent to trade by at least midday on the Tuesday before market day and make arrangements to provide proof of insurance etc.
- Casual Traders arriving without prior notice will not be permitted to trade.**

2. General Conditions

- 2.1 These conditions apply to all categories of Stallholder.
- 2.2 The Town Clerk 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 registered and casual stallholders and rates for using power and water.
- 2.4 Registered traders must display their names and registration particulars on their stalls at all times where they are clearly visible. Failure to do so will result in tolls being levied at rates applicable to Casual Traders.
- 2.5 Casual Traders must display their names on their stalls at all times in a position where they are clearly visible.
- 2.6 Occupiers of premises who reserve their frontages shall visibly display their names on their stalls etc when trading in the Market.
- 2.7 Traders shall ensure that their stalls are continuously staffed by at least one competent person over the age of sixteen years. The stallholder shall be responsible for the actions of any person working from their stall.

3. General Obligations

- 3.1 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 Town Clerk. 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.
- 3.2 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.**
- 3.3 The continuity of specific locations by traders is encouraged, however no trader has the right to trade from a particular pitch in the Market.
- 3.4 No guarantee of the continuing availability of a specific pitch in the Market, or any pitch in the Market, should be given by any Trader when disposing of his goods to a successor.
- 3.5 Registered Traders who intend to cease trading in the Market are requested to advise the Town Council accordingly.
- 3.6 All traders must sign that they will abide by these conditions before being allowed to trade on the market.

4. The Stalls

- 4.1 Spaces reserved and occupied by frontagers shall be sited immediately in front of their property.
- 4.2 Pitches must be occupied by Stallholders before 7.45am unless the Market Superintendent has been advised accordingly. Pitches not occupied by 7.45am will be allocated on a "first-come" basis.
- 4.3 The positions of all stalls shall be sited as directed by the Town Clerk.
- 4.4 Stalls shall not be fixed to buildings or street furniture.
- 4.5 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 Town Council.
- 4.6 **No A boards to be allowed.**

5. Consideration of the Public and Safety

- 5.1 Stallholders shall not cause nuisance by noise, obstruction etc. To residents and users of the highway when erecting and dismantling their stalls and during the Market. Erection of stalls shall not commence before 6.30am and be removed by 5.00pm.
- 5.2 Stallholders shall ensure that their stalls are set up, their vehicles unloaded and removed by 8.30am (unless the stall holder has permission to park the vehicle adjacent to the stall (see 5.9 below)
- 5.3 Access to seats, telephone call boxes, bus shelters, crossing etc shall be maintained at all times.
- 5.4 Where a pitch is located adjacent to live traffic a 300mm (1ft) safety zone shall be maintained to the edge of the carriageway.
- 5.5 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.**
- 5.6 Stalls shall not obscure traffic signs or the visibility at road junctions.
- 5.7 Canopies, clips and display goods must be positioned high enough so as to cause no risk or danger to pedestrians.
- 5.8 Stalls and Stallholders shall not obstruct or endanger the users of the adjacent highway. This includes the footway and carriageway.
- 5.9 Only stall holders who have the express permission of the Town Council may park vehicles adjacent to their stalls. Permission will only be considered for stall holders who were Registered Traders before 1 February 2014 (when the Town Council commenced running the Market) or for stall holders who need to trade from the vehicle e.g. for hot food preparation.
- 5.10 Use of power and water must be agreed by the Town Clerk.

6. Food

- 6.1 Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1966. Notification must be given to Environment Health at South Somerset District Council, tel: 01935 462462 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.

7. Litter

- 7.1 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 will be charged at business rates for the removal of any litter remaining at the end of trading.

8. Payment

8.1 Tolls due shall be paid to the Town Clerk on demand and a receipt will be issued.

9. Non-compliance with Market Conditions

9.1 If any trader fails to observe any of these conditions and/or the instructions of the Town Clerk , an oral warning will be issued in the first instance.

9.2 Continuing failure to observe the market conditions and/or the instructions of the Town Clerk will lead to a written final warning being issued.

9.3 If the written final warning is not observed, then a trader may receive a temporary ban for a period of 4 weeks or a permanent ban.

9.4 An oral warning may be issued by the Town Clerk. Written final warnings and a decision on any temporary or permanent ban shall be made by the Town Clerk.

10. Appeal Rights

10.1 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.

10.2 Any complaints regarding decision taken by the Town Clerk shall be submitted in writing, addressed to the Chair of the Resources Committee.

11. Contacts

Ilminster Town Council: 01460 52149 10 am to 12 pm (Mon-Fri)
Town Clerk - Joy Norris

I agree to abide by these Terms and Conditions

Trading Name Proprietors name

Phone No: Mobile Phone No:

e-mail address:

Postal address: :

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Goods sold:

Signature: Date: