



# **ORMSKIRK MARKET REGULATIONS**

## **CODE OF PRACTICE**

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## **Ormskirk Market - Market Regulations**

### **General**

1. West Lancashire Borough Council (the Council) has made the following regulations for stallholders trading on the outdoor market located in Ormskirk town centre. The Council may amend these regulations from time to time and a minimum of twenty eight days notice will be given to permanent stallholders prior to the implementation of any amendment to the regulations
2. The market is open for trading on Thursdays and Saturdays (except bank holidays) throughout the year. The times of operation are from 8.00am - 4.30pm March to October (inclusive) and 8.00am - 4.00pm November to February (inclusive)

### **Stallholder registration and application to trade**

3. All stallholders on Ormskirk Market must be registered with the Council and have completed the appropriate registration form outlining their details and goods/services they wish to sell- see Appendix 2 for details.
4. On receipt of the completed Registration form , applicants will be contacted and arrangements made to send a Market Trading Application Form where applicable.
5. Completion of the registration form and / or application form does not infer, nor guarantee that a stall will be offered to the applicant on a casual or permanent basis.
6. To ensure a wide variety of goods are sold on the market, applications to trade may not be accepted if it results in too many of the same or similar products being sold.
7. If there are no suitable stall vacancies available at the time of application details of applicants will be added to a waiting list, which will be maintained in the order of date of receipt.
8. The Council reserves the right to exclude, on valid grounds, any stallholder from inclusion on the waiting list or to remove any stallholder who has been included on the list.
9. The Council must be notified in writing, within seven days of any changes to the information that a stallholder has registered in connection with trading on Ormskirk Market.

### **Allocation of stalls and spaces to permanent stallholders**

10. The allocation of a particular stall or space will be by an annual licence agreement between the Council and the stallholder- see Appendix 2 for further details.
11. The allocation of a stall or space is personal to the stallholder who shall not assign, transfer, share or part with the stall or space allocated. The stallholder

may, however, employ other persons to assist him/her. The site or size of the stall or space allocated shall be at the absolute discretion of the Council.

12. A stallholder may nominate a manager to operate a stall on his behalf, subject to compliance with the relevant market regulations. The nominated manager must complete a registration form and supply a recent passport size photograph of himself/herself together with appropriate identification.
13. As far as practicable the Council would not normally allocate a stall on a permanent basis to a stallholder within close proximity of another stallholder selling the same or similar goods.
14. The stallholder shall only trade from the stall or space allocated and at the prescribed times, and must not trade from any other stall or space unless instructed to do so by the Council.
15. After a minimum of six month's trading, a stallholder may request to move to a different stall, and must do so in writing to the Market staff. The Council will try to accommodate such requests but is under no obligation to do so.

#### **Allocation of stalls and spaces to casual stallholders**

16. Casual stalls/spaces, if available, will be allocated at the latest by 9.00am on each market day. The allocation of a particular stall or space will be by a daily licence agreement between the Council and the stallholder, see Appendix 2 for further details
17. Casual stallholders must not set up on any stall or space before allocation by Market staff. Casual stallholders who refuse the offer of a stall or space at the allocation time may not be offered an alternative stall or space.
18. The allocation of a stall or space is personal to the stallholder who shall not assign, transfer, share or part with the stall or space allocated. The stallholder may, however, employ other persons to assist him/her.
19. The stallholder shall only trade from the stall or space allocated and at the prescribed times, and must not trade from any other stall or space unless authorised to do so by the Council.
20. The Council reserves the right not to allocate a stall or space for casual trading if, in the opinion of the Market staff, to do so would disrupt the balance of goods being sold on the market.
21. From time to time stalls may also become vacant on a temporary basis for a limited time period e.g. through sickness or holiday of a permanent stallholder. In these circumstances it may be offered on a casual stallholder basis to the most suitable stallholder from the waiting list. If a stallholder is unable to accept the offer of a stall it will be offered to the next most suitable stallholder from the waiting list. This process will continue until a stallholder accepts the offer to trade or until the list is exhausted.
22. The Council reserves the right not to allocate a stall that has become vacant.

## **Attendance**

23. Permanent stallholders must attend personally on appropriate market days unless he/she has a nominated Manager, approved in writing by the Council, operating the stall on his/her behalf. In these circumstances, the stallholder must attend the Market at least one week in every four. Attendance in this respect means attendance throughout the whole of the trading day.
24. In instances where a nominated Manager has been approved in writing by the Council he/she may only attend, in a managerial capacity, a maximum of three weeks in every four. Attendance in this respect means attendance throughout the whole of the trading day.
25. If the permanent stallholder or his manager fails to occupy the stall or space by the opening time of the market, the stall or space may be re-allocated for that day.
26. In the event of a permanent stallholder or his manager being unavoidably delayed, the stall or space may be reserved provided the Market staff are notified prior to the opening time of the market.

## **Absences**

27. Any absence must be notified to the Market staff in advance, as far as is reasonably practicable. For this purpose, a 24 hour answerphone service is provided for stallholders: Tel. 01695 570 125. See Appendix 6
28. In instances where a stallholder is delayed due to breakdown, traffic jams or other emergency and he/she has informed the Market staff accordingly, the stall will be held for such stallholder until not later than 9.00am on the day of trading. The stall may then be allocated under the normal casual allocation procedure.
29. In the case of absence through sickness of any period in excess of two weeks, subject to the production of medical certificates (originals, not photocopies, must be provided) an allowance of half stallage charges for the first two weeks of absence will be allowed.
30. If the absence through sickness continues for a period of 6 weeks thereafter stallage charges will be refunded, in full, by a credit adjustment to the next monthly invoice.
31. Where the absence is in excess of 8 weeks, the licence to trade will be suspended, and will be re-instated on production of a medical certificate confirming the stallholder is fit to trade. At least 7 days notice of the intention to return to trade must be provided. If an absence is in excess of 3 months the Council may consider the termination of the licence to trade.
32. Each permanent stallholder is allowed up to four booked absences per financial year, commencing 1<sup>st</sup> April, free of stallage charges provided that:
  - (i) the absences are actually taken and the stall is left vacant.
  - (ii) at least one week's notice is given, in writing, to Market staff.

- (iii) the stall holder has traded on the Market as a permanent stallholder since 1<sup>st</sup> April of that year and they trade for the full 12 month period.

### **Payment of charges**

- 33. Stall charges on the market can only be paid by direct debit, debit/credit card or cheque. Payment by cash will not be accepted.
- 34. Permanent stallholders will be issued with an annual invoice to cover the trading period 1<sup>st</sup> April to 31<sup>st</sup> March, or any part thereof. This invoice will set out the breakdown of charges due for each relevant stall location
- 35. Stall charges and all other charges levied to permanent stallholders are payable in advance and are due on or before the first day of the trading month, and must be paid as per terms of the annual invoice.
- 36. Casual stallholders' stall charges are payable on the day of trading to the Market staff. Payment may be made by credit/debit card or cheque. Payment in cash will not be accepted.
- 37. It is the responsibility of stallholders to ensure that they make payment to the Market staff in accordance with the regulations. Payment can be made on non-market days by credit/debit card by telephoning 01695 585037 or via the Council's website ([www.westlancs.gov.uk](http://www.westlancs.gov.uk))
- 38. The Council reserves the right to amend its charges from time to time, and will inform stallholders of any changes to its charges see Appendix 3 with at least 28 days' notice.
- 39. Non-payment, or persistent late payment of stall charges may lead to disciplinary action being taken against a stallholder, which may include suspension from trading, or termination of licence to trade.

### **Goods to be sold**

- 40. A permanent stallholder may sell or display for sale only goods authorised by his/her licence. For casual stallholders only those goods authorised by the Daily Licence may be sold.
- 41. Any requests for changes of goods must be made in writing, by the stallholder, to the Market staff and be subsequently approved in writing before such changes may take place. Changes in goods will not be permitted where it would result in too many of the same or similar goods being sold or if the same or similar goods are sold by another stallholder whose stall is in close proximity.
- 42. Stallholders must endeavour to keep the stall or space well stocked with goods throughout the full trading day and the stall must be fitted with display equipment appropriate for the products being sold.
- 43. Point of sale material should be tasteful and proportional to the products on display. The Market staff can request inappropriate displays to be removed at their discretion.

## **Access and parking of vehicles**

44. All vehicles requiring access to Aughton Street must enter from Park Road and leave via Moor Street unless instructed otherwise by the Police. All vehicles requiring access to Moor Street and Church Street must enter via Church Street and leave via Moor Street unless instructed otherwise by the Police.
45. A clear route through Church Street and Moor Street shall be maintained at all times, and, as far as practical, an unobstructed route shall be maintained in Aughton Street. Stallholders should ensure, when manoeuvring and reversing their vehicles, that it is safe and appropriate to do so.
46. Vehicles must be loaded/unloaded immediately and the serving of customers shall not be allowed during this period. When stationary all vehicles must have their engines switched off.
47. Access for emergency services must be maintained at all times on the market.
48. All vehicles must be removed from the market as soon as possible after unloading, and no later than 10.00am. No vehicle may return to the market before 30 minutes prior to the end of the market unless authorised by prior arrangement with the Market staff, see Appendix 4 for trading times.
49. Traders may park their vehicles on the Council car park at Park Pool, provided that they display a permit in the windscreen of their vehicle, obtainable from the Market staff and purchase and display a days parking ticket at the rate payable on The Stiles car park. Failure to display the permit and the parking ticket may result in a Penalty Charge Notice being issued for which a fine may be payable.
50. A limited number of parking spaces are also available on the car park at the rear of the Post Office. Stallholders who sell food will be given priority to park on this car park and those permitted to use the car park will be provided with a permit by market staff, which must be displayed. The area on which to park is restricted and they will be advised by Market staff where they can park. Failure to display the permit or parking in a restricted area may result in a Penalty Charge Notice being issued for which a fine may be payable.

## **Conduct of the stallholder**

51. The stallholder shall at all times conduct his/her trading in an honest, civil and businesslike manner, without causing nuisance, obstruction or interference in any way with the general public or with the trading of any other stallholder or retailer, and in compliance with instructions given by the Market staff or the emergency services.
52. Stallholders shall not permit the sale of any item from the 'Prohibited Goods' list. This list, which is reviewed periodically is available for inspection at the Market Office see Appendix 5.
53. Stallholders shall not permit the sale of any item to a person under the age of 18 years which should only be sold to a person over the age of 18 see Appendix 5.

54. Stallholders shall refrain from "pitching" or "loud selling" with the use of equipment that amplifies or increases voice or sound levels.
55. Stallholders shall not conduct an auction.
56. Stallholders shall not place their goods on any vacant stall(s) unless they have paid the appropriate charge for the additional space used, unless given the express permission of the Market staff. Stallholders shall not cause or permit any dogs, cats or other animals (whether domestic or otherwise) to enter any stall or any part of the Market except for an assistance dog for visual or other impairments, unless written permission has been granted by the Market staff.
57. Stallholders shall not broadcast nor permit the broadcasting of any music or sound by any mechanical or electrical means that is deemed by the Market staff to be a nuisance or annoyance to other stallholders.
58. Stallholders shall not bring onto the Markets any dangerous or inflammable liquid or substance without the prior written consent of the Market staff.
59. All stallholders must comply with all statutory and other legal requirements, both civil and criminal, in particular those relating to consumer goods and services, traffic regulations and employment of children.
60. Any damage to stalls must be reported to the Market staff as soon as practicable, and in any event prior to the end of the day's trading. Any damage caused as a result of mis-use by the stallholder will be made good by the Council and the costs will be recharged to the Stallholder.
61. All stallholders are responsible for the conduct of their employees and assistants in relation to these regulations. Failure by a stallholder to deal with notified contraventions of the regulations by his/her staff will result in disciplinary action being taken against the stallholder.
62. All stallholders shall take all reasonable steps to ensure the safety of members of the public, their employees, assistants and other stallholders.
63. All stallholders and all attending the market shall observe and comply with the instructions and requirements of Market staff or authorised staff of the Council in securing the proper management of the market.
64. Smoking is not permitted in any of the Market stalls or offices.

### **Hours of opening**

65. The markets shall be open for trading during the prescribed times, detailed in paragraph 2 and Appendix 4. Where permitted by the Market staff, stalls may open before, but no later than, the prescribed opening times.
66. All stallholders shall keep their allocated stall or space open for the sale of goods during the hours of opening.
67. The Council reserves the right to amend the opening hours, close or alter the layout of any market or close and stop the sales from any stall or space at any time without being liable for any loss sustained by the stallholder, directly or

indirectly, if it is in the best interest of the market or the general public with appropriate notice or at the instruction of the emergency services.

### **Adverse weather**

68. In adverse weather conditions the Markets Staff or an authorised Council officer may make the decision to abandon the market. The decision to cancel a market will be taken in the interests of safety, not only to stallholders, but also to customers and visitor to the market. No fees will be charged for that trading day and an adjustment will be made to the next available invoice. Stallholders who abandon the market based on their own decision will be liable to pay full market charges for that day, unless the Council subsequently cancels the Market on that day.

### **Encroachment (building out)**

69. No stall or space shall be altered or extended in any way without the written consent of the Council.
70. The granting of consent by the Market staff for Stallholders to place goods, other items or structures beyond the curtilage of the stall(s) is at sole discretion of the Market staff and any space used will be charged for, details of which are available in the Market Office see Appendix 3.
71. Goods and equipment shall not be displayed or deposited beyond the boundary of the stall or space and stallholders must conduct business from within the perimeter of that stall or space. The Council reserves the right to remove goods displayed or deposited beyond the boundary of the stall or space, which, in the opinion of the Market staff, are causing a nuisance, obstruction or hazard. The goods shall be either placed within the boundary of the stall or space or removed to storage, in the case of perishable goods the Council reserves the right to dispose of these.
72. Goods and equipment must not be placed on or hung from the stall roof, or from supports or other fixtures unless written permission has been granted by the Council.
73. No stallholder shall erect any canopy or awning other than the one approved, in writing, by the Market staff. Any canopy or awning approved by the Council, or any sheet used to cover a stall must be in a colour approved by the Council. All clips used to secure sheeting must be suitable for the purpose.

### **Disciplinary procedure**

74. Disciplinary action may be taken against stallholders for contravention of these regulations, which could result in the stallholders being suspended from the market and, ultimately, have his/her licence terminated for their allocated stall or space. Full details of the disciplinary procedure are contained in Appendix 7 attached to these regulations.

### **Cleaning and disposal of refuse**

75. All stallholders must keep the stall or space and its immediate surroundings in a clean, tidy and safe condition throughout the day.

76. Each stallholder is responsible for the cleaning and removal of all waste, packaging, spillages and litter from in and around their stall at the end of each trading day, with the stall and immediate surrounding area left completely clear of such materials upon departure from the Market.
77. Traders' refuse must not be deposited in public litterbins. A container is available adjacent to the Market Way car park for the disposal of stallholders' refuse. All stallholders are responsible for ensuring that their refuse is taken on a regular basis to this container. Should the container be full it is each stallholder's responsibility to ensure that refuse is fully removed from the market area at the end of the trading day.
78. All waste materials removed from Ormskirk Market must be disposed of in accordance with all relevant sections of legislative and regulatory requirements in relation to disposal of commercial waste.
79. Stallholders must not sweep refuse into, nor leave any item within or upon, the common aisles, ramps, corridors, roads or pavements of the Market.
80. Stallholders shall not do anything, which might cause the blockage of any sinks, pipes and / or drains. Any breach of this regulation will result in stallholders being held responsible for all consequential losses.
81. Food stallholders shall comply with all specific requirements and legislation relating to the storage and disposal of waste and the cleaning of premises.

### **Damage**

82. The driving of nails or screws into stall boards or other fittings, and the use or attachment of anything likely to cause damage to stall boards or other fittings is strictly prohibited.
83. The cost of repairing or making good any damage caused by the stallholder, to stalls or fittings or other market property, shall be charged to the stallholder.

### **Signage**

84. The name of the stallholder shall be displayed in legible writing on a board of adequate size in a conspicuous position while the stall or space is occupied.
85. The use of any additional signage (including A-boards), other than within the stall boundary, is prohibited except with permission, in writing, from the Market Staff.

### **Fixtures and fittings**

86. No alterations are to be made to any part of the stall without the prior written approval of the Market Staff.
87. Traders must not move or alter the position of any stalls previously set up by Council staff. If, for any reason, there is a requirement to move a stall, then arrangements must be made with Market staff, who will, if deemed necessary, authorise and make any arrangements.

### **Electricity and heating**

88. Electricity supply points are located at certain points within the market area. All stallholders are responsible for ensuring that any electrical goods or equipment they provide for connection to the supply or for use on the stall or space, satisfies relevant legislation and the relevant certificates shall be provided to the Market staff as appropriate.
89. No heating apparatus shall be used unless prior approval has been obtained in writing from the Council.

### **Public liability indemnity**

90. All stallholders shall maintain an insurance policy with a reputable insurer, to a minimum of £5 million cover against third party and public liability. The stallholder shall provide evidence of the insurance cover, to the Market staff on demand.
91. Stallholders who suffer loss or damage however caused, shall have no claim whatsoever against the Council, unless negligence of the Council's employees or agents or otherwise is proven.
92. Stallholders shall indemnify and keep indemnified the Council against all actions, proceedings, damages, claims, costs, expenses, losses, outgoings, liabilities of whatever nature arising out of, or in connection with, their negligence, or their use of stalls, or their use of any other part of the Markets, or arising from the breach by stallholders of any of these regulations.
93. It is the responsibility of stallholders to insure stock, fixtures, fittings and any other items against damage or loss howsoever caused.

### **Termination of occupancy of a stall**

94. A stallholder wishing to terminate the occupancy of a stall must do so by giving Market staff a minimum of one month's notice in writing.
95. A stallholder's occupancy of a stall may be determined at any time by the Council giving the stallholder three months' notice in writing, such notice to be served on the stallholder personally or by sending the same to the last known address of the stallholder.

### **Misconduct and disciplinary action**

96. The Council reserves the right to suspend or terminate a stallholder's occupancy of a stall forthwith, in accordance with the disciplinary procedures detailed at Appendix 7 if a stallholder, his/her nominated manager, approved in writing by the Council fails to comply with, or observe, any of these Regulations or the Market Byelaws or Licence Conditions. The disciplinary procedures also provides for the giving of verbal warnings, written warnings and final warnings.
97. Any stallholder whose occupancy of a stall is suspended, or terminated, shall have a right of appeal to the Council by giving notice, in writing, to the appropriate Manager in charge of the Market within seven days of the decision to suspend, or terminate, specifying the grounds of the appeal.

99. Any licenced stallholder whose charges are in arrears of more than two consecutive months will be deemed automatically to have terminated their agreement and the stall or space will be re-allocated, and appropriate action will be taken to recover any outstanding arrears.
99. Failure to attend and trade on the Market for a period of two consecutive weeks without prior notification to the Market staff or good reason being given shall result in the immediate withdrawal of the licence to trade without further notice.
100. Costs incurred by the Council in remedying breaches of any of these regulations may be recharged to the stallholder responsible for the breach. This includes, but not exclusively, the administration of any warning notices, arrears summons, suspension or termination letters. The charges of which can be viewed on the Council Web site or may obtained from Market staff see Appendix 3.
101. Misconduct under the disciplinary procedure – shown at Appendix 7 may result in immediate suspension or termination of the licence to trade.

#### **Application of market regulations**

102. These regulations shall apply to all stallholders on the Market.
103. Acceptance of a licence to trade on a permanent or daily basis is deemed as acceptance of the Market Regulations.
104. These regulations come into force on 1<sup>st</sup> April 2011 and supersede all previous market regulations.
105. The Council reserve the right to alter these regulations, together with all accompanying policies and procedures, which are available for inspection at the Market Office. 28 days notice will be given of any changes to the regulations.

**Glossary of terms**

“The Council” means West Lancashire Borough Council.

“The Market” means the market held in the town centre of Ormskirk

“Market Area” means the streets within Ormskirk designated by the Council for use of the Market

“Market staff” means the Council’s duly authorised representatives.

“Stall” means any structure, fixture, fitting, place or space provided by the Council within the Market Area which is designated or used or intended to be used for the sale of goods or services. A stall includes any mobile unit, trailer or adapted vehicle not provided by the Council, but approved and authorised by the Council for use within the Market Area.

“Permanent Stallholder” is a person who has been granted a licence to sell or display goods from a stall on a permanent basis.

“Casual trader” is a person who has been granted a licence to sell or display goods from a stall on a daily basis.

“Prohibited goods” means the list of goods that are not permitted to be sold on the Market.

“Nominated Manager” means a person employed by and under the direction of the Stallholder to operate the Stall, in his absence, on his behalf, and who has been approved by the Council to do so.

“Assistant” means a person employed by and acting under the directions of a Permanent or Casual Stallholder.

“Cover” means a sheet of canvas or other material, in a colour approved by the Council used to cover or enclose the stall.

“Refuse” includes any waste material.

“Commodities” means any goods, wares or merchandise for sale at a stall.

“Charge” means stall or space fee or rent.

“Market Days” are those days falling on Thursday and Saturday, excluding Bank Holidays or on other days designated from time to time by the Council.

“Stallholder” means any person licensed by the Borough Council under these regulations or otherwise permitted to use a stall within the Market Area by the Market staff.

“Goods” include provisions, commodities and articles of whatsoever nature brought on to the Market Area for the purposes of sale or display.

“Vehicle” includes any car, motor cycle, van, truck, lorry, cart, handcart, wheelbarrow or trailer used or designed for conveying goods to from and within the Market Area.

Where the masculine form has been used this includes the feminine form where appropriate.

Where the singular form has been used this includes the plural form where appropriate.

## How to become a stallholder

### Trading as a casual stallholder

Anybody wishing to trade on Ormskirk Market must be registered with the Council.

A registration form can be obtained from the Market staff, requested by telephoning 01695 570 125 or completed on line on the Council website. – [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

Completed forms (except those sent via the Council website) can be taken to the Market office or posted to the Council offices.

Receipt of the registration form will be acknowledged, and if possible an indication given of the availability of market stalls.

If a stall is not immediately available the details of the registration will be held, in receipt order, until a vacancy arises.

When a stall is available, an invitation to trade on a casual basis will be made and an application form will be sent. The application form must be fully completed and taken to the Market office together with:

- A current Public Liability Insurance policy (which must provide cover up to a minimum of £5 million)
- Two original and current (i.e. less than 6 month's old) forms of your identity and address, (e.g. drivers licence, passport, recent utility bill, bank statement)
- One current form of photographic identity, (e.g. driving licence or passport)
- A current passport sized photograph

A Licence to trade on a casual daily basis will only be issued when all the appropriate information has been completed and the specified documentation provided. A copy of the Regulations will also be provided

Two copies of the Licence will be issued which must be signed by the Stallholder, and one of which must be returned to the Market staff as acknowledgement of receipt of the licence and a copy and acceptance of the Regulations.

Any changes to the details provided must be notified immediately to the Market staff in writing.

If a manager is to be appointed he / she must also complete a registration form together with:

- Two original and current forms of the manager's identity and address, (e.g. drivers licence, passport, recent utility bill, bank statement)
- One current form of photographic identity, (e.g. driving licence or passport)
- A current passport sized photograph

In normal circumstances a stallholder will be expected to trade on a casual basis for a minimum of 2 months, before being offered a permanent licence.

The Council reserves the right not to offer a stall to the Casual Stallholder registered for the longest period on a permanent basis if it is not in the interest of Market to do so

If a Casual Stallholder is offered a Stall on a permanent basis and refuses the offer, the Licence to Trade on a daily basis may be rescinded and the Stallholder moved to the bottom of the waiting list or removed from it.

### **Trading as a permanent stallholder**

When a suitable stall is available it will be offered to a Casual Stallholder, who has been registered with the Council for the longest period, on a permanent basis. If the offer is refused it will be offered to the next most suitable and eligible Casual Stallholder until the stall is allocated.

A Permanent Trading Licence, renewable on an annual basis will be issued, together with a copy of the Regulations. Two copies of the Licence will be issued which must be signed by the Stallholder, and one of which must be returned to the Market staff as acknowledgement of receipt of the licence and a copy and acceptance of the Regulations.

The Council also reserves the right not to offer a Stall on a permanent basis if it is not in the interest of Market.

Permanent Stallholders must give 4 week's notice in writing of the intention to cease trading on Ormskirk Market.

**Charges**

Charges are displayed in the Market Office or can be inspected upon request from the market staff, they are also available for viewing on the Council's website

Charges are subject to review and 28 days' notice will be given to stall holders of any changes to them.

Charges are payable in advance on the first day of the trading month, except for Casual Traders who must pay at the start of each day's trading.

Failure to pay charges will result in disciplinary action being taken, which could result in suspension of trading or termination of the Licence to trade as a stallholder, with appropriate action being taken to recover any outstanding charges.

**Hours of trading and access to the market**

The market is open for trading on Thursdays and Saturdays (except bank holidays) throughout the year. The times of operation are from 8.00am - 4.30pm March to October (inclusive) and 8.00am - 4.00pm November to February (inclusive).

For the purpose of loading goods onto the stall vehicles may only be brought onto the market from 7am and should be removed as soon as possible, but in any event must be removed by 10.00am.

Vehicles may only be brought onto the Market to remove goods from the stalls from 4.00pm March to October (inclusive) and 3.30pm November to February (inclusive). All stalls must be cleared, and vehicles removed by 5.30pm to allow stalls to be taken down and removed.

Care must be taken when loading or unloading goods from stalls and when bringing on, or removing vehicles from the Market.

### Prohibited goods and under age sales

The Council will not permit the sale of any illegal, dangerous, or inappropriate products on Ormskirk market. The following is a list of products / product groups, prohibited for sale on Ormskirk market.

The list is meant to be indicative only and not an exhaustive list. If a stallholder is unsure of the status of any items, which they are proposing to sell, then they should seek further advice from the Market staff, Trading Standards or obtain legal advice.

#### List of Prohibited Goods

- Guns, replica guns, ornamental swords and knives (except kitchen knives and cutlery)
- Crossbows
- Laser pens
- Novelty lighters without a child-proof mechanism
- Live animals
- Fireworks
- Counterfeit goods
- Illegally copied videos, CD's, DVD's, MP3 disks and computer games
- Drugs, drug related products or items promoting the taking of drugs
- Inappropriate or offensive products as deemed by the Council.
- Any items that are offensive, indecent, obscene or pornographic or that could bring the Council into disrepute
- The Council reserves the right to amend the above list of products or product groups at any time.

It is illegal for age restricted goods to be sold to those who are below the specified age limit even if they claim they are for an adult.

It is the responsibility of all Stallholders, whether permanent or casual to comply with any legislation regarding the sale of goods, with particular regard to the selling of goods to anybody under the age of 18, or appearing to be under the age of 18, unless acceptable proof of age is provided.

Disciplinary action, including immediate suspension and / or termination of licence to trade, will be taken against any Stallholder selling goods which are prohibited, selling age restricted goods to anybody below the specified age limit, or selling illegal goods. In addition the matter may be notified to the Police and/or Trading Standards.

## **Absences**

### **Sickness**

Any permanent licensed stallholder who is absent from the Market due to ill health must produce a medical certificate for absences in excess of one calendar week

In the case of absence through sickness of any period in excess of two weeks, subject to the production of medical certificates (originals, not photocopies, must be provided) an allowance of half stallage charges for the first two weeks of absence will be allowed. Stallage charges for any continuous period thereafter will be refunded by adjustment to the next month's invoice, provided that sufficient notice has been given, otherwise the adjustment will be made to the next invoice.

Where the absence is in excess of a total of 8 weeks, the licence to trade will be suspended, and will be re-instated on production of a medical certificate confirming the stallholder is fit to trade. At least 7 days notice of the intention to return to trade must be provided. If an absence is in excess of 3 months the Council may consider the termination of the licence to trade.

### **Other absences**

Each permanent stallholder is allowed up to four booked absences per financial year, commencing 1<sup>st</sup> April, free of stallage charges provided that:

- (i) the absences are actually taken and the stall is left vacant.
- (ii) at least one week's notice is given, in writing, to Market staff.
- (iii) the stall holder has traded on the Market as a permanent stallholder since 1<sup>st</sup> April of that year and they trade for the full 12 month period.

Refund of the market rent will be made for any booked absence by adjusting the payment to the next month's invoice, provided that sufficient notice has been given, otherwise the adjustment will be made to the next invoice.

### **Un-notified absence**

Any stallholder absent from the Market without notifying the Market staff (with the exception of urgent reasons) will be charged full stall and space charges for the period of absence.

Any stallholder absent from the Market (with the exception of urgent reasons) for a period exceeding two weeks will be deemed to have terminated their own license and the stall will be liable to be allocated to another Stallholder.

## **Disciplinary Procedures**

In terms of stallholders' conduct, attendance and performance, the Market Regulations, Market Byelaws and the Disciplinary Procedures aim to ensure that:

- all stallholders are aware of the expectations placed upon them.
- whenever possible, disagreements and the need for disciplinary action is avoided.
- all disciplinary matters throughout the Market are dealt with fairly and consistently
- a framework for dealing with the procedural issues fairly and consistently
- the market provides a suitable environment for customers using or visiting the market.

The stages of the disciplinary procedures are as follows:

### **Stage 1**

Initial non-compliance with licence conditions, Market Regulations and Market Byelaws (e.g. encroachment, servicing times, unauthorised addition to trade user clause).

#### **Action taken - Verbal Warning**

### **Stage 2**

Failure to comply with a verbal warning and/or a serious offence within the licence conditions, Market Regulations and Market Byelaws (e.g. repeat of types of non-compliance as Stage 1 and/or initial more serious case of such non-compliance such as blocking of public aisles).

#### **Action taken - Written Warning.**

### **Stage 3**

Failure to comply with a written warning and/or a more serious offence within the licence conditions, Market Regulations and Market Byelaws (e.g. repetition of non-compliance following previous warnings and/or initial more serious cases such as use of obscene language to the general public, late or non-payment of stallage charges).

#### **Action taken - Final Written Warning which may include suspension from trading.**

### **Stage 4**

Failure to comply with a final written warning and/or a very serious offence within the licence conditions, Market Regulations and Market Byelaws (e.g. consistent repetition of non-compliance following previous warnings and/or initial very serious case such as threat of assault on any person in the Market, selling goods listed on the Prohibited List or selling age-restricted products to an underage person).

#### **Action taken - Suspension from trading and / or termination of Licence to trade**

### **Stage 5**

Repeat of a very serious offence within the licence conditions, Market Regulations and Market Byelaws following suspension or continuation of successive offences or an extreme case (such as actual physical attack on any person in the Market)

indicating the need for termination of the licence or any failure to pay stallage charges as required by the Market Regulations (including a failure to comply with final written warning given in respect of late payment of stallage charges).

### **Action taken - termination of Licence to trade**

Disciplinary action will be taken at the Council's absolute discretion. It should be noted that in relation to certain offences the above procedure may not necessarily commence at Stage 1 nor will each stage necessarily be followed in numerical order (e.g. in appropriate cases disciplinary action may escalate from Stage 3 to Stage 5).

In addition, the examples of offences given in Stages 1-5 are meant to be indicative only and are not intended to be an exhaustive list.

A record of any disciplinary action taken will be held on file for a minimum period of 2 years.

### **Appeals**

Any appeal against disciplinary action must be lodged, in writing, with the Council within 7 days of the disciplinary action being taken.

Appeals will be dealt with at the level appropriate to the stage/severity of disciplinary action that has been taken.

Stage 1	No appeal allowed
Stages 2 and 3	Written appeal to the relevant Manager (or equivalent) in charge of the Market operation. The stallholder shall be notified in writing of the decision of the relevant Manager as soon as practicable after the decision is reached.
Stage 4	Written or personal appeal to the Licensing Appeals Sub Committee. The stallholder shall be notified in writing of the decision of the Licensing Appeals Sub Committee as soon as practicable after the decision is reached.
Stage 5	Written or personal appeal to the Licensing Appeals Sub Committee. The stallholder shall be notified in writing of the decision of the Licensing Appeals Sub Committee as soon as practicable after the decision is reached.

Where a personal hearing is convened a representative may accompany the trader.

Disciplinary action will be taken at the absolute discretion of the Council. It should be noted that in relation to certain offences the above procedure may not necessarily commence at Stage 1 nor will each stage necessarily be followed in numerical order (e.g. in appropriate cases disciplinary action may escalate from Stage 3 to Stage 5).

In addition, the examples of offences and actions given in Stages 1-5 are for illustrative purposes only rather than a determination of what may or may happen in any particular case. The examples are not intended to be an exhaustive list.