



LOUGHBOROUGH
MARKETS

ROYAL CHARTER • EST. 1221

LOUGHBOROUGH MARKET REGULATIONS

LAST REVIEW DATE: 5TH MARCH 2021

DEFINITIONS

“**Casual Trader**” means any person without Regular Trader status but nevertheless has been permitted to trade at a market by the Council.

“**Christmas market**” means any market other than the Retail Market held on any days designated by the Council during the months of November and 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 their control.

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

“**Farmers’ and Craft market**” means the market selling farmers’, local produce and craft products held on the second Wednesday of each month and any other days where designated by the Council.

“**In writing**” means any form of communication via letter, e-mail, or group social media platforms.

“**Market**” means any Retail Market, Vintage Market, Christmas Market, Farmers’ and Craft Market or any other market the Council may from time to time hold at its 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 pitch by the Council.

“**Retail market**” means the market selling goods to the public, in relatively small quantities for use or consumption rather than for resale, held on a Thursday and Saturday of each week

“**Special markets**” means any extra markets organised by the council or third party suppliers, such as Christmas, Ceramics etc.

“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 selling used items from times gone by, 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 which are operated by Charnwood Borough Council.
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, re-size or alter the layout of the market.
3. Any persons who wish to trade on the market for the first time must apply using the Council's online application form. They will also need to provide proof of their
 - Identity
 - National Insurance number
 - Address
 - Public Liability insurance
 - Food Hygiene Rating (if applicable)
 - Equipment PAT tests (if applicable)
4. 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.
5. Those who are new to the market will be classed as a Casual Trader and will be included on the list of Casual Traders. Providing they prove a genuine interest in the market by good attendance and conduct they may, at the Council's absolute discretion be added to a waiting list to become a Regular Trader. Lists of Regular and Casual Traders will be made available for inspection by the Council upon request.
6. Any approved trader wishing to book a pitch must do so using the Council's online booking system, see item 27 below for more information.
7. As part of the application and booking processes traders must electronically sign a declaration to confirm they have read and understood the regulations. This will then form the basis of the agreement between the Council and the Regular Trader.
8. Once a trader has been approved, they must not make any material change in the class of goods sold as indicated in their confirmation email, 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.

9. Although the council may notify traders of adverse weather conditions, it will be the traders' decision as to whether or not to trade if the market is held. The Council has the right to prevent trading on site if the weather is too severe in accordance with the Severe Weather Policy as contained at **Appendix 1** of this agreement.
10. All traders and/or their employees will make themselves aware of the Fire and Emergency Precautions for the Market Site. They also 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.
11. All you need to know about trading on the markets is available on the Council's website www.charnwood.gov.uk/markets

CODE OF CONDUCT

12. A trader and/or 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 (exclusion applies for promotions/events and new entertainment area).
13. A trader and/or 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.
14. All traders must act in a professional manner whilst communicating with all Council staff and follow any enforcements issued by the Market Team in keeping with these regulations. Any traders found to intimidate, threaten, or cause offence to staff will be dealt with through the Disciplinary Procedure.
15. A trader and/or any persons employed by them shall comply with any directions of the Council on all matters affecting the conduct of the market.
16. 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.

REGULAR TRADERS

17. A Regular Trader will receive a discount on pitch prices.
18. Regular Trader status is confirmed in writing in the form of a trading agreement. The Council will, so far as is practicable, ensure that Regular Traders are allocated the same pitch on each market day.
19. In order to remain a Regular Trader status, the trader must book the set number of pitches and be in attendance at their allocated pitch on all days referred to in their Trading Agreement, unless their absence has been approved by the Council.

20. Regular Traders shall be permitted to take up to four weeks leave of absence without any loss to their Regular Trader status. Bookings on the market will be monitored by the Markets Team and any traders not meeting the required trading days through the year will have their Regular Trader status reviewed and may ultimately lose it.
21. As soon as it becomes apparent that a Regular Trader is suffering a serious illness or protracted period of sickness and are consequently unable to attend and trade at the market, they will be expected to notify the Council as soon as is reasonably practical. 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. If any pitches have been booked in advance the fees may be refunded. However, without any supporting documentation, fee exemption will not be considered. The decision to award fee exemption and the length of said exemption is wholly at the discretion of the Council.
22. All Regular Traders absent from the market due to immediate family bereavement will also be considered for a refund of any fees paid in advance. All Regular Traders will be expected to notify the Council as soon as is reasonably practical. The decision to award fee exemption and the length of said exemption is wholly at the discretion of the Council.
23. The Council has the absolute discretion to re-let their pitch whilst they are not in attendance.
24. If a trader intends to leave the market permanently, they will be required to give four weeks notice, in writing.

ASSIGNMENT OF BUSINESS

25. Regular Traders who have accrued over ten years continual trading on the market shall upon leaving or retiring from the market be permitted to nominate a successor to take over their pitch.
26. All traders must follow the recognised procedure set out in **Appendix 2**.

BOOKING AND ALLOCATION OF PITCHES

27. All pitches are booked and paid for in advance through the online booking system. Block bookings for several months ahead can be made. Traders will only be able to book pitches on the markets and trader type they have been approved for.
28. Bookings for Regular Traders will close by noon 2 days before the market date they wish to book for and for all other traders, including casual traders, bookings will close by noon the day before the market date they wish to book for.
29. All bookings made will receive an automatic payment receipt and separate confirmation email.
30. If there is any significant reason why any trader is unable to use the booking system, there is the ability to pay via a card machine on the day of the market. However, pitch

locations will not be guaranteed. In addition, due to the extra administration required, the pitch fees will be charged at a slightly higher rate.

31. We are unable to take cash for payment of pitch fees.
32. The allocation of pitches will be at the absolute discretion of the Council. However, the Council will, so far as is practicable, ensure that Regular Traders are allocated the same pitch on each market day.
33. The balance of goods represented on the market at the time when the pitch is to be allocated, the length of time and how often any trader interested in the pitch has been trading at the market will always be taken into consideration.
34. Pitches which become available for permanent allocation will be advertised by the Council, with priority given to regular Casual Traders. Any trader who wishes to apply must do so in writing.
35. 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.

ATTENDANCE AT MARKET

36. All traders (including Regular Traders) must occupy their pitch by 8.00am. Any pitch not occupied by 8.00am may be allocated by the Council at that time to any Casual Traders in attendance at the market. Any allocation of pitches will be at the absolute discretion of the Council.
37. Traders must continue to trade from their stall until 4.00pm for all markets, unless otherwise authorised by the Council. No trading activity will take place after 5.30pm and the site or pitch must be cleared no later than 6.30pm.
38. All trader's vehicles must be removed from the Market Site and/or its approach roads by 9.00am. No traders' vehicles will be permitted on the Market Site between 9.00am and 4.00pm unless directed otherwise by an individual duly authorised by the Council. 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.
39. No traders' vehicles will be permitted to remain on the Market Site after 6.30pm.
40. Any Vehicles parked in contravention of Traffic Regulation Orders may be served a Penalty Charge Notice (PCN).
41. 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 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.

42. 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 19 and 20, and be able to continue as a Regular Trader at the discretion of the Council. Notice must be given to the Markets Office as soon as is reasonably practical.
43. A trader may apply to the Council for a market trader's parking permit for Market Yard or for discounted permits at council car parks. These will be granted at the absolute discretion of the Council.
44. 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 pitch allotted to him/her. This will apply whether the trader is using their own or the Council's infrastructure.
45. A copy of the Public Liability Insurance certificate must always be made available by the trader at each market attended as the Council will carry out ad-hoc inspections from time-to-time.
46. All traders are 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.

MARKET STALLS

47. All traders (with authorised exceptions) will be provided with a pitch and standard infrastructure (where needed) to trade from. The infrastructure will be erected in position by the Council. Traders are not permitted to move the infrastructure from the set positions without permission of the Markets management.

Each gazebo will be supplied with two tables. In some instances, more tables may be supplied at an extra cost, only at the discretion of the Markets management. Sheeting will also be provided at the discretion of the Markets management.
48. 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
49. Traders must not move, dismantle, or remove any stall or structure from the Market Site. All stalls are the property of the Council.
50. Where stalls are provided by the Council, traders shall take all necessary steps to ensure that the stall is kept in good condition. If any deliberate damage is caused to the stall during the period of the traders' possession, the trader will be charged for its repair or replacement. This also applies to any infrastructure loaned to the trader such as lights, cables, and cable coverings.
51. Where it is impracticable to trade from a stall, there will be authorised exceptions, and a trader will be provided with a self-build pitch. Written authority will be granted

by the Council to the traders concerned, including authorisation by the Council as to the method of trading to be used by them. All self-build infrastructure will be required to meet certain quality and Health and Safety standards.

52. Traders 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 pitch for longer than is reasonably required.
53. Under no circumstances must traders build out from the allocated pitch without prior written permission from the Market management. Goods must remain within the boundaries of the pitch allocated to the trader.
54. All gangways where the public have access between pitches and to the front and rear of pitches must be kept clear at all times.
55. No trader shall keep any live animal at their pitch with the exception of guide or service dogs.
56. No person shall, post or display any bill, placard, or poster within the Market Site (with the exclusion of placement within the allocated pitch area) without the permission of the Council.
57. All facilities on the Market Site, for the use by traders, which belong to the Council, 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.
58. 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 pitch.

MARKET ELECTRICAL SUPPLIES

59. 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 without permission from the Markets management.

60. Where traders are required to use electrical ancillary equipment due to legal requirements, the trader must provide proof that their equipment has been checked by a qualified electrician every 6 months (PAT tested).

Only equipment approved by the Market management (this is done as part of the application process) is permitted. Proof of PAT tests must always be made available by the trader when requested to do so by the Market management.

Failure to do so and/or any trader using unauthorised equipment, including lighting, will have that equipment disconnected and may face immediate removal from the Market.

61. All traders shall provide sufficient cable covers for any cables used during the trading day and are wholly responsible for the health and safety of such equipment.

TIDINESS OF THE MARKET

62. All traders shall ensure that their allocated pitch is clean and tidy throughout the day and cleaned down at the end of each day.
63. In order to work towards a Green market and to keep the refuse and/or litter around a traders' pitch to a minimum, traders shall make full and proper use of the waste disposal facilities at regular intervals throughout the day during the market. They shall follow the waste recycling procedures that are in place on the market as contained in **Appendix 3**.

Traders are responsible for ensuring that they take all necessary steps to adhere to the procedures. If refuse and/or litter are left on a pitch at the end of a market day, the trader who occupied that pitch may be given a Penalty Notice.

64. All traders shall only be permitted to dispose of waste ancillary to and accrued during their activities on the market during that market day.

FEES AND CHARGES

65. Charges for pitches shall be fixed by the Council and reviewed annually and benchmarked against similar markets, or as often as is deemed necessary, to remain competitive. This will be done in consultation with the local branch of the National Market Traders Federation.
66. All traders must complete a trader application form to receive membership to the online booking system. Traders then book their stalls/products via the booking system in advance of each market, either for individual markets or by block booking in advance.

REFUNDS

67. If markets are cancelled or reduced, traders will be offered tokens to receive free or reduced priced bookings for future markets. Refunds may be considered at the discretion of the Market management.

SEVERE WEATHER POLICY

68. The Council may, in accordance with the Severe Weather Policy as contained in **Appendix 1**, can
 - cancel or close the market in its entirety
 - adjust the infrastructure set up (such as no sheeting)

- close down certain areas of the market and consolidate pitches in an area of the town centre as designated by the Council
69. Under certain conditions, traders may be given permission to trade from their vehicles. Discounted rents may be offered during this time at the discretion of the Market management.
70. If markets are cancelled or reduced, traders will be offered tokens to receive free or reduced priced bookings for future markets. Refunds may be considered at the discretion of the Market management.

DISCIPLINARY PROCEDURE

71. 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.
72. 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.
73. 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, the definition of which is entirely at the Council's discretion and may vary from time to time.
74. 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.
 - 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.
 - 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

75. 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.
76. Serious Misconduct includes but is not limited to the following:
- 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 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
 - XIV. Theft
 - XV. Persistent breaches of Market Regulations

APPEALS PROCEDURE

77. Traders may appeal in writing to the Market, Fairs and Town Centre Operations Manager against any exclusion or suspension within three days of the receipt of the Penalty Notice.
78. A hearing for any appeal will be heard within seven working days of the receipt of the appeal. A trader may present his/her own case or be represented by a person or organisation of their choosing.
79. The Market, Fairs and Town Centre Operations Manager or authorised representative will give their decision in writing.

80. If the Trader is still unhappy with the decision, they may make a further appeal to the Appeals Committee in writing within seven working days of receiving the written decision from the Market, Fairs and Town, Centre Operations Manager or authorised representative.
81. At the discretion of the Council, a trader may be allowed to continue trading on the market pending the outcome of the appeal.
82. The decision of the Appeals Committee shall be final and binding except on a point of law.

The decision of the Appeals Committee shall be limited to one of the three following outcomes:

- A. allow the stallholder appeal
- 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
- C. terminate the stallholder's right to trade on any of the Council's Markets.

LEGISLATION

83. Traders conducting a food business from any pitch, 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 Team.
84. 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 to become a trader.
85. 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 ten working days is required for each application. For further information contact the Council's Licensing Department.
86. 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.
87. 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.
88. Traders shall ensure that all staff employed by them are legally entitled to undertake such work, either by age, qualification or residency.

89. Traders will fully comply with all regulations and general laws which affect the conduct of their business.

GENERAL OPERATING PROCEDURES

90. Any complaints with regard to the general operation of the market should be raised with the Markets, Fairs and Town Centre Operations Manager.

91. Prior to any proposed procedural or operational changes which affect all traders, the Council shall publish a consultation document to which all traders are entitled to respond.

92. Liaison meetings between the Council and the National Market Trader’s Federation may be arranged. Any persons attending must be an active member of the National Market Traders Federation or a current trader on the Market.

93. These Regulations may be amended by the Council at any time. Any proposed amendments to the Regulations will be published in a consultation document by the Council prior to any changes being made.

94. A single pitch will be made available by the Council free of charge at each Saturday market for use by charities and bona fide fund raisers. This is at the sole discretion of the Council.

95. A single pitch may be made available to any partner organisations at a discounted rate. This is 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
MARKETS

ROYAL CHARTER • EST. 1221

SEVERE WEATHER POLICY

Severe Weather Policy

Aim

The decision to close or curtail a market can cause a lot of disruption with the potential for financial and logistical impacts for all concerned and therefore is never taken lightly.

However, our key priority is always to protect the public, traders and staff safety in the event of any severe weather which would affect any open air market or event operated by Charnwood Borough Council.

This policy should apply in the following circumstances

- a) a severe weather warning is in force and has been issued by the Met Office

Or

- b) in the opinion of the Markets, Fair and Town Centre Operations Manager (MFTCOM) there is a risk to public safety due to adverse weather conditions

This is an operational plan focussed solely on markets and events.

An extreme weather event may also constitute as being a “Major Emergency” which would mean the Council’s separate major incident, flood or mass evacuation plans may need to be activated.

Objectives

The objectives are

1. To comply with the Council’s duties and obligations to its staff, traders and members of the public under the Health and Safety at Work Act 1974
2. To comply with the Council’s common law duties under the Occupiers Liability Act 1984
3. To comply with the Council’s insurers.
4. To ensure any decision to close or curtail a market is taken fairly, consistently and transparently and is communicated to all parties as soon as a decision is made.
5. In order to help the MFTCOM make informed and effective decisions a weather diary will be kept to build up insight of the conditions that can seriously disrupt a market or event.

Roles and Responsibilities

Role	Responsibility
Head of Leisure and Culture (HLC)	Reviews and approves this policy as required ensuring emergency contact numbers and weather risk table are all up to date. See Appendix 1 and 3. When the policy is activated they will work with CCTV operators to act as a Silver Controller If the HLC is not available the Strategic Director for Neighbourhoods and Community Wellbeing will act in their absence. Discretion to waive or reduce fees.
Markets, Fairs and Town Centre Operations Manager (MFTCOM)	Makes the decision to implement this policy. If the MFTCOM is not available the Markets Officer (MO) will be responsible for making the decision. When the policy is activated they will work with CCTV operators to act as a Bronze Controller. Discretion to waive or reduce fees. Carries out a review of the decision to cancel a market/event post cancellation.
Markets Officer (MO)	Makes the decision to activate the policy in the absence of the MFTCOM.
Markets and Fairs Operations Team Leader (MFOTL)	Stay on site at all times until the infrastructure is taken down or the weather warning is downgraded.
Staff	Any staff that are deployed to help when the policy is activated are to follow instructions and not place themselves in any personal danger.
Health and Safety Officer	Advises on the policy and during any live situations.
Communications Team	Provides effective and timely public communications during any live situations.
Street Management Team	Generally assist, particularly if traffic needs to be moved outside of any traffic orders that are in place.
Waste and Recycling Team	Remove any waste especially if the normal arrangements need to be changed

Activating the policy

A severe weather warning in itself may not be considered a reason to cancel or curtail the market/event. The management team will actively seek advance weather warnings from the Met Office, Leicestershire County Council and third party forecasting services.

In making a decision whether the market/event can go ahead in a reduced capacity or cancelled completely the MFTCOM or the Markets Officer (MO), in their absence shall use their judgement and experience together with the following

- Predicted and/or current weather conditions
- Weather and risk table – see Appendix 1
- Availability of staff
- Economic factors

- Insight – weather diary and previous occurrences

There are 2 key factors to be taken into account as follows

1. The infrastructure e.g. stalls/gazebos etc. can be erected safely and remain safe throughout the duration of the market/event.
2. That there is sufficient manpower readily available at all times throughout the market/event to dismantle any infrastructure should the weather deteriorate whilst the market/event is taking place.

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.

A minimum of 6 trained staff are needed to erect and dismantle infrastructure in severe weather conditions – See Appendix 2 for procedure. Market staff job descriptions include call out in the case of bad weather.

The MFOS must remain on site at all times until the infrastructure is taken down or the weather warning is downgraded.

The staff will be allocated into 2 teams by the MFTCOM and allocated a specific location to work in. Areas at highest risk to the public will be prioritised.

If the above cannot be guaranteed, consideration needs to be given to cancel the market completely.

If the market/event can still go ahead but at a reduced level priority will be given to those traders who sell perishable goods e.g. butchers/bakery/grocers etc. and those who are prepared to trade from un-sheeted stalls.

The MFTCOM will endeavour to make a decision as early as possible to cancel the market/event in full or part before any infrastructure is erected, this must be made no later than 4pm on the day before the market/event.

The HLC must be kept informed as to any decisions made.

Once a decision has been made Traders will be immediately advised through a variety of methods including but not exclusive

- Social Media e.g. Facebook and Twitter
- Charnwood website
- Recorded message on Market Phone
- Text
- Email
- Local Radio

In the case of cancellation the Regular Trader will be given a credit.

In the case of reduced market the Regular Trader will be offered the opportunity to stand at a discounted price. Non attendance will receive full credit.

In the case of reduced market and if the circumstances allow, the MFTCOM has the discretion to allow trading from the Traders vehicles. If this is the case, the MFTCOM will advise relevant departments and partner organisations.

Appendix 1a

Severe Weather Table and Risks

Met Office Terminology	Definition	Risk – who may be harmed and how	Controls and Actions
Heavy snow	Snow falling at a rate of approx. 2cm per hour or more expected for at least 2 hours	Slips, trips and falls from unsafe or icy ground. Manual handling injuries from attempting to set up infrastructure in icy/snowy conditions.	Check weather forecasts before market/event. Cancel or restrict market/event according to forecast.
Blizzards/drifted snow	Moderate or heavy snow with winds of 30mph or reduced visibility to 200 metres or less or drifting snow causing similar conditions	Impact injuries from vehicles (including the market tug) attempting to manoeuvre on icy or snowy surfaces and poor visibility. Increase in vehicle accidents on the highway and main roads and streets around the town centre if Traders and customers try to attend the market/event.	Ensure operatives/staff are on standby if forecast is uncertain. Monitor travel information around the town centre. In the case of lighter conditions ensure gritting of the main roads/streets and pedestrian areas. If a thaw is forecast consider if there is sufficient safe ground to host the market/event.
Very heavy snowfall/blizzards /drifting snow	Expected to give depths of 15cm or more with potential to result in widespread disruption in communications. Blizzards are severe with visibility reduced to near zero		
Freezing rain and widespread icy roads	Rain freezes on contact with road surfaces		
Severe gales/storms	gusts of 35 mph or more	Impact Crush injuries from flying debris, traders' goods, and collapse of stalls to stalls moving. Cuts and lacerations from shop windows broken by debris or stalls moving.	Check weather forecasts before market/event. Cancel or restrict market/event according to forecast. Ensure operatives/staff are on standby if forecast is uncertain. Monitor weather and circumstances throughout the market/event.
Heavy rain	Expected to persist for at least 2 hours and to give at least 15mm within a 3 hour period or a period of rainfall of sufficient intensity	Flash flooding of urban areas and main roads/streets around the town centre impeding the access of emergency	Monitor weather and circumstances in advance of the market. Flooding would be a risk if the

Met Office Terminology	Definition	Risk – who may be harmed and how	Controls and Actions
	to cause flooding on already saturated ground (includes melting snow) e.g. around 25mm per day	<p>services and causing traffic management difficulties.</p> <p>Collapse of market canopies/sheeting/gazebos.</p>	<p>ground area was already at saturation points.</p> <p>Consider an early finish if flooding seems to likely</p> <p>Traders encouraged and requested to ensure that water is not allowed to build up on top of the gazebos.</p>
Dense fog	Visibility less than 50 metres	<p>Increased risk of vehicle accidents on the main entry roads/streets around the town centre.</p> <p>Increased time spent in traffic tailbacks.</p> <p>Increased risk of accidents, particularly with market tug, leading to crush/impact injuries</p>	<p>Monitor weather and circumstances throughout the market/event.</p> <p>Consider an early finish in daylight if fog persists.</p> <p>Consider staffing levels – additional banksmen.</p>

Decision Making Framework

Is the Manpower available?	Weather Conditions		
	Good but deteriorating later in the day	Bad but improving later in the day	Bad and Worsening
Yes	<p>Hold the market/event if the time available to trade is acceptable.</p> <p>Warn staff that they could be called in at short notice to dismantle the infrastructure should conditions deteriorate to an unsafe state.</p>	<p>If possible set out the basic stall infrastructure but leave stall boards off until the trader arrives with their stock to weigh the boards down.</p>	<p>Consider cancelling the market</p>
No	<p>Cancel the market/event</p>	<p>Cancel the market/event</p>	<p>Cancel the market/event</p>
<p>The MFOTL must stay on site at all times until the infrastructure is taken down or the weather warning is downgraded.</p>			

Dismantling stalls/gazebos in high winds procedure

1. Call the emergency telephone numbers to secure the necessary manpower to dismantle the infrastructure.
2. Call the Police to make them aware of the difficulties and to request assistance if appropriate.
3. Assign teams to work on the most affected/high priority areas of the market. The team will consist of 2 lifters and 1 spotter.
4. Use barrier tape to define the working areas for the teams who are dismantling the infrastructure.
5. Bring the trailers to the work areas to minimise lifting and carrying.
6. Market stalls should 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 onto trailers if the following conditions are met
 - ✓ the immediate vicinity is clear of members of the public e.g. the area surrounding the stall that is to be moved
 - ✓ Spotter confirms that no public are in the immediate vicinity
 - ✓ the trailer is moved as close as possible to the stall which is being manoeuvred
 - ✓ 2 people are needed to lift the stall and they must both be confident they can do so safely
 - ✓ the MFTCOM or most senior person in charge has verified that all conditions have been satisfied and gives permission to proceed

APPENDIX 2

LOUGHBOROUGH RETAIL MARKETS – ASSIGNMENT OF BUSINESS

REQUIREMENTS

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

1. A Regular Trader may upon the completion of ten years continuance holding of a market 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. The outgoing trader must provide their details as follows
 - Full name
 - Full Postal address including postcode.
 - Date of birth
 - Contact telephone number.

and the details below of the nominated incoming Regular Trader Full name

- Postal address including postcode
- Date of birth
- National insurance Number
- Passport size photograph
- Public Liability Insurance details
- Contact telephone number
- Food and hygiene/Pat Tests if applicable

If the outgoing trader wishing to assign their pitch has difficulties with reading or writing, then 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.

The Council will arrange a meeting as soon as it is reasonably practicable between the outgoing trader, the nominee, and themselves to discuss the assignment of the pitch.

3. In consideration of any nominee, the Council must be satisfied with the information provided that the nominee is financially sound and of good character, in line with the assignment evaluation procedures as set out below.
4. No assignment shall take place without the written consent of the Council.

5. The nominee shall deal only in the same line of goods as the outgoing trader unless prior written consent from the Council is obtained.
6. 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 a period of at least five years from the date the pitch is assigned to the nominee.
7. The outgoing trader may return to sell other goods either as a Casual Trader or consequently a Regular 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 Regular Trader again.
8. Upon the completion of the assignment the nominee shall be a new Regular Trader to the market and their ten year period shall commence from the date the pitch is assigned to them.
9. Each market day shall be treated separately. Pitches will be assigned on an individual days' trading basis; therefore, a pitch will only be assigned for trading on the day the outgoing trader currently trades. Any nominee wishing to vary the market day/s they wish to attend should email the Council at markets@charnwood.gov.uk.
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 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 by both parties.

EVALUATION PROCEDURE

1. Letter from outgoing trader naming nominee
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
4. Proof of address (e.g. recent domestic bill).
5. Proof of right to work in the UK (National Insurance number, work permit etc)
6. Business name/trading name
7. Two references
8. Declaration of range of goods (must be the same range as outgoing trader)
9. Payment of fees
10. Letter of assignment signed by the Council approving transfer

APPENDIX 3

DRAFT - UNDER REVIEW

LOUGHBOROUGH RETAIL MARKETS

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 work towards a Green Market.

Fruit & Vegetable traders

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

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

Cardboard boxes must 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 must be completely emptied and secured in a purple coloured recycling bag (provided by market staff) which can accompany the cardboard.

Wooden crates must be completely emptied and separated and placed in a tidy pile ready to be removed by Serco staff engaged on market duties.

Thin black plastic mushroom boxes can also be recycled but they must also be completely emptied. They can accompany any cardboard waste.

IMPORTANT NOTICE

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

- large black meshed plastic containers (cabbage containers)
- small blue meshed plastic trays (mushroom boxes)
- onion netting
- 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 and make absolutely sure that they are empty before removal.

Plants & Flower traders

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 Site. Any vegetation or plant matter must also be removed by the trader and their respective pitch areas swept clean prior to leaving the market at the end of the day's trading.

Confectionery traders

The waste generated on these types of goods is mainly cardboard and packaging. The cardboard and plastic wrappers are all recyclable. All items must be separated from any other contaminant.

Plastic wrappers should be secured in purple recycling bags (provided by market staff). The onus is upon the individual trader to remove the waste from the Market Site to the Market Yard. A collection service can be arranged by Serco staff engaged on Market cleansing duties for which a supplementary refuse charge will be added to the traders' daily pitch rent.

All other waste e.g. damaged confectionery, other food stuffs, and non-re-cyclable material must be removed from the Market Site by the trader.

Ladies/ Men's Fashion traders

Coat hangers are not recyclable and must be removed from the Market Site by the individual trader. Clear plastic garment covers are re-cyclable and can be contained in a purple recycling bag (provided by market staff).

Magazine/Book Sellers

Any unwanted books/magazines are re-cyclable and should either be removed by the trader or disposed of through the market waste disposal system. If the latter is chosen then they must be placed in a purple recycling bag (provided by 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 from the Market Site by the individual trader.

All other traders

Any trader that generates re-cyclable material of any kind e.g. cardboard, plastic, wood etc. must ensure that each re-cyclable component is separated and. Cardboard boxes should be completely emptied and any plastic and paper placed in a purple re-cycling bag (provided by market staff) and taken to the Market Yard.

IMPORTANT NOTICE

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

Polystyrene of any kind is not re-cyclable

Please support recycling on Loughborough Markets.

General note

Traders should dispose of any personal waste e.g. 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.

Market Regulation 55 states

In order to keep the refuse and/or litter around a traders' pitch to a minimum, traders shall make full and proper use of the waste disposal facilities at regular intervals throughout the day during the market. They shall follow the waste recycling procedures that are in place on the market as contained in **Appendix 3**.

Traders are responsible for ensuring that they take all necessary steps to adhere to the procedures. If refuse and/or litter are left on a pitch at the end of a market day, the trader who occupied that pitch may be given a Penalty Notice.