

Downham Market Town Council - Application for a Market Trading Licence

Please return the completed form by post to the Clerk at Downham Market Town Council, 15 Paradise Road, Downham Market, Norfolk, PE38 9HS or electronically to Clerk@downhammarkettc.co.uk

No licence is valid unless signed and dated by the Clerk of Downham Market Town Council.

BUSINESS DETAILS

| | |
|---|---|
| Contact Name | |
| Business Name | |
| Business Address | |
| Business Website/Social Media Handles | |
| Email | |
| Phone Number | |
| National Insurance Number | |
| Vehicle Registration | |
| Describe your main product line * (e.g. baked goods) | |
| Type of Stall | Gazebo Trailer Steel frame Other |
| Stall size – to include tow bar and opening of door | Width: _____ Depth: _____ |

TRADER REQUESTS

Where appropriate please circle the appropriate options

| | | | |
|---|-----------|----------|------|
| Town Hall Car Park | Friday | Saturday | Both |
| Town Square (clock side) | Friday | Saturday | Both |
| Weekly / monthly / other (please state frequency) | | | |
| Number of pitches required Pitches are 3M x 3M or 3M deep x 4.5M wide But multiple pitches may only be in of 3M x 3M increments Price for a 3M x 4.5M pitch will be pro rata | | | |
| Do you require electricity? | Yes or No | | |
| If you only require electricity seasonally, please specify which dates: | From: | To: | |

*** your main product line is the products that make up the majority of your stock**

| | |
|------------------|------|
| Trader Signature | Date |
|------------------|------|

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TARIFF DETAILS – Markets on Town Hall Car Park/ Town Square (Clock side)

| Tariff | Price per pitch | Electricity | When and how to pay | Tick ONE |
|--|--|--------------------------------|--|----------|
| Trial Trader (Traders who have never traded on the markets before) | £30.00 for 4 consecutive weeks (trading once per week) | £12.00 for 4 consecutive weeks | Bank transfer 48 hours before your first trading date. | |
| Monthly Payment (Traders who want to trade every week) | £40.00 per calendar month (trading once per week) i.e. pay for 48 weeks and trade for 52 | £12.00 pcm | Standing order or Bank transfer no later than 1 st of the month | |
| Ad hoc basis (Traders who want to trade on an ad hoc basis and bring their own stall) | £15.00 per trading day | £3.00 per trading day | Bank transfer by 5pm on day of trading | |

Late payment licence fees apply to all tariffs and are detailed in the Market rules and regulations.

TRIAL TRADER TEMPORARY LICENCE (to allow traders a trial run)

After the end of your trial on the new trader tariff, and subject to the approval of Downham Market Town Council, you will need to switch to the monthly tariff unless you wish to revert to trading on an ad hoc basis in which case your name will be added to a list and you will be notified as and when there is a pitch available.. Please see the Market Regulations for further information.

The trial starts on / / and ends on / /

After completing my trial on the trader tariff, the tariff I would like to be moved to monthly / ad hoc

I hereby declare that...

1. I acknowledge and accept the additional terms of the payment tariff I have chosen which can be found in the Market Regulations.
2. I agree to pay the licence fee according to the tariff I have chosen above as issued from time to time by the Council, in the method specified in the tariff.
3. I have read the Market Regulations 2020

Trader Signature

| | |
|------|-----------|
| Date | Signature |
|------|-----------|

Signed on behalf of the Council by the Clerk

| | |
|------|-----------|
| Date | Signature |
|------|-----------|

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DECLARATIONS – ALL TRADERS

Market applications are usually processed within 3 working days. However, if the correct documentation is not supplied, this process may take longer.

| I hereby declare that I | Please tick |
|---|-------------|
| I am over the age of 16 | |
| I have attached my public liability certificate (cover of at least £5m) | |
| I have enclosed a photograph of my stall to demonstrate how my goods are presented | |
| I attach a completed Risk Assessment form in the style required by Downham Market Town Council in respect of my stall. | |
| I have enclosed a copy of my photo identification, such as a driving licence, and I will provide the original for inspection on my first day of trading | |
| I confirm that I have a right to work in the UK and that Downham Market Town Council may make such reasonable enquiries as it sees fit to confirm my right to work status | |
| The information above is correct to the best of my knowledge and belief. I accept that I am responsible for ensuring that Downham Market Town Council is made aware of changes to the above. | |
| I have read and agree to abide by the Market Regulations and understand that they may change from time to time. An additional copy of the Market Regulations can be downloaded here https://www.downhammarkettowncouncil.org.uk | |
| I am applying for a licence to trade on the Downham Market's Market and, if awarded, I accept the contract terms below | |
| I agree to pay the licence fee according to the tariff I have chosen above, as issued from time to time by the Council, using the method specified in the tariff. I acknowledge and accept the additional terms of the payment tariff I have chosen, which can be found in the Market Regulations | |
| I understand that I may not trade until permission has been issued | |
| I acknowledge and accept that there is currently no provision for waste disposal at the market. It is the responsibility of each Licensee to ensure that all refuse generated is removed at the end of trading and disposed of legally and appropriately. Proof may be required and certificates and documents may be subject to audit. | |
| I consent to Downham Market Town Council using my business name, details of the traded goods, business website or social media when advertising the market | |

DECLARATIONS – FOOD TRADERS, ELECTRICITY AND GAS USERS ONLY

| | Please tick |
|---|-------------|
| I have attached my food hygiene safety training certificates (food traders only) | |
| I have attached evidence of my food hygiene rating (food traders only) Minimum rating we will accept is 3 stars | |
| I have attached my PAT testing certificate (dated within the last 12 months) | |
| I have attached my gas safety certificate (dated within the last 12 months) | |
| I havefire extinguishers (please complete and state type of extinguisher) | |

Please note: We will only use your data for the purposes of processing your application and if successful, in connection with the licence. Your information will not be sold or shared commercially. Your information may also be shared with other agencies or authorities for the purposes of the prevention and detection of fraud, where an appropriate request has been made under the Data Protection Act 2018, as amended from time to time. During the course of processing or storage, information may reside or pass through electronic systems outside the EU.

| | |
|------------------|------|
| Trader Signature | Date |
|------------------|------|

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LICENCE TO OPERATE A MARKET STALL

This Licence is dated _____ and made between

- (1) Downham Market Town Council (referred to as “the Council”) of 15 Paradise Road, Downham Market PE38 9HS; and
- (2) The person specified in the attached Application Form.

This licence is valid until 31st March 20... unless terminated earlier in accordance with provisions set out below and is subject to the Council’s “Market Regulations July 2020” . This agreement supersedes all previous licence agreements between the parties for the operation of market stall(s) on (market and days) in Downham Market.

NB All Licences granted will expire on the following 31st March, with the exception of those granted between the 1st January and 31st March which would expire on 31st March in the following year.

Provided the Trader has fully complied with all the terms and conditions of the Licence and the Market Regulations during the period between the date of the Licence and the renewal date the Licence will be renewed automatically for a further 12 months. In the event of there having been any breach by the Trader of the terms of the Licence or the aforesaid Regulations in the 12 months prior to the review date the renewal will be subject to the agreement of the Market Strategy Group of Downham Market Town Council, who will review the matter, taking into account the criteria set out below.

The criteria used to review a Licence will include the circumstances of any non-compliance with the terms of the Licence and/or Regulations including the Trader’s payment record, the outcome of any complaints raised by customers and evidence of customer demand for the Goods and Services provide by the Trader whose Licence is under review.

In the event that, following a review, the Market Strategy Group decides not to renew this Licence; the Market Manager will give the Trader 4 weeks’ notice. The Trader has the right to appeal any decision not to renew their licence in writing to The Clerk, Downham Market Town Council, 15 Paradise Road, Downham Market, PE38 9HS.

The Council authorises the Licensee to operate a market stall(s) on up to _____ contiguous pitches on the Market/Town Square (delete as appropriate) on _____ (state day[s]) in the area specified by the Market Manager, from time to time. The Tariff will be as set out in the Tariff Details.

The Licensee is not permitted to use the supply of electricity from an electricity bollard unless agreed in writing by the Market Manager.

The Licensee agrees to abide by the Market Regulations issued by Downham Market Town Council which may be varied from time to time on giving not less than four weeks’ notice, except in the case of an emergency.

This Licence will terminate when superseded by a later licence agreement between the parties.

This Licence may be terminated by either party by means of one month’s notice given in writing – in this respect the Council agrees not to act unreasonably. Refunds of licence fees paid will only be made as specified in the tariff.

The Licence may be terminated or suspended without notice by the Council if the Licensee contravenes any Market Regulation. A Licensee may appeal against a decision to terminate or suspend their licence to the Clerk.

| | |
|--|------|
| Signed on behalf of Downham Market Town Council by the Clerk | Date |
| Signed by the Trader | Date |

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IMPORTANT INFORMATION

APPLICATION PROCESS

Market applications are usually processed within 3 working days. However, if the correct documentation is not supplied, this process may take longer. If your application is approved you will receive you will receive an email from the Market Manager with the following details:

1. Your signed licence
2. Notification of your pitch location
3. Information regarding parking
4. A copy of the Market Regulations

CRITERIA USED TO DETERMINE THE SUITABILITY OF A TRADER

All applications for a Licence, including those from existing Traders who want an additional Pitch, will be considered by the Market Strategy Group against criteria including, but not limited to:

- Fair trading legislation;
- The need for the particular trade stated on the application and for preserving a proper balance of product lines;
- The previous conduct of the Trader (if applicable), including any failure to comply with these Regulations or any legislation relating to the Markets;
- Evidence of demand from shoppers for the continuation of the trade or product line concerned;
- Quality of the product(s) being offered and its presentation and the space available in the Market;
- The matters referred to in our Balance of Trade Policy as set out below;

Applications will not be considered from Traders if they are in arrears with their Licence Fee

MARKET INFORMATION

Pitch sizes for all markets are 3 metres x 3 metres.

Operates on Fridays and Saturday between 08:00 and 15:00 with over 20 pitches available across the Town Hall Car Park, and the Town Square (clock side). There will be a Christmas tree on the Town Square during November and December and care will be taken to ensure this does not interfere with any pitches. The market will not operate on Christmas Day if it falls on a Friday or Saturday.

A market officer, being someone appointed by the Council to oversee day-to-day operation of the market, will be on site from 06:00 on market days (subject to sickness and holidays) and will unlock the electric points. Please see the market rules and regulations for further information regarding parking. The Market will be closed for general parking from the night before trading.

Set up is available from 06.00 and Trading starts at 08.00. All vehicles, including those from which loading and unloading take place, must be removed from the market area by 08.00. A Licensee who is not fully set up by 08.00 will forfeit their right to trade on that day and, unless agreed with the Market Officer, no refund will be given.

The Market Officer shall have the right to close the market at their absolute discretion if they shall consider it necessary on the grounds of Health and Safety or as directed by the Police. Furthermore the Council shall have the right to close the market on giving at least one months' notice if a Civic or Council run event is to take place thereon. In the case of closure for a Civic or Council event due credit will be given to the traders affected.

ENVIRONMENTAL TRADE POLICY

Downham Market Town Council's aim is to have a local market, populated by local traders, selling where possible local produce although it recognises that is not always possible and that there needs to

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be a balance. Our overall aim is to reduce CO2 emissions from transport and to move to a more sustainable way of living for all of our residents. Therefore:-

- Priority will be given to traders who are resident in Downham Market or within 20 miles of the boundary of the Parish.
- Where vegetables, fruit, eggs, milk, meat and fish are concerned these should, where possible, be raised, grown, produced, processed, baked, caught or landed within 50 miles of the boundary of Downham Market. Any food that does not meet that criterion must be clearly labelled as to its point of origin.
- Produce from battery farmed animals will not be permitted on the market.
- The use of peat in growing plants for sale is discouraged in accordance with DEFRA guidelines and with effect from the 1st April 2021 will not be permitted.
- the sale of peat or peat based products is not permitted.
- The sale of those environmentally damaging products, where an alternative product or method is available, namely:
 - Ozone depleting chemicals
 - Tropical hardwood that is not certified independently as coming from a well- managed forest
 - Pesticides on the UK 'Red List', is not permitted
- Non-food products should, wherever possible, be sourced locally.
- Single use plastics are not permitted unless no other alternative is reasonably available.
- Any articles used for the consumption of food or drinks must be either bio-degradable or compostable and must be disposed of as such.
- Plastic bags must not be provided by stall holders.

BALANCE OF TRADE POLICY

Inherent in the operation of any market is customer choice. This means competition and change if the market is to stay fresh. While the quality of the produce is an important driver, a real market also contains bargains. It is possible to have both; indeed it is essential to attracting customers.

The Market Manager in consultation with the Council has the right to refuse an application for any stall that does not meet the above policies.

USEFUL INFORMATION

For traders who require electricity the supply is by a 16 amp commando connection (female) and you will need to provide a 16amp (male) commando plug. Your pitch may be located up to 20 metres away from the point of supply so ensure you bring adequate length of cables/extension leads/cable covering as it is your responsibility to ensure that the connection from our supply to your pitch and within your pitch is safe, suitable for use outside and meets all health and safety requirements.

Waste disposal facilities are not available at the market. Any waste generated at the site must be removed from site by the end of the trading day.

Please call the Market Manager if there are any problems.

USEFUL CONTACTS

The Clerk
Downham Market Town Council
15 Paradise Road
Downham Market
Norfolk
PE38 9HS
www.downhammarkettowncouncil.org.uk

Market Manager
Elaine Oliver 01366 387770

Market Officer
Dave Bensusan 07766 912503

Borough Council of King's Lynn and
West Norfolk (for food licences)
King Court, Chapel Street
King's Lynn PE30 1EX
www.west-norfolk.gov.uk

National Market Traders Federation
Hampton House
Hawshaw Lane
Hoyland
Barnsley
S74 0HA
Tel: 01226 749 021
<http://www.nmtf.co.uk/>

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MARKET REGULATIONS JULY 2020

Introduction

The need for Market Regulations

The Markets operating in Downham Market provide an essential community facility to residents and visitors and are intended to offer affordable business opportunities for Traders. They are an important part of our local community and ensuring that they thrive and develop is part of the Town Council's ambitions for the Town. The Council intends to ensure that visitors receive an excellent standard of customer service, enjoy a positive experience and want to visit again.

With these goals in mind these Regulations set out terms and conditions which must be adhered to by all traders granted a Licence to trade on the Council's Markets. These Regulations define the Council's rights as the market operator and the standards and obligations the Council is placing on the Trader.

These Regulations are intended to be fair and reasonable whilst providing the flexibility of the Council's Market operation to meet the potential future needs of the Market's customers. These Regulations set out penalties for breach and include a fair and clearly defined process to appeal certain decisions taken by the Market Strategy Group.

These Regulations replace any previous regulations/Bye Laws previously issued by the Council.

The Council's commitment to the Market Traders

The Council commits that it will administer the Market operation in such a way as to ensure:

- a safe and welcoming environment in which to trade;
- the continuous development and promotion of the Markets and Market events to attract new shoppers and Traders;
- a balanced Market offering with limited duplication of both core and competing secondary lines
- a fair and thorough application process for Traders wishing to trade or introduce a new product line;
- a right of appeal against suspension and or termination with a defined process and timetable; and
- open and two-way communication with all Traders, either directly or through their nominated

Nothing in the regulations below shall be construed as placing an obligation on the council to provide a Market on the week days specified, but the council will endeavour to provide the Market except where prevented from doing so by circumstances beyond its control such as if adverse weather makes the holding of a market unsafe for the market traders or the public. In order to meet this obligation the Council may, at its absolute discretion, restrict, re-site or alter the layout of the Market.

The daily operation of the Market is the responsibility of the Market Manager (and his/her delegated Market Officer who will enforce these Regulations).

1. LICENCES

- All traders must hold a valid and current Licence Agreement signed by the trader and the Council before commencing trade and at all times while trading.
- The Licence is personal to the Licensee and may not be transferred, resold or sub-let. The stall must be operated at all times by the Licensee, a member of the Licensee's immediate family, or an individual employed directly by the Licensee.
- Licensees must only sell goods which have been specified in their application and approved by the Market Manager unless otherwise agreed in writing by the Market Manager. The goods specified on the application form must only be main line products that make up the majority of the stock.
- No Licensee will be given the exclusive right to sell any item, type of item, or range of items and the Council may accept product lines that compete with existing Licensees. The decision of the Market Manager on such matters will be final. Licensee who sell multiple lines will be assessed on the predominant 'normal' item or items that they sell. The Market Manager does, however, reserve the right to decline any application if it considers that any particular trade or line will be over-represented in the Market.
- The sale of tobacco, live animals, fireworks, offensive weapons, pornographic material, unsafe, illegal or counterfeit goods is prohibited.

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2. PITCHES AND COMMODITIES

- Licensees and pitches will be allocated by the Market Manager as they consider best for the Market. Licensees are not permitted to set up without prior consent or in pitches that have not been allocated to them. If works are taking place in an allocated pitch or the allocated pitch is for some other reason not available no refund will be due where there is an alternative pitch available anywhere on the market.
 - Licensees are responsible for providing and erecting and dismantling their own stalls.
 - Unless otherwise agreed, a pitch will be 3m (frontage) x 3m. Licensees may trade on multiple adjacent pitches if the licence so permits. There may be pitches allocated that are smaller or larger than specified above.
 - Licensees must trade from within the boundary of the pitch (for the avoidance of doubt this includes any merchandise or other items belonging or associated with the Licensee). Furthermore, in order to encourage members of the public to visit the market Licensees are not permitted to sell goods to customers who are not on the market.
 - Licensees do not acquire any enduring right to retain a specific pitch. Other than in emergency or for urgent operational reasons the Market Manager will consult in advance on proposed relocations however the Market Manager reserves the absolute right to relocate pitches as they see fit.
 - With the exception of stalls selling CDs and records, the use of amplified sound is prohibited. Licensees using amplified music and/or copyright material must be in possession of the appropriate permissions. Special permission to use recorded music may be sought from and will be given at the absolute discretion of the Market Manager. In the event that the Market Manager considers that any amplified sound is too loud the trader will be asked to reduce the level – the Market Manager's decision in this respect is final.
 - Auctions (real or mock) are not permitted.
 - Distribution of free printed matter by or on behalf of a charity (within the meaning of the Charities Act 1993), is permitted subject to prior written consent being obtained from the Town Council. Distribution of printed material for political purposes or to encourage persons to congregate for an illegal purpose is strictly forbidden. The area designated for the purposes of the distribution of free printed matter will be notified to the user when consent is given. Terms attached to this arrangement are as follows:
 - Available on Friday and Saturday
 - One small trestle table is permitted only
 - No gazebos are permitted
 - Maximum stay is 4 hours per trading day
 - Neither electricity or waste disposal will be provided
 - The Market Manager will not manage this space and it is available on a first come first serve basis
- The collection of signatures for petitions is not permitted.

3. TRADING HOURS, LOADING AND UNLOADING

- Trading hours: 08.00 – 15.00
- Licensees must occupy their allocated pitch and be ready to trade by 08.00 on each market day unless express permission has been given by the Market Manager. Pitches not occupied by 08.00 may be allocated by the Council or its nominated representative at that time to weekly traders or other traders in attendance. The decision of the Market Manager on such matters will be final.
- No Licensee may begin to clear their stall during the stated trading hours unless permission is given in writing by the Market Manager.
- The Market area must be cleared by 16.30 on a trading day.
- Vehicles will be allowed on the Market area whilst unloading and loading. This should be done as quickly as possible. Unloading vehicles and trailers (unless the latter form part of the Traders stall and are contained within the Pitch) must be removed by 08.00. All vehicles and trailers must be removed by 16.30.
- Vehicles must not be left unattended at any time while on the Market.
- During loading/unloading, vehicles must be positioned so as to cause minimum disruption to others. Vehicles must not block the highway at any time.
- Licensees cannot reserve spaces, or prevent parking by other legitimate users in the market area.

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4. AD HOC TRADERS

- Applications for weekly pitches must be made to the Market Manager by no later than midday on the day previous to the market.

5. PRESENTATION

It is the intention of Downham Market Town Council to ensure that the market is well presented and adequately stocked to be attractive to potential customers and traders. A high standard is required of all Licensees' presentations and merchandising and in pursuit of this the Council have set quality standards for all Licensees to abide by. These should be regarded as a minimum. Should an individual Licensee fail to conform to the quality standards their licence may be terminated.

The Minimum Quality standards-

- Unless otherwise agreed with the Market Manager and confirmed in writing, Licensees may only trade from gazebos, trailers or metal-framed stalls.
- During trading hours, stalls and pitches must be presentable and in keeping with the Market standards.
- Stalls, fixtures and fittings (display stands, tables, etc.) must be clean, of a good quality and professional appearance, in a good state of repair and meet Health and Safety requirements.
- Gazebos must cover all of the fixtures and fittings and should be clean and in good repair.
- Metal-framed stalls: Tarpaulins must be clean and attached to the stall in a neat and symmetrical manner at all times (other than when adverse conditions make it unsafe to do so). Preferably these should be of one colour/design. Licensees strongly encouraged to have clear side sheets or sheets that have a clear window.
- Metal clips and Weights (where used) must be put on the inside of the stall as this looks neater (and also helps avoid any potential Health and Safety issues).

Licensees are strongly encouraged to

- Have a skirt around the bottom of the stall to hide any unsightly fixtures and fittings or stock such as cardboard or plastic boxes. Skirts and all other covers used on the stall should be clean and in good repair.
- Keep their stall adequately stocked with goods attractively displayed.
- Clearly price all products and display a returns policy, details of payment methods such as credit/debit cards accepted etc.
- Trailers and other vehicles that are used to sell goods from must be of clean and tidy appearance, and conform to the above minimum standards (where appropriate).
- Copies of Food Hygiene rating certificates must be displayed where appropriate
- Keep their stall adequately stocked with goods attractively displayed.
- Clearly price all products and display a returns policy, details of payment methods such as credit/debit cards accepted etc. and display public liability insurance to increase shopper's confidence.

6. PARKING

No vehicle or trailer belonging to Licensee or their staff may be parked on the Market Area during trading hours.

7. LITTER AND WASTE

- Licensees must ensure that all pitches and the immediate surrounding areas are cleared of all refuse generated by their business throughout the day and at the close of business each day. This includes sweeping pitches and the immediate surrounding areas.
- The Council will not provide waste disposal facilities at the market. It is the responsibility of the Licensee to ensure that all refuse generated is removed at the end of trading and disposed of legally and appropriately. Proof may be required and certificates and documents may be subject to audit.
- Licensees must not under any circumstance put their trade waste in public litter bins.
- Licensees providing containers for food or drink consumption on the market place must also provide disposal facilities.
- If a Licensee does not dispose of and/or remove trade waste in accordance with this clause (litter and waste) the Council will remove the waste and charge the Licensee the reasonable cost of removal and

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disposal. Licensees who repeatedly fail to deal with waste in accordance with these guidelines will face termination of their licence.

8. BEHAVIOUR

- Licensees are expected to present a positive image at the market and to treat customers, fellow Licensees and others with courtesy at all times (this includes comments made online on social media and in other publications)
- Licensees are required to conduct themselves in a manner that does not bring the market into disrepute (including comments made online on social media and in other publications).
- Licensees must not be abusive to any official of Downham Market Town Council or anyone employed by the Council.
- Licensees must not discriminate against anyone on the grounds of age, gender, race, nationality, ethnic origin, sex or sexual orientation, disability, gender reassignment, religion or belief.
- A Licensee shall not, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- Only assistance animals for the benefit of a Licensee or a person working a stall will be permitted.
- Licensees must not make payments to Council Staff nor must Licensees give goods to any member of the Council Staff other than at the full price. Acceptance of such a payment or goods by a member of staff will be considered as Serious Misconduct in accordance with the Council's HR Policies and will render them liable to dismissal. Any Licensee found making payments or giving goods as aforesaid will be given written notice by the Council of immediate suspension from the market and termination of their licence. Any such Licensee will have the right to appeal such notice, but will not be allowed to trade while suspended

The Council reserves the right to notify the appropriate authorities if it believes that any Licensee has attempted to bribe any Council official.

- The following must be observed by Licensees and any other person operating a stall at all times:
 - No smoking or consumption of alcohol
 - No swearing or arguing
 - No fighting
 - No illegal drugs (promotion or consumption)
- No children under the age of 18, shall be permitted on a stall (unless approved by the Market Manager in writing).
- For the avoidance of doubt, responsibility for adherence to the rules and for the behaviour of any person employed or manning a stall still remains with the person to whom the licence was allocated. Failure to behave in accordance with these rules may lead to permanent termination of a licence.

9. ELECTRICITY

- Licensees may only use electrical equipment that it is in good condition, weatherproof and suitable for outside use. All electrical equipment (other than low voltage, battery operated equipment) must have a valid up to date PAT test certificate which must be available for the Market Manager to view upon request. Other evidence proving that equipment has been appropriately tested will also be considered.
- Licensees must not plug in any electrical devices that are not suitable for a 240v/230v bollard with a load rating of 16 amps per socket.
- Licensees must ensure that trailing cables do not present trip hazards or any other hazard and are suitably protected and at a safe height. Alternatively Licensees should cover any cables with cable covering. The cable covering should lie flat, and cover the entire length of the cable. Your pitch may be located up to 20 metres away from the bollard so please ensure you bring adequate length cables/extension leads and cable covering. Distribution of electricity within the pitch is the responsibility of the Licensee. Cables must be fully unwound.
- Licensees must not make any alterations or additions to the electrical wiring and fittings of the electrical bollards.
- Licensees must contact the Market Officer immediately if there is a problem with an electrical bollard.
- Licensees must not attempt to re-activate a bollard if the circuit breaker has cut the electrical supply.
- Sufficient suitable fire extinguishers must be provided in accordance with the Fire Officers recommendations

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10. GENERATORS

- Generators must be of the silent running type and be located so as not to be accessible to members of the public or other unauthorised persons. All cables must be routed away from pedestrian traffic routes in order to avoid tripping hazards and must be protected from mechanical damage.
- No re-fuelling or storage of fuel is allowed on site.
- Where the Market Officer considers that a generator is noisy, he/she will require that the generator be switched off immediately.

11. ABSENCES

- In the interests of the market it is important that Licensees attend the market regularly and that as many pitches as possible are occupied. Licensees are strongly encouraged to advise the Market Manager at least 48 hours in advance of any planned absences and as early as possible for any unplanned absences such as sickness.

12. TRADING REGULATIONS

- It is the responsibility for all Licensees to acquaint themselves with the trading regulation regarding their own specialist area and abide by them. The Licensee must ensure that all staff are properly trained to meet the necessary standards and regulations. Certificates of proof must be available to the Market Manager on request.
- Licensees must ensure that they comply with all relevant legislation with regard to employment of children under the age of 18. If a child over the age of 13 is working on any stall a copy of the appropriate permit must be given to the Market Manger in advance.

13. TERMINATION

- Downham Market Town Council reserves the right to exclude or/and to terminate the licence of any Licensee who has breached the market rules and regulations or falsified application information or whose actions are against the best interests of the Market.
- The Market Officer can seek the immediate removal of a Licensee, his employees, attendants or any other person associated with the Licensee, who in the Market Manager's opinion, is causing a nuisance, annoyance or danger to other Licensees, Downham Market Town Council representatives or the public, or who damages any property of the Council.

14. PROCEDURE FOR DEALING WITH COMPLAINTS

- Complaints by Licensees in respect of any matters affecting the market must be brought to the attention of the Market Manager promptly, for investigation, relevant action and notification to the complainant of the result. Licensees must comply with any request from the Market Manager to provide written notification of a complaint.
- If a complainant is not satisfied with the action taken by the Market Manager on any complaint then the matter may be referred in writing to the Clerk at Downham Market Town Council clerk@DownhamMarketTC.co.uk in accordance with the Town Council Complaints procedure. This procedure is available upon request or is available on Downham Market Town Council's website.

15. HEALTH AND SAFETY REQUIREMENTS

Downham Market Town Council is committed to delivering, improving and developing a safe Market for Licensees and customers. In order to ensure this Downham Market Town Council requires Licensees to comply with the following requirements:

- Licensees are responsible for ensuring that their stall is properly constructed and assembled and that no modifications are made which constitute a safety hazard.
- Licensees must co-operate with the Market Manager with regard to risk assessments of the market both as a whole and of individual stalls.
- Licensees must immediately comply with any reasonable instruction given by the Market Manager or other Council employee in the interests of Health and Safety.
- Licensees are required to ensure that their stalls are positioned so as not to obstruct the highway in a way which impedes pedestrian or vehicular movement around the Market, presents a safety hazard or which may be detrimental to the efficient operation of the Market.

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- Licensees' stalls must be weighted correctly in relation to the particular weather conditions (this could vary in one single trading day).
- Licensees are required to ensure all other health and safety provisions are met in accordance with their particular stall and business in relation to weather condition.

The decision of the Market Officer is final on the interpretation of this section.

16. LIABILITY AND INSURANCE

- Proof of public liability cover (minimum five million pounds) must be provided in all cases by the Licensee. Licensees not displaying evidence of public liability insurance or providing evidence of their insurance as required may not be permitted to trade until this has been rectified. No rebate of the licence fee will be given in these circumstances.
- Licensees must notify the Market Manager of any changes in insurance and provide copies on request and on renewal.
- A Licensee shall indemnify the Council from and against all actions, proceedings, damage, claims, losses or outgoings of whatever nature arising out of the Licensee's use of any stall, pitch, vehicle or stand etc. on the market.
- A Licensee shall have no claim for compensation for any loss whatsoever (other than amount equal to the pitch licence fee paid) on the termination or suspension or where a pitch is not available or made available to the Licensee for whatever reason, nor for loss or damage to stock, to stalls or to any other items brought onto the market by the Licensee.
- The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council or its officers or Agents.

17. PAYMENT AND PAYMENT PLANS - GENERAL

- Licence fees and other charges are determined by Downham Market Town Council and will be notified to Licensees in writing once approved by the Council. The Council will usually review all Pitch fees and other charges annually as at the 31st March but may do so at any time.
- The licence fees levied for any stall or pitch shall be such amounts as may be laid down by the Council from time to time. All prices are for a 3m by 3m pitch.
- Licence fees are for one pitch per market day.
- Licensees on the Monthly Payment or New Trader tariffs may opt to receive monthly invoices subject to providing a valid email address.
- Payments can be paid by standing order or bank transfer, the account details are below.

Bank details:

Account Name: Downham Market Town Council
Account Number: 23947368
Sort Code: 77 66 19

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18. TARIFF INFORMATION – ADDITIONAL TERMS

The following terms are in addition to those specified for the corresponding payment plan on the application form

| Tariff | Additional Terms |
|------------------------|--|
| New Trader | <p>Available to traders who have traded on Downham Market's Market on no more than 2 days in the past 24 months.</p> <p>The Licensee will be removed from the market should the Licensee fail to pay the fee when requested.</p> <p>If a Licensees fails to attend they will not be entitled to a refund or additional trading day, (this includes sickness, vehicle breakdowns, holiday etc.) one of more of their consecutive four week trial dates. Any advance payment will be forfeited.</p> |
| Monthly Payment | <p>Licensees are contracted to pay monthly. Thereafter Licensees who wish to cease trading or wish to change to another tariff must give one month's notice in writing to the Market Manager, which must end at the end of a calendar month.</p> <p>Where licence fees are in arrears by more than two weeks, or where licence fee payments are repeatedly in arrears by any amount, late payment licence fees will be levied in accordance with the scale set out in the Late Payment of Commercial debts (Interest) Act 1998 and successor legislation or regulation. Where licence fee is in arrears by more than four weeks the licence agreement will terminate and the Licensee will be removed from the market. The decision of whether to accept the trader back to the market after the debt is settled is at the discretion of Downham Market Town Council. This decision is final.</p> <p>Traders who pay monthly only pay for 48 weeks but may trade for 52</p> <p>Other than in accordance with the sickness policy, no refunds will be given if Licensees are absent from the market. Any reservation or other charges outstanding for absences from the market shall be paid in full on demand or in any event no later than the first day of return to the market. This licence will terminate in the event of four consecutive absences by a Licensee who has not notified the Market Manager of their absence. Any advance payment will be forfeited.</p> <p>The section below is for Sole Traders only on the monthly tariff:</p> <ul style="list-style-type: none"> • Short Term Sickness- Where absence is through illness and a bona fide Medical Certificate, or Self Certificate for periods of up to seven days is provided, the Council may credit a maximum of 2 weeks in any calendar year. • Long Term sickness- Long Term Illness is defined as a period of over 4 weeks. In situations where long term absence of a Licensee is necessitated through illness and where appropriate certification is provided, the Council will consider each case in the light of individual circumstances. • The Council recognises that Licensees may face at times distressing and personal situations for which they will need to take time away from the market. For the death of a close family member one trading day will be credited. |
| Ad Hoc Traders | <p>The Licensee will be removed from the market should the Licensee fail to pay the Licence fee.</p> |

19. CERTIFICATES

The Licence warrants that certificates produced during and subsequent to the application process including:

- Public liability insurance (at least £5 million worth)
- PAT test dated within the last 12 months (required if you use any mains powered equipment or a generator)
- Gas safety certificate dated within the last 12 months (required if you are using gas appliances for the purpose of cooking)
- Food hygiene training certificate (if you sell any or use any food)
- Current food hygiene rating. Minimum rating required is 3*.

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These will be renewed as necessary and new certificates will be presented to the Market Officer or when requested.

20. EQUAL OPPORTUNITIES POLICY

Downham Market Town Council is committed to equal opportunities where it applies to both the running of, and the trading on, the Market. This means that no one will be treated less favourably or suffer any detriment on the grounds of sex, race, ethnic origin, marital status, sexual orientation, age or disability. Downham Market Town Council is also committed to anti-discriminatory practices with regard to the service our customers, clients or contractors on the same grounds as above. This means that no Licensee may abuse or refuse service to any customer on the grounds of sex, race, ethnic origin, marital status, sexual orientation, age or disability.

21. SHOPPERS CHARTER

Stallholders must acquaint themselves with the Market Shoppers Charter provided by Downham Market Town Council and conduct their business in accordance with the Charter.

22. ENVIRONMENT

Environmental matters are assuming a growing importance and an increasing number of customers are environmentally conscious. Markets typically offer products with low or zero packaging, frequently locally produced, sold in a low energy environment. The Council will seek to encourage Licensees to be environmentally conscious. For more information consult Downham Market's Environmental Policy, a copy of which is on its web-site. www.DownhamMarketTC.org.uk

23. APPEALS PROCESS

A Licensee who has been suspended from the Market and who has had their Licence terminated may appeal in writing to The Clerk, Downham Market Town Council, 15 Paradise Road, Downham Market, Norfolk PE38 9HS or by Email: Clerk@DownhamMarketTC.co.uk within 5 working days from, but not including, the day the Licensee is notified of the decision against which they wish to appeal.

The Licensee is entitled to request a hearing to make representations to explain why the decision against which they wish to appeal should be overturned. Such request must be made at the time of submitting the written appeal. An Appeal Group consisting of the Clerk, the Mayor and the Chairperson of the Market Strategy Group will conduct a hearing of the appeal within 28 days of receipt of a written request.

In considering any appeal the Appeal Group will have regard to all relevant documentation and may call to give evidence such person, including the appellant Licensee, as they considers appropriate. Licensees attending an appeal will be entitled to bring with them a friend or colleague or, if they are a member, a local representative of the National Market Traders Association who will be allowed to speak on their behalf. The written decision of the Appeal Group, including the reasons for it, will be sent to the last known address of the Licensee within 14 days of the hearing.

The decision of the Appeal Group will be final and there shall be no further right of appeal.

Market Shoppers Charter

The Town Council and the Market Traders are committed to providing a quality market service so that you, the customer, will enjoy the experience of market shopping in our town. It is our hope that you will find the market personnel courteous and helpful and find a wide variety of goods and services on offer.

The Town Council will ensure:

- That market rules and regulations are complied with
- The market is a safe place to shop

The Town Council encourages Traders to:

- Provide a helpful, friendly and courteous service
- Present attractive stalls

The law ensures that:

- Goods sold as new must not be faulty and must work satisfactorily
- Goods must be described verbally, on the label, packaging or otherwise
- Services must be as described and carried out in a proper manner within a reasonable time and at a reasonable price

If you are not satisfied with the goods or services you have received from any traders whilst shopping at Downham Market Market:

- First approach the stallholder concerned, along with any receipts, and explain the problem. In most instances the problem will usually be satisfactorily resolved at this stage.
- If you cannot reach an agreement with the stallholder then the Market Manager will attempt to settle disputes and can be contacted by telephone (01366 387770) or E-mail Clerk@downhammarkettc.co.uk