



THE NAILS MARKET: CONDITIONS OF TRADING

MARKET DAYS AND HOURS

The Nails Market currently operates from 10:00 am until 5:00 pm each Friday and Saturday (except Bank Holidays). Trading hours may vary at any time or on any day or days the Markets Team decides at its sole discretion. Stalls should not close down or pack up during official trading hours, except in exceptional circumstances and as agreed with Market Management. Stalls not occupied by 10:00am may be let to casual traders or used for other purposes as appropriately required.

Stallholders must keep their stall open for business for the entire duration of the opening hours as indicated above. No stallholder will be allowed to open late in the morning or shut before closing unless prior authorisation has been given. Additionally, stallholders and or their staff must be physically present on their stalls at all times (except for toilet breaks, etc.), in order to actively promote and sell merchandise. In emergencies, agreement from the Markets Office should be obtained before closing a stall.

PROVISION OF SERVICES

In exchange for payment of associated licence fees, the Markets Team commits to providing the following services on each market day:

- an identified area from which to trade
- a reasonable shelter from the elements
- a 16amp electrical power supply
- table(s) on which to display goods
- a parking space in which to accommodate one vehicle (subject to availability)
- a clean and tidy market area
- the on-site presence of Markets Team staff during market hours
- access to and use of several communal wheeled trolleys in which to convey goods
- use of an on-site storage facility (where available and at additional cost)

Note: The above itemisation of services doesn't directly relate to total fees charged.

VEHICLE ACCESS/EGRESS

No vehicles will be permitted onto the market site before 8:00am. Vehicles must be off the site by 9:45am. Vehicles are not allowed on-site between 10.00am and 5.00pm or whenever the market is in operation unless authorised to do so.

Traders' vehicles are allowed back on-site at 5.00pm. All vehicles are to be off site by 6.00pm. All traders' vehicles must use hazard warning lights and travel at 5mph while in the market area. Additionally, traders must always drive in a forwards direction (no reversing allowed) giving absolute priority to pedestrians at all times.

Vehicles, goods and receptacles for goods other than those used as part of the stall are only permitted in the market place for the purpose of loading and unloading and must not be situated in the market or the approaches to the market for any longer than is reasonably necessary to complete this task.

TRADER VEHICLE PARKING

Parking is currently available during market days at the traders' car park on Wine Street, adjacent to the old Bank of England building. Continued availability of parking provision at this particular location is subject to possible future site development. Traders are not permitted to move their vehicles during market operating hours & your vehicle must be parked-up by 10:00am.

ELECTRICAL SUPPLY

Traders using the on-site electrical supply must use 16-amp C-form cables and sockets, which are suitable for use in all weather conditions. Traders' electrical cables and equipment may be checked and monitored. If a trader is found to be using any item which is unsafe or unsuitable for outdoor use, their supply will be disconnected until a safe alternative is identified and agreed with the Markets team.

All electrical equipment used by traders is used at their own risk. Traders are advised that any electrical items used at the market should be inspected before use and should have been PAT tested. No liability will be accepted by the council.

DISPLAY & STALLS

All traders must display their business name and market contact information on their stall in a visible position for public view using signs provided. It will be a minimum size of A4 and will be provided by the Markets Office. No trader will display any placard or notice without the consent of the Markets Office and must not display any literature which may cause offence.

Traders must not exceed the allocated space, as defined by the umbrella canopy or other agreement, specifically the stall frontage line. Any products or displays that exceed the allocated space will have to be moved on request. Modest and reasonable side-spread stall build-out is generally acceptable where physically possible and is at the discretion of the Markets Team.

Products and displayed items must in no way be deemed to present a safety risk or adversely affect neighbouring traders.

The allocation of stalls is carried out by the Markets Team who reserve the right to move stalls for the benefit of the market or any other reason.

The use of traders own mobile trading units or other alternative stall equipment or shelter is not permitted.

FIRE PREVENTION

No refuse or combustible material must be allowed to build up in, or around, any stall and should not be placed near to electrical fittings.

No hazardous substances, chemicals or other flammable substances should be stored in your stall. Heat producing electrical appliances such as fan heaters, bar heaters and halogen heaters are not permitted.

Naked flames are not permitted on the market site. Items such as candles should not be lit while on display.

PUBLIC LIABILITY INSURANCE

All traders must hold third party Public Liability Insurance (PLI) cover of at least £5 million. Evidence of this must be provided to the markets team on request. All goods placed on the stall or within allocated storage areas paid for or otherwise, are the owner's responsibility and no liability will attach to the Council for any loss or damage to any of the trader's property, goods, fittings or the person or property of anyone using the stall, however caused.

MARKETING & PROMOTION

Traders are encouraged to take responsibility for the marketing and promotion of their own business. On request, help and advice is available to traders by the Markets Team where they may lack particular skills or knowledge. Traders should not only promote their goods and services, but also themselves with their personal knowledge and experience.

The Markets Team commits to carrying out a practicably achievable level of promotion for the market as a whole, rather than specifically for each trader. Allocated marketing budgets are reviewed corporately on an annual basis and are therefore subject to change.

CONDUCT OF TRADERS

- Any permission to use a stall or trading space at the market, is personal to the individual and is not be assigned, transferred or sublet in part or in whole, and any trader found to do so will be deemed to have terminated their trading agreement.
- All market traders and/or their staff are required to conduct themselves in a manner that will not cause annoyance or inconvenience to other users of the market. They should act in a responsible manner and not cause any act of neglect, wilful damage or disturbance to the market.
- All market traders and/or their staff attending the market are expected to observe all relevant rules, regulations, by-laws and legislation, and comply with any reasonable request from any member of the Markets Team.
- In any dispute between a trader and consumer, the trader should endeavour to remain courteous and polite. Where the matter cannot be resolved amicably, the Markets Office is prepared to arbitrate if requested. If, in the opinion of the Markets Office, the consumer has a justifiable complaint, the trader will be requested, without any liability on the part of the Markets Officer, to rectify the matter as recommend. If the Markets Office is unable to offer a clear opinion or the trader is unwilling to resolve the matter, then the consumer will be advised to take the matter to the local Consumer Advice Agency. The trader will be expected to comply with the written opinion of the Agency.
- Traders should be aware that whilst they may feel a need to express their thoughts and frustrations about the market, they should be careful to avoid statements or comments that may be defamatory to fellow traders or otherwise damaging to the reputation of the market. Any bullying, harassment, victimisation or threats towards fellow traders or Markets Team members either face to face or via other means such as social networking sites, may be classed as gross misconduct and be dealt with accordingly.

The trader and/or their employees shall not:-

- Attract persons by hand selling, pitching or by elevating himself/herself above the level of the market;
- Call, shout, use any noise making instrument;
- Use any radio, record player, cassette tape or compact disc or otherwise produce or reproduce music except with the permission of and at the sole discretion of a Markets Officer, with a suitable amplified music licence having been obtained by the licensee.
- Hawk any goods in the market.
- Wilfully obstruct, disturb, cause an affray, interrupt or annoy any person in the proper use of the market.

Stall & Produce Presentation

Goods should be well displayed and presented. Stall areas should be kept clean and tidy, and packaging should be kept to a minimum. Where packaging is essential, every effort should be made to source environmentally friendly packing and wrapping.

Goods, receptacles or any other items may not be stored within, affixed or hung from market umbrellas accept with the written permission of a Markets Officer. Weather side-sheets may be attached to umbrella canopies, ensuring that they are suitably retained, supported and weighted in a

fashion so as not to damage any aspect of the umbrella. Any person placing goods or other items either in a dangerous position, or without consent of a Markets Officer will be requested to remove them immediately, and if this is not done a Markets Officer may remove and dispose of the items in any manner considered convenient. In such circumstances no compensation will be paid nor any responsibility accepted for such items.

The trader will not attach or exhibit either on the stall(s) or elsewhere in the Market, nor will the trader permit others to attach or exhibit on any part of the stall(s) any writing, sign, placard, poster, signboard, public notice or advertisement except as shall be approved by a Markets Officer. The trader is not required to obtain such consent in respect of notices etc., displaying the nature and price of goods or services available from the stall.

Waste

The trader is responsible for keeping their whole stall area clean and tidy throughout the day to the satisfaction of a Markets Team representative. All refuse and personal litter from the stall area must be deposited in the nearest approved container and disposed of in accordance with the regulations contained within the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Act 1991. An extra charge may be levied where the amount of refuse is considered to be above the average of that generated in the market or where there is neglect.

Fees and Payments

Stall fee payments are collected via an associated City Council quarterly invoice (for regular traders), with payments due at the end of each quarter as follows:

Quarter	Dates	Full Payment Due By
First Quarter	1 April to 30 June	30 June
Second Quarter	1 July to 30 September	30 September
Third Quarter	1 October to 31 December	31 December
Fourth Quarter	1 January to 31 March	27 March

Note: Casual trading attendances will be invoiced on a routinely frequent but unscheduled basis under immediate payment terms.

Failure to pay stall fees whether a regular or casual trader will result in a termination of your trading agreement, unless there are exceptional circumstances which have been approved by Market Management. The recovery of outstanding stall fees will be handled by the City Council's Debt Recovery Team, and any related communication must be made directly with the team as identified. Please note that licence fee charges may be altered upon giving the Licensee at least one calendar month's written notice of intent.

The trader must immediately inform a Markets Officer in writing of any change of their name or address or business name.

Cancellations

Please note that all pitch fees are officially non-refundable, except under extreme circumstances or unless we are forced to cancel a market for any particular reason.

In the event of extreme weather conditions, a suitably experienced Markets Team officer will monitor and appraise in accordance with the relevant policy, declaring a non-market day or part thereof should it be deemed necessary on safety grounds.

Sickness Absence

There is no requirement for a sickness certificate to be produced but traders must inform the Markets Team as early as possible in the morning, if their stall is to be unused. In cases of long term sickness or pregnancy, a Markets Team representative must be informed, as a medical certificate may be required and appropriate arrangements regarding the operation and licence fee can be considered and agreed.

Goods Permitted

The trader is not permitted to make a material change in the class of goods for which approval is granted except with the written permission of the Markets Team, whose consent may be withheld.

Goods permitted must be displayed continuously (except seasonal goods as agreed in writing with Markets Officer). The trader must ensure that the stall is kept adequately stocked with goods attractively displayed each day.

The Markets Team have the right to request that you remove any item from your stall which you have not been given permission to sell.

The goods you are permitted to sell are strictly those listed on your initial application to trade form only. If you wish to introduce new items, you must seek prior approval from the Markets Team.

Goods offered for sale to the public must be legal. e.g. you must not sell pirated copyrighted materials, age controlled items, knives or other potential weapons or other items which the Market Team deem inappropriate. Goods must also in no present a hazard to you the trader, market staff or the public.

ENFORCEMENT OF MARKET CONDITIONS

The procedures below will normally be followed. However, depending on the severity and nature of the offence, it may be necessary to miss stages. The trader will be informed in writing before each stage why they are being interviewed (if required) and they may be accompanied by a Trade Association representative or a colleague at all stages of the procedure. The trader has the right of appeal against some actions taken, grounds of appeal will be based on either the facts of the case and/or the level of disciplinary action taken. All appeals must be made in writing, within ten trading days of the management's sanction, to the Facilities Management Service Manager.

Minor breach of conditions

Following a minor breach of the conditions, a Markets Team representative may conduct an informal investigation in whatever form deemed appropriate by the Officer to determine whether there has been a transgression. This may involve interviews with relevant persons (including the trader), consideration of documents etc. Markets Officers may issue an oral or written informal warning to the trader responsible (which is not recorded) or refer the matter to the next stage. There will be no right of appeal against this.

Standard breach of conditions

Following a standard breach of the conditions, a Markets Team representative may conduct an investigation in whatever form deemed appropriate by the Officer to determine whether there has been a transgression. This may involve interviews with relevant persons (including the trader), consideration of documents etc. Markets Officers may issue an oral or written formal warning to the trader responsible (recorded) or refer the matter to the next stage. There will be no right of appeal against this.

Stage 1: First Warning

Non-compliance with the trading conditions and or regulations may if necessary result in an interview of the trader by a Markets Team representative. If a satisfactory explanation is not forthcoming then a Markets Team representative will give a Stage 1 warning which will be confirmed in writing within ten trading days of the interview and or non-compliance.

Stage 2: Final Warning

If a subsequent offence, not necessarily related to the previous one is committed within twelve months a further interview may if necessary be held. This interview will be conducted by the Markets Service Manager with a Markets Officer. If a satisfactory explanation is not forthcoming then a Stage 2 warning will be given which will also state that a further offence may result in notice to quit or suspend, and confirmed in writing within ten trading days of the interview and or non-compliance.

Stage 3: Notice to quit or suspend

If a further offence, not necessarily related to the previous one is committed within twelve months, an interview may be conducted if necessary by the Markets Service Manager (or representative) and a Markets Officer. If a satisfactory explanation is not forthcoming then a notice to quit or be suspended from the market will be given and confirmed in writing within ten trading days of the interview and or non-compliance.

Note

In a case of gross misconduct the trader may be summarily dismissed on the appropriate notice.

Exceptions

In cases involving serious breaches that may have safety implications for staff, customers, other traders, or cases that in the view of a manager of directorate level would seriously threaten the proper functioning/management or reputation of the market, the Markets Service Manager (or representative) will have the option of suspending or terminating the trader's market attendance with immediate effect and to disallow trading during any possible appeal period. However, if this action is to be applied the Markets Service Manager (or representative) must clearly communicate this verbally and/or in writing to the Licensee and the reasons for the decision.

Appeals process

An appeal must be made in writing no later than 10 days following the issuing of any Markets Management notice to quit or suspend sanctions being applied. Appeals will be considered by the City Council's Facilities Management Manager (Appeal Officer) whose ultimate decision will be final.