

Decision under Delegated Powers**Officer Requesting Decision**

Market, Fairs and Town Centre Operations Officer

Officer Making the Decision

Head of Leisure and Culture

Decision Requested

1. That the updated version (July 2014) of the Market Regulations attached to this delegated decision be approved and become part of the control and management of all Loughborough markets.
2. That, once approved, the updated Market Regulations will supersede the current version of Market Regulations and become instrumental and enforceable on all of the Council's markets.


Reason

To improve the implementation of Market Regulations within the operational procedures of the markets, by setting out clear policing, enforcement, and recording methods/procedures, for both traders and market staff, to ensure that the Market Regulations can be applied and actioned effectively. To ensure that any breach of the Regulations by traders are enforced by market staff and recorded and actioned by issue of written notice to the offending trader.

Authority for Decision

Section 8.3 of the Constitution contains authority for the Head of Leisure and Culture to make changes to the Market Regulations in line with legislation and in order to update operational practices (item 8 on page 8-23 of the Constitution).

Decision and Date

 4.9.2014

Background

The Market Regulations apply to the conduct and organisation of all markets held in the Borough of Charnwood and form the main method of regulation and control of market traders who trade on the Council's markets.

The current regulations have been in existence for a number of years and, as part of the improvement and re-furbishment project of the markets, the regulations have been visited to reflect changes in legislative requirements and operational practices. It was identified that more clarification and procedural detail re-enforcing some of the regulations was required, particularly with regards to trader conduct, the layout of stalls, size and nature of build out, and spread.

Changes that have been made:

- A clear list of definitions containing more detailed information outlining each definition.
- Market regulations grouped into categories with relevant headings ,ie. Allocation of Market Stalls, Attendance at Market, Market Stalls, etc.
- Expansion to some of the existing regulations to include enforcement procedures, and outcome, traders' obligations and legislative requirements.
- Clear procedures in application of the regulations by Market Management.

The proposed operational changes were sent out for consultation to the National Market Traders' Federation, the local traders' committee, the Markets Project Board and the Council's Legal Services. There have been no challenges to any of the proposed changes and, therefore, it is recommended that the updated regulations be adopted with immediate effect.

Comments from HR

Not applicable to this decision.

Financial Implications

There are no financial implications.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Possible confrontation when applying regulations.	Likely	medium	Council procedures. Procedures within the Market Regulations.

Key Decision:

No

Background Papers:

Final version of updated Market Regulations (appended).

LOUGHBOROUGH MARKET REGULATIONS

DEFINITIONS

“Casual Trader” means any person without Regular Trader Status

“Christmas Market” means any Market other than the Retail Market held on any days designated by the Council during the month of December

“Council” means Charnwood Borough Council and includes any person appointed by or acting on behalf of the Council for the purposes of any function under the provisions of these Regulations, including for the avoidance of doubt the Market, Fairs and Town Centre Operations Manager and all other Officers under his control;

“Exclusion Notice” means a notice which upon issue will result in the Trader being permanently excluded from all Markets;

“Farmers Market” means the Market held on the second Wednesday of each month and any other days where designated by the Council;

“Market” means any Retail Market, Vintage Market, Christmas Market, Farmers Market or any other market the Council may from time to time hold at their discretion;

“Market Day” means any day on which a Market is held and any other days where designated by the Council;

“Market Site” means areas for the standing of the Market in Market Place, Market Street, Cattle Market and Devonshire Square or any other areas of Loughborough as designated from time to time by the Council;

“National Market Traders Federation” means the national organisation and the local division, of which Traders may become members;

“Penalty Notice” means a notice issued for any contravention of these Regulations, other than serious misconduct;

“Pitch” means any designated area for trading within the Market Site where the Trader provides his own vehicle or other authorised method to trade from;

“Regular Trader” means those who have been allocated a permanent Stall or Pitch;

“Retail Market” means the Market held on a Thursday and Saturday of each week

“Stall” means either a traditional metal framed stall or pop up Gazebos which will be provided by the Council for Traders use;

“Traders” means both Casual Traders and Regular Traders, unless either is expressly specified;

“Trading Agreement” means an agreement between the Council and the Regular Trader which includes the agreed days on which a Regular Trader will attend the Market;

“Vintage Market” means the Market held on a Friday of each week and any other days where designated by the Council;

GENERAL REGULATIONS

1. These Regulations shall apply to the conduct and organisation of all Markets held in the Borough of Charnwood.
2. Nothing in these Regulations shall be construed as placing an obligation on the Council to provide a Market on each Market Day but it is agreed that the Council will endeavour to provide the Market except where prevented from doing so by circumstances beyond its control. In order to meet this obligation the Council may, at its absolute discretion, restrict, re-site or alter the layout of the Market.

ALLOCATION OF PERMANENT STALLS

3. Permanent Stalls or Pitches shall be allocated by the Council and confirmation in writing shall be given to the Regular Trader in the form of a Trading Agreement. All Traders will receive a copy of the Market Regulations to which they must conform.
4. Any person wishing to obtain a Stall or Pitch should contact the Council for written information about market days, times, rents and where to attend for the allocation of a Stall or Pitch. The information can also be viewed on the Council's website at www.charnwood.gov.uk/pages/loughborough_retail_market
5. Stalls or Pitches which become available for permanent allocation will be advertised through a circular from the Council, primarily for Regular Traders to transfer to, or Casual Traders to obtain a permanent Stall or Pitch. Any Trader who wishes to apply must do so in writing by the date specified in the circular.
6. The allocation of Stalls or Pitches will be at the absolute discretion of the Council and the selection will be based upon the range of goods represented on the Market at time when the Stall or Pitch is to be allocated, the balance of goods represented on the Market at the time when the Stall or Pitch is to be allocated, and the length of time and how often any Trader interested in the Stall has been trading at the Market.
7. Each Trader shall accept full responsibility for, and indemnify the Council against, all claims for personal injury, damage to property, nuisance and any other damage or expenses by whomsoever the claim is made and from whatever cause, arising out of, or in connection with, the use and occupation of the site allotted to him/her. All Traders must be covered by third party insurance, either by membership of The National Market Traders Federation (under their insurance provision) or by other arrangements. The minimum cover shall be £5,000,000. A copy of the public liability insurance certificate must be provided by the Trader to the Council before a Stall or Pitch is allocated and will be subject to an annual inspection.

8. Any persons who are new to the Market will be classed as a Casual Trader and will included on the list of Casual Traders. Providing they prove a genuine interest in the Market by good attendance and conduct they may be allocated increasingly greater priority on the list of Casual Traders and may be transferred to the list of Regular Traders as soon as a vacancy occurs, providing the general balance of trading lines on the Market is not affected. The lists of Regular Traders and Casual Traders will be made available for inspection by the Council upon request.

ATTENDANCE AT MARKET

9. The Council will, so far as is practicable, ensure that Regular Traders are allocated the same Stall or Pitch on each Market Day. Regular Traders must occupy their Stalls or Pitch by 8.00am. Any Stall or Pitch not occupied by 8.00am may be allocated by the Council at that time to any Casual Traders in attendance at the Market in accordance with the order of priority indicated on the current list of Casual Traders. Any allocation of Stalls or Pitches will be at the absolute discretion of the Council.
10. Traders will continue to trade from their stall until 4.00pm for all Retail Markets, Vintage Markets and Christmas Markets and 2.00pm for all Farmers Markets, unless otherwise authorised by the Council. No trading activity will take place after 5.30pm and the site must be cleared no later than 6.30pm.
11. All Trader's vehicles must be removed from the Market Site and/or its approach roads by 9.00am. No Trader's vehicles will be permitted on the Market Site between 9.00am and 4.00pm. Between these hours vehicles must be parked away from the Market Site so as not to obstruct any highway, other public right of way or approach to the Market Site. All Trader's vehicles will not be permitted to remain on the Market Site after 6.30pm.
12. A Trader may apply to the Council for a Market Trader's Parking Permit which will be granted at the absolute discretion of the Council.
13. Between 9.00am and 4.00pm hand operated barrows, carts or similar conveyances will be the only permitted method of transporting goods to or from stalls or pitches on the Market Site. Such conveyances must not be allowed to stand on the Market Site for longer than is reasonably required for the loading or unloading of the goods or in the immediate approaches to the Market Site in such a manner as to cause an obstruction.

MARKET STALLS

14. All Traders (with authorised exceptions) will be provided a Stall to trade from. The Stalls will be provided by the Council and erected in position by the Council. Traders are not permitted to move the Stalls from the set positions. Boards or tables will be provided where required.

15. There will be authorised exceptions where it is impracticable to trade from a Stall and a Trader will be provided with a Pitch. Written authority will be granted by Council to the Traders concerned, including authorisation by the Council as to the method of trading to be used by the Traders.
16. All gangways where the public have access between Stalls or Pitches and to the front and rear of Stalls or Pitches must be kept clear at all times.
17. Traders will be allocated a Stall or Pitch and must confine their trading activities on the Market Site to these areas. No merchandise or other items belonging to, or associated with a Trader will be placed in any part of a roadway or passage on the Market Site, which is not part of their Stall or Pitch for longer than is reasonably required.
18. Where Stalls are provided by the Council, Traders shall take all steps to ensure that the Stall is kept in good condition. If any deliberate damage is caused to the Stall during the time when it is in the Trader's possession, the Trader will be charged for its repair or replacement.
19. No Trader shall keep any live animal at their Stall or Pitch with the exception of guide dogs.
20. All facilities on the Market Site belonging to the Council for the use by Traders shall be used only for the purposes for which they were provided. The cost of the repair of any damage caused to these facilities by a Trader will be recharged to that Trader.
21. No person shall, without the permission of the Council, post or display any bill, placard or poster within the Market Site.
22. Traders must not dismantle or remove any Stall or structure from the Market Site. All Stalls are the property of the Council
23. The stall-boards provided are the property of the Council and must be used only for the display of goods for sale and must not be placed on the ground or taken from the Market Site.
24. Traders will be responsible for making good to the satisfaction of the Council any damage which they may cause to the Council's property during their occupancy of a Stall or Pitch.

MARKET ELECTRICAL SUPPLIES

25. The Council shall supply temporary lighting to the Retail Markets between the third week in September and the last week in March. All lighting shall be supplied at 110v

and be of the type supplied or agreed by the Council. No other form of lighting will be used on the market.

26. Where Traders are required to use electrical ancillary equipment due to legal requirements, the Trader must provide to the Council proof that their equipment has been checked by a qualified electrician every 6 months (PAT tested). No other equipment will be permitted.

27. Any Trader using unauthorised equipment, including lighting, will have that equipment disconnected and may face immediate removal from the Market.

ASSIGNMENT OF BUSINESS

28. Permanent Traders who have accrued over 10 years continual trading on the Market shall upon leaving or retiring from the Market be permitted to nominate a successor to take over their Stall or Pitch. All traders must follow the recognised procedure set out in **Appendix 1**.

ATTENDANCE AT MARKET

29. A Regular Trader must be in attendance at their allocated Stall or Pitch on all days referred to in their Trading Agreement, unless their absence has been approved by the Council.

30. Regular Traders shall be permitted to take up to four weeks leave of absence rent-free in each financial year. The Trader shall provide at least one week's notice in writing to the Council prior to any period of absence. Any failure to provide at least one week's notice may result in rent being levied for the absent period and may affect the Trader's position as a Regular Trader.

31. In the event of unapproved absence or where sufficient notice was not provided, the Regular Trader shall pay to the Council an amount equal to the rent for each missed Market Day in order to preserve their right to re-occupy the stall on the next Market Day, irrespective of whether the Stall or Pitch was re-let to a Casual Trader or not.

32. Three weeks unapproved absence by a Regular Trader during a period of twelve weeks could result in the loss of their position as a Regular Trader.

33. All Regular Traders will be exempt from fees or charges if they suffer serious or protracted sickness and are unable to attend and trade at the Market. This will be irrespective of whether their Stall or Pitch has been re-let. All Regular Traders will be expected to notify the Council as soon as is reasonably practical to enable the re-letting of their Stall or Pitch. This exemption does not apply to minor ailments or medical appointments. In all cases satisfactory medical certificates or documentation must be presented to the Council for inspection and recording

purposes. Without any supporting documentation fee exemption will not be given. The decision to award fee exemption is wholly at the discretion of the Council.

34. All Regular Traders absent from the Market due to immediate family bereavement will be exempt from fees or charges irrespective of whether their Stall or Pitch has been re-let. All Regular Traders will be expected to notify the Council as soon as is reasonably practical to enable the re-letting of their Stall or Pitch. The decision to award fee exemption is wholly at the discretion of the Council.

35. Traders who rely on vegetable crops or other seasonal produce who cannot guarantee a supply of goods for their stall due to unforeseeable weather conditions may be exempt from the requirement in 24 and 25 above, and be able to continue as a Regular Trader at the discretion of the Council.

CANCELLATION/CONSOLIDATION OF MARKET/SEVERE WEATHER POLICY.

36. The Council may in accordance with the Management of Markets in Severe Weather Policy (contained in Appendix 3) cancel or close the Market in its entirety, or alternatively close down certain areas of the Market and consolidate Stalls or Pitches in an area of the town centre as designated by the Council at the time. All issues relating to the payment of rent due to cancellation of the Market will be dealt with in writing within 7 days between Federation representatives and the Council.

TIDINESS OF THE MARKET

37. All Traders shall follow the Waste Recycling Procedures that are in place on the Market as contained in Appendix 2. Traders are responsible for ensuring that they take all necessary steps to adhere to the procedures.

38. Each Trader shall make full and proper use of the waste disposal facilities at regular intervals throughout the Market Day in order to keep the refuse and/or litter around their Stall or Pitch to a minimum. If refuse and/or litter is left under or around a Stall or Pitch at the end of a Market Day, the Trader who occupied that Stall or Pitch may be given a Penalty Notice.

RANGE OF GOODS

39. A Trader must not make any material change in the class of goods sold as indicated in their registration document without obtaining the prior written consent of the Council. Approval will only be given if the balance of the market is not directly affected or there is an opportunity available through a stall vacancy to offer the range of goods previously sold at a vacant stall.

40. The Council cannot provide any guarantee that Traders selling similar goods will not be adjacent to or in the same vicinity of each other, although every effort will be made to avoid this.

FEES AND CHARGES

41. Charges for use of Stalls and Pitches shall be fixed by the Council and reviewed annually, following consultation with the local branch of the National Market Traders Federation.
42. All fees and charges shall be payable by way of a monthly invoice, which will be posted out by the Council's Finance Section directly to each Regular Trader. Traders are required to meet the payment obligations referred to in the monthly invoice by the cut off date which is set at the 28th day of each month. It is the Traders responsibility to ensure that payments are made on time.
43. Any Trader failing to meet their obligations within the required monthly payment period and accruing arrears will not be permitted to continue trading on any Market until their account is brought fully up to date and receipts are produced as evidence of payment.

CONDUCT

44. A Trader and any persons employed by them shall conduct business in an orderly manner and shall not ring any bell, blow any horn, play any radio, use amplifying equipment or use any other noisy instrument to attract the attention or custom of any person. Where amplification is required in order to conduct business this shall be permitted at the discretion of the Council.
45. A Trader and any persons employed by them shall not engage in conduct which causes or is likely to cause nuisance, harassment, alarm or distress to others nor incite or encourage others to act in such a manner.
46. A Trader shall comply with any directions of the Council on all matters affecting the conduct of the Market.
47. The sale or display of any items or products which, in the opinion of the Council, are likely to cause public offence or pose a threat to public safety will not be permitted.

DISCIPLINARY PROCEDURE

48. Traders who contravene any of these Regulations will be issued with a Penalty Notice except when the Regulations provide for another remedy such as suspension or immediate exclusion.
49. The Council may inspect the Market at any time during the Market Day and issue a Penalty Notice for any contravention of the Regulations. A Penalty Notice may be issued for any repeated contravention committed on the same Market Day.

50. Each Market Day will be administered individually. Any contravention will be applied for that particular Market Day and shall not prevent further Penalty Notices being served for contraventions on consequential Market Days except in the case of serious misconduct.

51. The following scheme will operate upon issue of Penalty Notices:-

- i. Receipt of three Penalty Notices within any 12 month period will result in First Suspension Notice being issued and a suspension for 2 Market Days. Rent will be payable for the Market Days from which the Trader is suspended.
- ii. Receipt of a further Penalty Notice within 3 months of having received a First Suspension Notice will result in a Second Suspension Notice being issued and a suspension for four Market Days. Rent will be payable for the Market Days from which the Trader is suspended.
- iii. Receipt of a further Penalty Notice within 3 months of the second suspension will result in an Exclusion Notice being issued.
- iv. A Trader who receives a Second Suspension Notice or an Exclusion Notice may appeal against their suspension within 3 working days of the receipt of either Notice. At the discretion of the Council, the Trader may continue to trade at the Market until the determination of the appeal.

SERIOUS MISCONDUCT

52. Any Trader who commits serious misconduct will be liable to immediate exclusion from all Markets, including removal of any goods on display by the Council. Any goods removed will be held in storage at the Market yard and must be collected within seven days of their removal. The Council accepts no responsibility or liability for the goods during their removal and/or storage.

53. The following are including but not limited to examples of Serious Misconduct:

- i) Acts of dishonesty such as Police enquiries against any trader which results in legal proceedings or immediate removal.
- ii) Acts of indecency.
- iii) Any deliberate act causing, or likely to cause, death or personal injury to a person.
- iv) Acts bringing the Market into disrepute such as fighting, selling defective or fake goods.
- v) Obscene and abusive language.
- vi) Illegal trading
- vii) No insurance cover
- viii) Persistent failure to pay Market rent on time
- ix) Trading from any stall when the Market is cancelled

- x) Selling replica firearms or offensive weapons of any kind
- xi) Stallholders and their employees shall not sell solvents, cleaning fluids, lighter fuels or any other such substances to persons under the age of 18 yrs of age.
- xii) Failure to adhere to legislation that is applicable to Trading Standards, Food Hygiene Regulations and Health and Safety requirements.
- xiii) Where a Trader is licensed to sell alcohol, not to sell alcohol to persons under the age of 18 years of age

APPEALS PROCEDURE

- 54. Trader may appeal in writing to the Market, Fairs and Town Centre Operations Manager against any exclusion or suspension within 3 days of the receipt of the notice.
- 55. A hearing for any appeal will be heard within 7 working days. A Trader may present his/her case or be represented. In any event the Market, Fairs and Town Centre Operations Manager or authorised representative will give their decision in writing.
- 56. The Trader may further appeal to the Appeals Committee in writing within 7 working days of receiving the decision letter from the Market, Fairs, Town, Centre, Operations Manager
- 57. The decision of the Appeals Committee shall be final and binding except on a point of law.
- 58. At the discretion of the Council, a Trader may be allowed to continue to trade pending the outcome of the appeal unless he/she shall withdraw his/her appeal.
- 59. The decision of the Appeals Committee shall be limited to one of the three following outcomes:
 - a. Allow the stallholder appeal; or
 - b. Suspend the stallholder preventing trading for a period not exceeding 3 months or such period as was set out in the Notice of Suspension whichever is the lesser; or
 - c. Terminate the stallholder's right to trade on any of the Authorities Markets.

LEGISLATION

- 60. Traders conducting from any Stall or Pitch a food business as defined by Regulation (EC) 852/2004, The Food Safety Act 1990 and any subsequent and amended legislation shall comply with such legislation and any amendments to the satisfaction of the Council's Environmental Health Officer.

61. All Traders conducting a food business from a vehicle or trailer must be registered with their local enforcing authority's environmental health department, under the provision of Regulation (EC) 852/2004, Article 6(2). Traders must provide the name of the local authority they are registered with at the time of application for a permanent Stall or Pitch or registration as a Casual Trader.
62. Each Trader shall be required to display clearly on the Stall or Pitch a notice in legible form setting out the trader's name and town in which the trader's business address is located. Such boards, incorporating the Markets branding, are available from the Council's markets service. There will be a charge for replacement of lost or damaged boards.
63. Traders wishing to sell alcohol from any Stall or Pitch MUST obtain a Temporary Event Notice (TEN) for all sales of alcohol as required by the Licensing Act 2003. A minimum notice of 10 working days is required for each application. For further information contact the Council's Licensing Department.
64. Traders wishing to sell Lottery tickets MUST contact the Council's Licensing Department for advice prior to any such sales regarding their obligations and responsibilities under The Gambling Act 2005. Further advice can be obtained from the Gambling Commission.
65. Traders will make themselves aware of the Fire and Emergency Precautions for the Market Place and may be required to participate in exercises or briefings, to ensure that Fire and Emergency Procedures and Requirements are being complied with to the satisfaction of the Fire Service and the Council.
66. Traders shall comply with all statutory and other provisions, including Trading Standards, Consumer Protection and Health and Safety at Work Act requirements the Industry Guide to Good Hygiene Practice Markets and Fairs Guide ISBN 1-902423-00-3, to be observed and performed in connection with the Market and the sale of goods.
67. Traders shall ensure that all staff employed by them are legally entitled to undertake such work, either by age, qualification or residency.
68. Traders will fully comply with all regulations and general laws which affect the conduct of their business.

GENERAL OPERATING PROCEDURES

69. Any complaints with regard to the general operation of the Market should be raised with the Markets, Fair & Town Centre Operations Manager.

70. Prior to any proposed procedural or operational changes which affect all Traders, the Council shall publish a consultation circular to which all Traders are entitled to respond.
71. Liaison meetings between the Council and the National Market Traders Federation may be arranged and persons attending must be an active member of the National Market Traders Federation or a current Trader on the Market.
72. These Regulations may be amended by the Council at any time. Any proposed amendments to the Regulations will be published in a consultation circular by the Council prior to any changes being made.
73. A single Stall or Pitch will be made available by the Council at no charge at each Saturday Market for use by charities and bona fide fund raisers at the sole discretion of the Council.

Signed.....

Sylvia Wright
Head of Leisure and Culture
On behalf of Charnwood Borough Council

Dated.....

Appendix 1.

LOUGHBOROUGH RETAIL MARKETS RIGHT OF ASSIGNMENT

This document sets out the right of assignment of a Stall or Pitch by Loughborough Market Traders. Any transfer of a Stall or Pitch must be in accordance with the following procedures.

1. A Permanent Trader may upon the completion of ten years continuance holding of a Market Stall or Pitch nominate to the Council a person whom they wish to become their successor.
2. Such nominations shall be made in writing to the Council, giving the following details of the nominee who would be the incoming trader.
 - Full name
 - Postal address including postcode
 - Date of birth.
 - National insurance Number.
 - Passport size photograph.
 - Public Liability Insurance details.
 - Contact telephone number.

Of the outgoing Trader.

- Full name
- Full Postal address including postcode.
- Date of birth
- Contact telephone number.

Note

If the outgoing Trader wishing to assign their Stall or Pitch has difficulties with reading or writing, then the following procedure will be adopted:
A verbal notice of intent would be acceptable from the outgoing Trader; however in a situation like this it is strongly recommended that the Trader seek assistance either from a family member, friend, legal representative, or any other nominated person.

3. The Council will arrange a meeting as soon as it is reasonably practicable between the outgoing Trader, the nominee, and themselves to discuss the Stall or Pitch.
4. In consideration of any nominee, the Council must be satisfied on the information provided that the nominee is financially sound and of good character, in line with the assignment evaluation procedures (as at **Appendix 1A**).
5. No assignment shall take place without the written consent of the Council.
6. The nominee shall deal only in the same lines as the outgoing Trader, except where the prior written consent of the Council is obtained.
7. The outgoing Trader will not be allowed to return to trade on the Market to sell the same goods as they were previously selling for at least 5 years from the date the assignment to the nominee is completed. The outgoing Trader may return to sell other goods either as a Casual Trader or consequently a Permanent Trader. If this circumstance occurs the same right of assignment shall apply and the ten year period shall commence from the date the Trader becomes a Permanent Trader.
8. Upon the completion of the assignment the nominee shall be a new Trader to the Market and the ten year period shall commence from the date of completion of the assignment.
9. Each Market Day shall be treated separately. Stalls or Pitches will be assigned on an individual days trading basis, therefore a Stall or Pitch will only be assigned for trading on the day the outgoing Trader currently trades. Any nominee wishing to vary the Market Day should make a request in writing to the Council.
10. A fee shall be payable to the Council for the consideration and completion of any assignment. This fee shall be equal to ten times the current Stall or Pitch rent.
11. The Council will have no involvement nor be responsible regarding any matters concerning the transfer of the business, the transfer of goodwill or the transfer of monies between parties. The Council's involvement shall be limited to those obligations outlined above. The Council recommends that independent legal advice should be sought.

Appendix 1A

ASSIGNMENT EVALUATION PROCEDURES

1. Letter from outgoing trader naming successor
2. Interview of both parties by the Council.
3. Proof of Identity of nominated successor (full name, address, date of birth) including photographic proof of identification driving licence/ passport and proof of address (recent domestic bill).
4. Proof of right to work in the UK (national Insurance number, work permit.)
5. Business name/trading name
6. Two references.
7. Declaration of range of goods (must be the same range as outgoing trader)
8. Payment of fees
9. Letter of assignment signed by the Council approving transfer.

Appendix 2

LOUGHBOROUGH RETAIL MARKETS MARKET REGULATIONS WASTE RECYCLING PROCEDURE

It is important that the following procedure with regard to the handling of Market waste is strictly adhered to.

All Traders are required to carry out the following procedures to ensure that Loughborough Retail Markets continue to achieve their award winning status of totally Green Market.

Fruit & Vegetable Stallholders:

Traders are required to implement the following practices on their stalls with regards to the management and removal of trader generated waste.

Wheelie bins (only brown in colour) will be located at your stalls and will be used to contain all fruit and vegetable waste only they will be removed at the end of the day by Serco staff engaged on Market duties.

Cardboard boxes will be separated and emptied of all contents and kept as clean as possible and placed in a neat pile for removal by Serco staff employed on the Market site. Likewise all plastic receptacles and wrappers will be completely emptied and secured in a purple coloured recycling bag which can accompany the cardboard. (Bag will be provided by Market staff.)

Wooden crates must be completely emptied and separated they must be placed in a tidy pile and will be removed by Serco staff.

The thin black plastic mushroom boxes can also be recycled but again they must be completely emptied and can accompany the cardboard.

IMPORTANT NOTICE

The following items are not recyclable and CANNOT be disposed of through the Market waste disposal system and must be removed by the trader.

The large black meshed plastic containers (cabbage containers); the small blue meshed plastic trays (mushroom boxes), Onion netting, and all polystyrene containers and liners.

It is vital that the recyclable material does not become contaminated and this is why it is very important that care is taken in the separation of the various components. Please do not allow any vegetable or fruit matter to contaminate the cardboard or plastic containers please make absolutely sure that they are empty before removal.

Plants & Flower Stallholders:

Plastic plant pots or pot trays cannot be recycled through the Market waste disposal systems and it is the responsibility of the trader to remove these from the Market area. Any vegetation or plant matter must also be removed by the trader and their respective stall areas swept clean prior to leaving the Market at the end of trading.

Confectionery Stallholders:

The waste generated on these stalls is mainly cardboard and packaging, the cardboard is recyclable so to are the plastic wrappers .All items must be separated from any other contaminant .Plastic wrappers should be secured in a purple recycling bags that can be obtained from the Market staff. The onus is upon the individual trader to remove the waste from the Market area to the Market yard .A collection service can be arranged by Serco staff engaged on Market cleansing for which a supplementary refuse charge will be added to the stall holders daily rent. All other waste i.e. .damaged confectionary, other food stuffs, and non-re-cyclable material must be removed from the Market area by the Trader

Ladies/ Men's Fashion Stallholders:

Coat hangers are not recyclable and must be removed from the Market area by the individual trader. Clear plastic garment covers are re-cyclable and can be contained in a purple recycling bag which can be obtained from the Market staff.

Magazine/Book Sellers:

Any unwanted books/magazines are recyclable and should be removed by the trader. They can be disposed of through the Market waste disposal system but if this course is chosen then they must be contained in a purple recycling bag that can be obtained from the Market staff.

Street Vendors

Traders operating Street catering units may dispose of any clean cardboard and cardboard drinks containers through the Market waste disposal system. All general waste such as food waste. Old cooking oil, soiled serviettes, plastic cutlery and anything polystyrene must be removed by the individual trader.

All other Traders

Any trader that generates re-cyclable material of any kind i.e. cardboard. Plastic, wood etc. are required to ensure that each re-cyclable component is separated and removed to the Market yard. Cardboard boxes should be completely emptied and any plastic and paper can be contained in a purple re-cycling bag that can be obtained from the Market staff.

It is imperative that traders ensure that all re-cyclable items remain free of contamination

Polystyrene of any kind is not re-cyclable

General note

Traders should dispose of any personal waste i.e. coffee/soup cups, empty crisp packets etc in the street waste bins provided by Charnwood Borough Council please refrain from depositing this litter on the floor.

The Loughborough Market Regulations already contain enforceable rules as to how Traders are required to deal with waste generated by their businesses and I am taking this opportunity to remind traders of it.

Market Regulation 20 states;

That each stall/pitch holder will be expected to make full and proper use of the waste disposal facilities at regular intervals throughout the day in order to keep refuse/litter around his/her stall/pitch to a minimum. If refuse/litter is left under or around a stall/pitch at the end of a Market day, the trader who occupied that stall/pitch may be given a written warning and if he/she persists could lead to withdrawal of stall/pitch.

Finally

Again thank you and well done to all of you who have taken part in, and supported the campaign to make Loughborough Market a Green Market .I ask for your continued support and co-operation in implementing these changes and once everyone embraces this system then it will become second nature. It is important that savings are made but in particular to ensure that money is not wasted, but used for more important purposes. Recycling the market waste will go a long way in controlling the spiralling costs that are imposed on the Markets for waste disposal. Any savings that can be made in operational costs can only be beneficial to the Markets.

Please support recycling on Loughborough Markets.

APPENDIX 3

MANAGEMENT OF MARKETS IN SEVERE WEATHER POLICY

Aim

This policy aims to protect public safety, the safety of staff and the safety of traders in the event of severe weather affecting any open-air market operated by Charnwood Borough Council. (See Appendix 3A for definitions of severe weather.)

Implementation

The Council shall implement this policy.

Arrangements

The following arrangements shall be implemented:

1) Weather Forecast Information.

The Council shall obtain advance warning of severe weather from the following sources:

- i. Leicestershire County Council (by e-mail)
- ii. The Met Office website:
www.met-office.gov.uk/weather/europe/uk/midlands.html (5-day local forecast)
The Met Office:
☎ 0870 9000100 (24 hours)

A severe weather warning in itself is not a reason to cancel the market. The Council shall use their own judgement of the prevailing weather to decide if the Market, or parts of the Market, can be erected safely. The Council will however take the forecast into account for the following reasons:

- a) To determine the feasibility of waiting for severe weather to abate before authorising stalls to be erected. (A decision to cancel the market in advance of stalls being set up must be taken by 4.00 a.m. at the latest.)
- b) To ensure that sufficient manpower is on call to dismantle stalls quickly should the weather deteriorate during the day. If severe weather is predicted and this service cannot be guaranteed, the Council will consider cancelling the market. The Council shall make a decision on erecting stalls on the basis of all available information. A decision-making framework is attached for guidance (Appendix 3B.)

2) Manpower.

Six persons is the minimum number of trained staff required to erect and dismantle the Market in severe weather. These staff shall form two teams of three, working at separate locations in the Market, under the direction of the Council.

If Markets are held when a severe weather warning is in force, a representative from the Council shall remain on site. Other staff can be called in as required from a standby pool of Contract and Public Services personnel.

4)3) Emergency contact telephone numbers

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Emergency contact numbers are appended to this policy. (Appendix 3C)

6)4) Design of market stalls.

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The market stalls have been designed to allow for rapid dismantling. The stall once dismantled will be laid down on the market floor and zip tied to secure covers.

8)5) Cancellation of markets

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The following actions will be taken to minimise disruption to traders:

- A decision to cancel the Market without erecting any stalls will be taken by 4.00 a.m. at the latest.
- The Council will post a message on the office answer phone by 4.00 a.m. to advise traders of the Market cancellation. **Regular market traders are advised to check this message before they set out – 01509 634624.**
- Additional publicity, using media such as Oak FM (☎ 01509 247107), BBC Radio Leicester (☎0116 251 6688, radio.leicester@bbc.co.uk) and the Charnwood Borough Council website www.charnwood.gov.uk shall, wherever practicable, be used to supplement the office point of contact.
- If, for reasons of safety, the weather conditions prevent a trader from using a stall, the Council has discretion to permit traders to trade from their vehicles. The Council will advise the communication team at Charnwood Borough Council, Head of Service and Police when this occurs.

- The Council has discretion to waive or reduce fees and charges where weather conditions have resulted in part or all of the market being cancelled.

6) Procedure for dismantling the markets in severe winds:

- i. Call the emergency telephone numbers to obtain the necessary manpower to dismantle the market.
- ii. Telephone the Police to advise them of the difficulties and to request assistance as appropriate.
- iii. Assign teams to work on parts of the markets, dismantling and laying flat all stalls affected by the wind.
- iv. Use barrier tape to define the working areas for the teams of stall dismantlers. N.B. each team shall comprise two lifters and a spotter.
- v. Bring the trailers to the work area to minimise lifting and carrying.
- vi. Market stalls should normally be dropped, laid flat on top of stall boards and left in situ until they can be put away safely. Stalls should only be put straight onto the trailers if the following conditions are satisfied:
 - ✓ Immediate vicinity is clear of public i.e. area surrounding stall to be moved.
 - ✓ Spotter confirms that no public are in the vicinity,
 - ✓ Trailer is moved as close as possible to the stall and is positioned to provide shelter while the stall is being manoeuvred,
 - ✓ The two people lifting the stall are confident that they can do so safely.
 - ✓ The Markets Manager should verify that these conditions have been satisfied.

**THIS POLICY SHALL BE BROUGHT TO THE ATTENTION OF ALL REGULAR
MARKET TRADERS**

Appendix 3A

Definition of Severe Weather

The following terms are used by the Meteorological Office to define severe weather conditions:

Severe Gales	Gusts of 70 m.p.h. or more.
Severe Gales/storms	Gusts of 80 m.p.h. or more.
Heavy Snow	Snow falling at a rate of approx. 2 cm/hour or more expected for at least two hours.
Blizzards/drifting snow	Moderate or heavy snow accompanied by winds of 30 m.p.h. or more with visibility reduced to 200 m or less, or drifting snow giving rise to similar conditions.
Very heavy snowfall, blizzards or drifting snow	Expected to give depths of 15 cm or more potentially resulting in widespread dislocation of communications. Blizzards are severe when visibility is reduced to near zero.
Heavy rain	Expected to persist for at least two hours and to give at least 15 mm within a three-hour period, or a period of rainfall of sufficient intensity to cause flooding on already saturated ground (includes snow-melt), i.e. around 25 mm/day.
Dense Fog	Visibility generally less than 50 m.
Freezing rain/widespread icy roads	Generally occurs when rain freezes on contact with road surfaces.

This policy shall apply whenever severe weather warnings issued by the Met Office are in force.

However, it is recognised that severe disruption to the market can be caused by weather that falls short of these extreme conditions. **This policy shall therefore also apply whenever, in the opinion of the Council, public safety may be put at risk due to adverse weather conditions affecting the market.**

A weather diary should be kept to build up an informed picture of the conditions that can seriously disrupt the market: a decision to cancel or proceed can thus be justified on the basis of historical evidence.

Appendix 3B

Decision Making Framework – for use by the Markets Manager

Manpower available?	Weather conditions		
	Good but deteriorating later in the day	Bad but improving later in the day	Bad and worsening
YES	Hold the market if the time available to trade is acceptable, but warn staff that they could be called in to dismantle the market should conditions deteriorate to an unsafe state.	If possible set out the stall framework but leave stall boards off until traders arrive with their stock to weigh the stalls down.	Consider cancelling the market.
<div style="border: 1px solid black; padding: 5px;"> <p>The Operations Supervisor should remain on site until the market is taken down or the Severe Weather Warning is downgraded.</p> </div>			
NO	Cancel the market	Wait until 4.00 a.m. to make a decision	Cancel the market

Appendix 3C

Emergency Contact Numbers:

Name		Name	
Markets & Fairs Office (recorded message)	01509 634624	Oak FM Email	01509 211711 news@oak107.co.uk
Markets Manager	07730 926996	Police	0116 222222
Operations Supervisor	07921 406708	BBC Radio Leic Email	0116 2016662 lucy.collins@bbc.co.uk
Assist Markets Manager	07921 491817	Leicester Sound	0116 2561333
Head Of Service: Sylvia Wright	077363 85931	Leicestershire C.C.	01509 622111
		Murray at Cuttlefish Email	01509 231233 murray@cuttlefish.com

