

 <p style="text-align: center;">Buckingham Town Council</p> <p style="text-align: center;">Market Rules and Regulations</p>	<p>Update: 12th February 2024</p> <p>Prepared by: Claire Molyneux</p> <p>Version: 10</p>
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General Market Rules

1. The Market Manager's decision is final, and traders can be removed at the Market Manager's discretion.
2. Traders are required to display their trading details on the stall during trading times.
3. Buckingham Street Market is a free trade market and will accept a maximum of two lines of any product type. This is in accordance with the decision made at the Town Centre and Events Committee Meeting of 31st August 2010 min. No. 345/10; and of 17th October 2016 min No.493/2.
4. Any request to change goods on sale to another type or class will be considered by the Market Manager according to demand and conflict with rule 3 above.
5. Traders shall comply with the Town Council's EQUALITY POLICY. Traders shall ensure that none of their staff or customers is disadvantaged because of any physical, social or mental characteristics they may have. However, the ability to communicate in English is very important.
6. Traders will comply with Health and Safety at Work standards at all times.
7. Any trader selling foodstuffs shall comply with the Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1961 or any statutory modification or re-enactment thereof from time to time in force.
8. Other than service dogs, no trader will be permitted to keep any dog on the market at any time.
9. Traders will ensure that all equipment/stalls are of a sound construction and tested for safety. All canopies and awnings permitted by the market manager are to be properly secured and in good repair.
10. All displays of goods will be required by the Town Council to be safe and any large items secured by the trader to avoid injury or damage to other parties in high winds etc.
11. Any equipment deemed unsafe by the Market Manager is prohibited and will be removed.
12. Generators can be used with the Market Manager's express permission in exceptional circumstances and fuel must be stored safely.
13. Traders shall comply with our ENVIRONMENTAL POLICY.
14. Traders shall keep their pitch clean and tidy and take all refuse with them when they leave. Any breach of this rule will result in the recovery from the trader of the costs incurred by the Town Council in clearing the refuse.

15. All regular traders must ensure that all contact details are supplied to the Town Council via the Market Manager and are up to date.
16. Traders must notify the Market Manager in writing of any changes to personal details. This is to ensure that the Town Council's duty to data protection is complied with.
17. A pitch will be available, as far as we are able and in accordance with these rules, as long as the pitch rent is paid and no arrears are outstanding.
18. The Town Council may let any unoccupied pitch after 8.30am on a market day unless prior notice of late arrival is received by the Market Manager.
19. Traders shall only sell goods or services for which they have permission. The Town Council does not allow the sale of pornography, counterfeit or stolen goods or weapons, laser pens and fireworks. Other prohibited goods are detailed in APPENDIX A. Any breach of this rule will result in exclusion from the market.
20. Traders may not take more space than the footage paid for without the Manager's express permission.
21. All equipment/tables etc. must remain within the traders rented pitch; any equipment outside the pitch will be charged for.
22. The Town Council will prosecute anyone who steals its property. The trader must not alter, dismantle or abuse Council property in any way. The Town Council is not responsible for any losses or damage incurred by the trader whatsoever.
23. Anything left behind at the Market when a trader ceases trading will be disposed of after seven days.
24. Any grievance a trader may have with the day-to-day running of the market will be addressed to the Market Manager before taking it up with the Town Council. The Market Manager is authorised to deal with issues as and when they arise.
25. Traders and all attending the open market will observe and carry out the instructions and directions of the Market Manager.
26. Casual traders are subject to the same regulations as regular traders and will be required to submit their details to the Market Manager and display their trading details on the stall. Casual traders will be required to hold up to date insurance as the Town Council requires. Proof of insurance must be provided on request.
27. Any noise produced on trader's stalls will be kept to a permitted level.
28. No trader shall use the method known as 'calling' or 'pitching'.
29. No trader shall use the method of selling known as "demonstrating" unless prior approval has been obtained from the Market Manager.
30. Any policies mentioned within these rules are available from the Town Council Office upon request to the Market Manager.
31. Market stalls should be used solely for the sale and/or promotion of goods or services. This must be a bona fide trader and shall exclude any political parties, religious groups, or pressure groups. The Town Council reserves the right to use the Market to promote Council activities.
32. All traders will comply by the Severe Weather Policy.

Market trading hours etc.

33. The Charter Bylaw begins at 1am and ceases at 6pm.

34. The normal open market hours are from 8am.
35. Trading is from 8am and 4pm. Extensions to 5pm may be made at the Market Manager's discretion.
36. Traders will remain at the market between the hours of 8am and 3.30pm; this is to minimise the impact and inconvenience to other traders.
37. All traders must vacate the market area by 6pm. Any breach of this rule will jeopardise your right to trade on the market.

Insurance

38. All traders must have current traders' insurance and provide on request proof of policy (National Market Traders Federation or other approved insurance).
39. It is the responsibility of the trader to ensure that a valid proof of insurance is provided to the Town Council.
40. Should the trader allow the insurance policy to lapse, their permission to trade at the market will be revoked.
41. It is the responsibility of traders to ensure that their stalls, goods, fixtures, fittings, equipment and any other valuables are adequately insured against damage from fire, theft, and flood.
42. All traders will indemnify the Town Council from and against all actions, proceedings, damage, claims, losses or outgoings of whatever nature arising out of the trader's use of any stall, pitch, vehicle or stand etc. and have an adequate policy of public liability and products liability insurance and provide an up-to-date copy of the policy to the Market Manager upon request.
43. Casual traders are subject to the same regulations as regular traders and will be required to submit their details to the Market Manager and be required to hold up to date insurance as the Town Council requires.

Vehicles

44. Trader's vehicles will not be allowed on the open market between 9.00am and 3pm and should at all times be brought on only for such time as is needed to expeditiously unload and load goods to and from stalls or pitches except in the following cases:
 - Ill health
 - Traders that trade from a vehicle e.g. a refreshment trailer
 - In extreme weather and as directed by the Market Manager.
 - Traders that need refrigerated storage in summerAnd subject to the discretion and/or permission of the Market Manager at all times and if space allows.
45. Traders allocated stalls or pitches on a casual basis at 9am will be allowed until 9.30am to clear their vehicles from the open market.
46. Discretion may be exercised by the Market Manager in respect of vehicles entering the market before 3pm if for some reason he/she considers circumstances warrant such a decision.

47. All persons manoeuvring vehicles on the market shall be appropriately qualified to drive/propel the type of vehicle and hold valid insurance cover.

Pitch Fees/rentals

48. A pitch will be available to all traders, as far as possible and in accordance with these rules, as long as the stall rent is paid and no arrears are outstanding.
49. Pitch rents will be payable in advance on a weekly basis regardless of whether or not you attend the market. This is to secure your pitch.
50. The Town Council reserves the right to let any pitch that is unoccupied by 8.30am to a casual trader or another trader that wishes to move his/her pitch on a temporary basis.
51. Pitch fees will be reviewed each year in March, in time for the new financial year and are subject to change. The Town Council reserves the right to increase pitch fees should the need arise. Current pitch fees are available from the Town Council office and are displayed on the Town Council website.
52. The pitch remains the property of Buckingham Town Council and will not be bought or sold by any trader. Any evidence of such an arrangement will result in the exclusion from the Buckingham Street Market of the parties involved.
53. The sub-letting of stalls or pitches or any part thereof is prohibited.
54. At least 7 days notice must be given to the Market Manager if a regular trader will be absent unless there are unexpected circumstances.
55. Regular traders are eligible for two weeks holiday pay per calendar year, where the trader does not pay rent, and does not need to trade but can choose to do so. The trader must give the Market Manager at least 14 days' notice of the intention to take holiday.
56. Any long-term absence/sickness will be looked upon sympathetically and the waiving of pitch fees will be considered in some cases. A copy of a doctor's certificate may be required.
57. Should a trader fall into arrears of more than one month's rent or remain absent from the market for more than 4 weeks without notice, the trader's name will be removed from the regular traders' list and the pitch will be let to another trader.
58. New traders will be invited to try the market and charged as a casual trader for a period of five weeks. Details of incentive rates available, to allow casual traders to trial the market, are available from the Market Manager and are displayed on the Town Council website. Thereafter they will be invited to join as a regular trader. Should they accept, the pitch fee will drop in line with regular trader's fees. Should they decline the offer of a regular pitch, the fees will remain at the casual rate.
59. Regular traders can apply for two weeks' rent free if they introduce a new trader onto the market, and that trader completes three months trading.

Conduct of Traders

60. Any act that could be construed as bullying, harassment or aggression towards another trader, their staff, a customer or member of the public, officer or Member of the Council will result in the immediate exclusion of the offender.

61. Traders and their staff are required to conduct themselves in an orderly manner and are not permitted to carry out any act that would cause a crowd to congregate and cause an obstruction or to bring the Town Council into disrepute.
62. Traders will at all times treat other traders, customers, members of the public, officers and Members of the Council with respect.
63. A trader will not act in any way that contravenes these regulations or causes nuisance, annoyance or danger to other traders or to the public or who damages the property of the Council.
64. The Market Manager will seek the immediate removal of a trader, and/or his/her employees or attendants, who in the Manager's opinion is causing a nuisance, annoyance or danger to other traders or the public or who damages any property of the Council.
65. Any dispute between traders will be settled in an adult and appropriate manner, with an agreement struck between both parties.
66. Any dispute between traders that results in violence or intimidation will be referred to the Police and will be prosecuted and the offenders excluded from the market.
67. Damage or failure of equipment belonging to the Town Council shall be reported immediately to the Market Manager and no attempt to affect a repair be made by an unqualified person.
68. Complaints by traders in respect of any matters affecting the market must be brought to the attention of the Market Manager in writing, for investigation, relevant action and, if necessary, notification to the complainant of the result.
69. Any act which contravenes one or more of these regulations may be subject to a penalty. The penalties are as follows:
 - Verbal warning (confirmed in writing)
 - Final written warning
 - Suspension
 - Permanent ban
70. The penalty imposed will depend on the seriousness of the breach and any previous penalties imposed.
71. The Council will be informed of any breach of one or more of these rules.
72. If a trader is suspended by the Market Manager, the final decision on whether to impose a permanent ban will be made by the Town Centre and Events Committee after investigation by the Deputy Town Clerk.
73. The trader is entitled to appeal against a decision the Council makes, depending on the seriousness of the contravention and the evidence gathered by the investigator. This can be either be made in writing or the traders can appear in person at an agreed time and date.
74. Any decision taken will be notified to the trader in writing which will state clearly when the action will be taken.

Appendix A

PROHIBITED GOODS AND TRADING STANDARDS

1. Prohibited Goods

Buckingham Town Council's Market Management will not permit the sale of any illegal, dangerous or inappropriate products. The following non exhaustive list of products, or product goods, is prohibited from sale at Buckingham Town Council's market or any car boot sale that are licensed to Buckingham Town Council's market management:

- Guns, replica guns, swords and knives (except Kitchen Knives and Cutlery) including antique, deactivated or collectible weapons, guns and knives, daggers and swords.
- Live animals
- Fireworks
- Counterfeit goods
- Illegally copied Videos, CDs, DVDs, MP3 Disks & Computer Games
- Sex Toys or Accessories (including Pornography in any form)
- Drugs or Drug related products
- Products made from fur or faux fur.
- Inappropriate or Offensive Products

Buckingham Town Council's Market Management reserves the right to amend the above list of products or product groups at any time.

No trader shall sell or permit to be sold and item that contravene: -

- Copyright Design and Patents Act 1988
- Trades Description Act 1968
- Trademarks Act 1994
- Video Recordings Act 1984

and similar associated legislation.

2. Trading Standards

The following is a non-exhaustive list of examples of national trading standards:

(a) Food Items

Food items sold on Buckingham Street Market should be labelled accurately to incorporate one of the following:

"Best Before Date". If this has expired it is not an offence to sell the product.

or

"Use By Date". It is an offence to sell anything with an expired use by date.

(b) Sales to minors – Age Restricted Products

The sale of cigarettes, lighters, solvents and other related products to anyone under 18 years of age is illegal and therefore prohibited.

(c) Business Names Act

Category 3 Daily Licensed Traders and Leaseholders must exhibit their names or the name of their business and an address at which documents can be served upon a sign placed in a prominent position on Stalls, in accordance with the Business Names Act 1985 and any statutory enactment thereof.

Buckingham Markets Severe Weather Policy

Wind speed and gusts.

Most professional gazebos will tolerate wind speed gusts of up to 40mph. Gazebos known as garden type gazebos are advised not to be used in wind speeds of 27mph and above. Market type metal structures, those that you build using the square type metal frame bars, can tolerate a more substantial wind gusts, however Buckingham Town Council will not allow any gazebos or structures to be erected in wind speed gust of 41mph or greater. Flat trading will then be allowed.

The day prior to a market the Market Manager will check the weather forecast via the Met Office. If wind gust forecasts are predicted to exceed 26mph for any period during the next trading day (including erection/dismantling hours) the following process will be followed:

For wind gusts between 26mph and 35mph

Only Professional Grade Gazebos or Structures will be permitted.

- Erecting/dismantling to take place under normal operating safe system of work (at least two persons to each stall).
- Adequate weights, or similar, must be used to secure your gazebo/structure.
- The market manager will decide on the day if trader vehicles will be allowed on site to act as a wind buffer.

For wind gusts between 36mph and 40mph

- If wind gusts are predicted to be between 36mph and 40mph during set up/take down times this will be communicated to traders. The gazebos will be required to be cable tied to the vehicles, post, bollards or together to provide greater strength.
- Trader's vehicles may be allowed on site to act as a wind buffer if the Market Manager feels this is appropriate. This decision will be made by the market manager and must be accepted by all traders. This will be at the trader's own risk.

Advice

- Three weights should be placed on the four corners and one weight on the centre legs where wind gusts of 36mph to 40mph are predicted. Where possible gazebos should ideally be cable tied together which will offer greater strength in wind conditions.
- Weights should be placed on the stall legs immediately after the stalls are expanded out, then legs should be raised.
- During dismantling weights should remain in place while the legs are lowered.

For wind gusts in excess of 41 mph

- No stalls will be erected.
- Traders will be notified that they will be authorised to trade from their vehicles or direct from the floor or, where appropriate, tables only (flat trading).

- The Market Manager will oversee each stall on the day and the guidance provided must be followed.

An assessment will be made on the morning of the market day, if the wind speed gusts for your type of gazebo or structure are assessed as dangerous then you will not be allowed to trade from your gazebo or structure.

During the Market set up/take down

The Market Manager will carry out an on-going risk assessment during the day. If it is believed that the prevailing weather conditions are likely to pose a risk to traders or any members of the public, the market will be immediately cancelled.

A decision will then be made as to the way forward to safely exit the market area and all traders must comply with this decision.

Heavy snowfall

The Market Manager can cancel the market with the authorisation of the Town Clerk if the site is deemed unsafe.

The Market Manager will monitor throughout the day and discuss with the Town Clerk if necessary.

Extreme cold

When possible, the market area is gritted by the grounds maintenance team when the temperature is forecast to fall to minus 2.5 degrees. The grit compound will be evenly distributed.

The Market Manager can provide additional treatment to areas as required.

If temperatures go to minus 5 degrees or below, the Market Manager will take a risk assessment and in consultation with the Town Clerk may decide the market will need to close early.

Extreme heat

The market manager should ensure that any trader selling regulation food is able to comply with Environmental Health guidelines for its storage.

It is the responsibility of the trader to establish if the market is open. To check on trading limitations, contact the Market Manager on 07587775552.

