

# CONDITIONS FOR MARKET STALLHOLDERS

## May 2021

### 1. **Definitions & Meanings**

- 1.1 “The Market” is held in the Town on Wednesday and Saturday of each week.
- 1.2 “The Market Superintendent or any other authorised officer of the Town Council” is the person appointed by the Town Council to supervise all aspects of the market such as allocation of pitches, collection of fees etc.
- 1.3 Any references in these conditions to the Market Superintendent shall also be taken to apply to other persons who may be undertaking those duties.

- 1.4 “Market Traders” are: -

*“Bridport Market Regular Traders”* (hereinafter; Regular Traders) - those who have traded regularly in the town for a continuous period of 13 weeks or have attended 13 consecutive markets and have requested and been accepted onto the Bridport Market Regular Traders Scheme.

*“Casual”* - those who have not applied for and been accepted onto the Bridport Market Regular Traders scheme.

*“Frontages”* - the occupiers of premises adjoining the street who reserve, occupy and trade the area immediately outside the premises. No new frontages are being approved by the Town Council.

- 1.5 The Bridport Markets Regular Trader Scheme is the term used to define all those benefits and responsibilities that shall be accorded to Regular traders by Bridport Town Council.

### 2. **General Conditions**

- 2.1 These conditions apply to all categories of market trader unless otherwise specified.
- 2.2 The Market Superintendent has authority to refuse to let a pitch to any market trader who does not comply with any of these conditions.
- 2.3 Regular Traders shall display their Regular Traders Certificate on their stalls at all times. Failure to do so may result in tolls being levied at rates applicable to Casual traders.
- 2.4 Regular traders missing more than five consecutive markets, including Wednesday and Saturday, shall revert to the category of casual trader unless the absence is notified in advance and approved by the Town Surveyor using the Absence Notification Form (available on request).

- 2.5 Regular traders thought to be “gaming the system” by a establishing a pattern of attendance solely to benefit from the reduced rates and other benefits of being a regular trader (e.g. Only attending every 5<sup>th</sup> market) will be referred to the Town Surveyor and may be asked to become a casual trader.
- 2.6 Regular traders should notify the Market Superintendent of genuine absences including those due to weather or ill health by 7.30 AM on their normal market day(s)
- 2.7 Casual Traders shall display their names visibly on their stalls at all times.
- 2.8 All Traders shall ensure that their stalls are continuously staffed by at least one competent person over the age of sixteen years. The market trader shall be responsible for the actions of any person working from their stall.
- 2.9 Casual traders who have completed the relevant qualification period (see 1.4) and wish to be considered for the regular traders’ scheme should complete a Regular Traders request form (available on request) and pass it in the first instance to the Market Superintendent. Final approval is by the agreement of the Town Surveyor.
- 2.10 Occupiers of premises who reserve their frontages shall visibly display their names on their stalls etc. when trading in the market.

### **3. General Obligations**

- 3.1 Market traders shall indemnify the Council from and against all claims, damages, loss, expenses, and costs in respect of any explosion, fire, accident or injury to property, persons or things which may arise or occur through or in connection with the occupation or use of the stall. Valid Public Liability Insurance and, if appropriate, Market Traders Employers’ Liability Insurance Certificates must be presented with the application to trade on the market. A copy of all insurances must be sent to the Town Council on each and every renewal. Valid insurance must be held and be available for inspection at all times when trading on the market.
- 3.2 The Town Council is not liable for any damage caused by the market trader or their stall, goods, or employees.
- 3.3 When attending the market, traders shall not cause or permit any public or private nuisance at their stall, or otherwise cause annoyance, inconvenience or nuisance to the Council or its staff, or to other Stallholders, or to the public. This condition shall apply to both arrival at and departure from the market and include setting up and taking down.
- 3.4 Stallholders shall not by their actions or inaction bring the market into disrepute: including by the posting of or soliciting of comment on social media, e-commerce platform or other electronic medium.

- 3.5 The continuity of specific locations by traders is encouraged. However, no trader has the right to trade from a particular pitch in the Market.
- 3.6 No guarantee of the right to trade on the market or continuing availability of a pitch in the market, should be given by any trader when disposing of their goods or business to a successor.
- 3.7 Regular traders who intend to cease trading in the market are required to advise the Town Council accordingly.
- 3.8 All traders must sign that they will abide by these conditions before being allowed to trade on the market.
- 3.9 While Bridport Town Council will make every effort to ensure that updates and amendments to these terms and conditions are notified to all traders, it is the responsibility of all traders to ensure that they are familiar with, and abiding by, the most current version. This can always be found at on Bridport Town Councils website under [Terms and Conditions](#). A history of changes to this document is included at Appendix C. Bridport Town Council will not accept ignorance of any change when considering appeals against suspension, etc.

#### **4. The Stalls**

- 4.1 Pitches must be occupied by the market trader before 7.45am unless the Market Superintendent has been advised accordingly. Pitches not occupied by 7.45am will be allocated by the Market Superintendent.
- 4.2 The positions of all stalls shall be sited as directed by the Market Superintendent.
- 4.3 Stalls shall not be fixed to buildings or street furniture.
- 4.4 The Market trader may only routinely sell or offer for sale those goods listed on their application form. A stallholder may not amend the goods that they routinely sell unless approval has been given in writing by the Town Surveyor.
- 4.5 A-Boards or other advertising notices will only be permitted by permission of the Market Superintendent or Town Surveyor.
- 4.6 Spaces reserved and occupied by frontages shall be sited immediately in front of their property.

#### **5. Consideration of the Public and Safety**

- 5.1 The market trader shall not cause nuisance by noise, obstruction etc. to residents and users of the highway when erecting and dismantling their stalls and during the Market. Erection of stalls shall not commence before 7am and be removed by-5pm.

- 5.2 The market trader shall ensure that their stalls are set up and that their vehicles are unloaded and removed by 8.30am, unless agreed otherwise with the Market Superintendent.
- 5.3 Access to; seats, telephone call boxes, bus stops, crossings, etc. shall be maintained at all times.
- 5.4 Where a pitch is located adjacent to live traffic a 300mm (1ft.) safety zone shall be maintained to the edge of the carriageway. No chairs, stools or goods should be placed on the highway
- 5.5 A minimum footway width of 2m must be maintained at all times. Stalls shall be positioned behind any red lines on the pavement (where marked) to ensure maintenance of this footway width.
- 5.6 Stalls shall not obscure traffic signs or the visibility at road junctions and crossings.
- 5.7 Canopies, clips and display goods must be positioned high enough so as to cause no risk or danger to pedestrians.
- 5.8 Stalls and traders shall not obstruct or endanger the users of the adjacent highway. This includes the footway and carriageway.
- 5.9 Where a market stall holder has been issued with a permit by the Town Council or market superintendent to allow them to park a vehicle within the confines of the market then that permit shall be clearly displayed on the vehicle at all times.
- 5.10 Where a yellow weather warning (or higher) for wind has been issued by the Met office then traders should refrain from the use of gazebos, awnings, or other structures. Traders not observing this rule may be immediately asked to cease trading by the market superintendent and may be subject to further action from the Town Council.
- 5.11 Where adverse weather conditions or other undocumented hazards would pose a risk to either the trader or the public then the market superintendent may require that the trader modifies the way in which they trade or cease trading on that occasion. Traders not observing this rule may be immediately asked to permanently cease trading by the market superintendent and may be subject to further action by the Town Council.

## **6. Food**

- 6.1 Market traders proposing to conduct a food business from any stall should comply with the guidance given in Appendix A. NB a signed copy of these should be returned with the Terms and Conditions when completing your application.
- 6.2 Any market trader involved with the preparation of food on their stall must have any required certification as shown at [Appendix A](#).

## **7. Litter**

- 7.1 Market traders are responsible for ensuring that all rubbish, litter, unwanted goods, etc., are safely stored throughout the day, and removed at the end of the day's trading. Additional precautions shall be taken by market trader during inclement weather to prevent litter from their stalls being blown along the highway. Market trader will be charged at business rates for the removal of any litter remaining at the end of trading.
- 7.2 Market traders must make their own provision for safe disposal of markets waste. Market traders must not dispose of commercial waste in public bins.
- 7.3 Any market trader found to be using public bins for disposal of market waste could face sanctions as per section 9 of these conditions and may be charged any costs associated with the removal of the waste as per 7.1.
- 7.4 Any stallholder proved to be fly-tipping waste from their market activities will be banned from the market.

## **8. Payment**

- 8.1 Pitch fees for Bridport Markets may be collected in advance, on the day, or in arrears. Failure to meet payment requirements may affect the stallholders trading position.

## **9. Conduct and Behaviour**

- 9.1. Bridport Town Council will not tolerate abuse or intimidation of any sort. Market traders are required to ensure that they and their assistants are at all times competent, courteous, and helpful, treating the public, other traders, and council staff or staff from other agencies fairly and reasonably.
- 9.2. Bridport is a Rights Respecting town and market traders and their assistants must, in the operation of their business and behaviour, accord with the provisions of the Bridport Citizens' Charter.
- 9.3. Market traders or their assistants must not commit any acts of harassment (whether based on age, disability, ethnicity, gender, sexual orientation, gender-reassignment, marriage and civil partnership, religion or belief, pregnancy and maternity, health, and income status) against any person, including council staff and their own employees. Harassment is considered to include, but is not limited to:
  - 9.3.1. Violence or threats of violence towards any person.
  - 9.3.2. Abusive or insulting words or behaviour towards any person.
  - 9.3.3. Damage or threats of damage to property belonging to another person.

- 9.3.4. Writing threatening, abusive or insulting public messages.
- 9.3.5. Refusal, without reasonable cause, to serve or permit access to a stall, or provide or allow access to services provided from that stall.
- 9.3.6. Any act or omission calculated to interfere with the peace or comfort of any person, or to inconvenience any person to such an extent that it may be considered sufficient to bring the market into disrepute.
- 9.4. Market traders and their assistants must co-operate in allowing Bridport Town Council, other staff and contractors employed by the council, or representatives from other agencies to carry out their duties, which includes complying with any reasonable request or instruction. Such requests may include the production of documents such as those related to food registration where applicable.
- 9.5. Any complaints deemed by Bridport Town Council to be of a serious nature against a market trader or their assistant by members of the public, other market trader, council staff or relevant third parties may be regarded as grounds for immediate suspension from trading until the matter is resolved and could lead to a revocation of the right to trade..
- 9.6. The offering of bribes or inducements to officers will also be deemed to be a breach of conditions and those responsible may be subject to further enforcement sanction, including prosecution.
- 9.7. Any allegations made by market traders or their assistants against members of the public, other market traders or council staff will always be fully investigated. If such allegations are found to be without factual basis and were made in a frivolous, malicious, or disingenuous manner, then the suitability of the individual responsible for the allegation to trade, or assist in trading, may be reviewed and could lead to a revocation of the right to trade.
- 9.8. In order to protect our community, any existing market trader or assistant who is convicted, cautioned, arrested, warned or admits to the commission of any offence relating to drugs, dishonesty, public order, weapons or bladed articles, sexual offences, non-fatal offences against the person, consumer related offences (including safety, counterfeit, copyright, pricing and food hygiene) or the unlicensed sale and supply of alcohol will have their permission to trade, or assist in trading, on the market reviewed and could lead to a revocation of the right to trade.
- 9.9. Market traders and their assistants are strictly prohibited from trading whilst under the influence of alcohol or illegal substances.
- 9.10. Market traders and assistants must also comply with all relevant national and local legislation relating to money laundering and fraud. Any transactions considered suspicious will be reported by us to the appropriate authorities.
- 9.11. Smoking is prohibited by market traders and assistants within the confines of a market pitch.

## **10. Non-compliance with Market Conditions**

- 10.1 If any trader fails to observe any of these conditions and/or the instructions of the Market Superintendent, a verbal warning will be issued in the first instance.
- 10.2 Continuing failure to observe the market conditions and/or the instructions of the Market Superintendent will lead to a written final warning being issued.
- 10.3 If the written final warning is not observed, then a trader may receive a temporary ban for a period of up to 4 weeks or a permanent ban.
- 10.4 A verbal warning may be issued by the Market Superintendent or the Town Surveyor. Written final warnings and a decision on a temporary or permanent ban shall be made by the Town Surveyor or, in his absence, the Town Clerk.

## **11. Appeal Rights**

- 11.1 If a decision is taken by the Town Council to permanently ban a trader, then the trader may appeal against this decision and the appeal will be heard by a councillors' panel appointed for this purpose.
- 11.2 Any complaints regarding decisions taken by the Market Superintendent shall be submitted in writing to the Town Surveyor. The Town Surveyor will then, after the gathering of evidence, adjudicate and then rule on his decision. This decision is binding.

## **12. Contacts**

Bridport Town Council 01308 456722      8.30am to 5.00pm (Mon – Thurs)  
8.30am to 4.30pm (Friday)

Ken Hussey  
Market Superintendent, 07583 202541. (Market days only)

Daryl Chambers  
Town Surveyor, 01308 456722, 9.00am to 5.00pm

**Data Protection**

Bridport Town Council’s Privacy Notice can be viewed at <https://www.bridport-tc.gov.uk/privacy-policy/>. By signing below, you agree that the Council may process your personal information for providing information and corresponding with you in connection with the market only. You also agree that the Council can keep your contact information data for an undisclosed time or until you request its removal.

**Rights Respecting**

Bridport - the first town in the UK to declare itself Rights Respecting.  
The Citizens’ Charter has been adopted by Bridport Town Council and Bridport made its declaration to be a Rights Respecting Town on 31st January 2018.  
The 5 Key principles in rights and responsibilities are listed on [Appendix B](#).

**Climate Change**

Market traders should note that the Government, Dorset Council and Bridport Town Council have declared a climate and ecological emergency, and are encouraged to contribute to addressing the emergency in the operation of their businesses by:

- Promoting and operating a plastic-free environment, and in particular to avoid the use of single-use plastics;
- Considering how to maximise energy efficiency and where possible to ensure energy needs are met from renewable sources;
- Promoting walking, cycling and public transport and the use of electric vehicles;
- Prioritising local and sustainable food and other produce for sale.

**I agree to abide by these Terms and Conditions and that the Council may process my information in accordance with its Privacy Policy.**

Trading name.....

Proprietors name.....

Phone number .....

Mobile phone number .....

E-mail address .....

Goods sold .....

Signature.....

Date.....





# Bridport Town Council Markets

## MARKET STALL FOOD SAFETY CHECKLIST

Market:

1. Please provide details of the local authority which your business is registered with under the Food Premises (Registration) Regulations 1991

Name of Authority.....

2. Please indicate your latest food hygiene rating system score and the date it was awarded to you

5      4      3      2      1      Date Awarded:

Trading Name:.....

Name of Food Business Operator:.....

Business Address:.....

Type of Food:.....

	Yes	No
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Is all the food covered or otherwise protected?		
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Is there any refrigeration?		
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Is the food hygiene score displayed?		
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Are there facilities for hand washing?		
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Are there facilities for pot washing?		
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Are Allergy Warnings Displayed?		
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Is the stall clean and tidy?		
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Notes:

Market Inspector: ..... Date:.....

Stall Holder..... Date:.....



# Bridport Town Council Markets

## **FOOD SAFETY GUIDANCE FOR FOOD STALL TRADERS**

This document explains how to meet the food safety laws that apply to you while trading at a market. It covers the basic areas typical to market stalls that prepare or handle food & drink (including giving free samples), both open and wrapped.

The law requires you to; identify possible hazards to food safety, to know which of these is important for the type of food you prepare or sell, and to provide suitable controls to stop problems occurring – see the section on Food Safety Management Systems below.

### ***Protecting food from risk of contamination***

Food must be protected from the risk of bacterial, chemical and physical contamination during all stages of transport, handling, preparation, display and service. It is the stall holders/market trader's responsibility to identify hazards and implement suitable controls to prevent harm to food.

The risk of E. coli O157 cross contamination for example must be considered and controlled in any food business where both raw foods and ready-to-eat foods are handled.

Further guidance on controlling risk of contamination by E. coli O157 can be found by following the link below;

<http://www.food.gov.uk/foodindustry/guidancenotes/hygguid/ecoliguide>

### ***Transport***

- All foods must be wrapped, covered, or placed in sealed washable containers, to prevent contamination of food.
- All high-risk foods must be kept cool (*see section below on temperature control*) and the vehicles used must be kept clean and in good repair.

### ***Preparation***

- The surface on which you lay out or prepare food must be smooth and impervious; so that it can be thoroughly cleaned. If you are using wooden tables; you must provide plastic sheeting or other suitable covering material.
- You will need to wash and dry your hands from time to time and, if facilities are not provided or readily available on site, you must bring your own. These should include a supply of clean water, clean towels, bowl and soap.



# Bridport Town Council Markets

- For stall holders selling open foods, such as; raw meats or high-risk unwrapped foods such as cooked meats, dairy products, or seafood, there **must** be adequate hand washing facilities at the stall.
- If you are using knives or other serving implements, you will need separate washing facilities for these, **not** those used for hand washing. A separate bowl or sink must be used. You must also regularly wipe down surfaces with clean (preferably disposable) cloths using a food safe cleaner and disinfectant.

## ***Storage and Display***

- Ensure food surfaces are smooth, impervious and capable of being cleaned / disinfected.
- Keep raw and ready to eat foods apart at all times.
- Keep food off the floor, ideally 45cms above ground level.
- If the same person is to handle and serve both raw and cooked products, then strict hand washing immediately after handling raw foods must be observed.
- Protect food by covering or wrapping it where possible. Open food must be protected from objects such as insects and coins, etc. falling into it and from the public touching, coughing, or sneezing in the display area, by providing suitable “sneeze screens”.
- The provision of colour coded tongs or disposable gloves for handling different foods may be necessary to keep handling of open food to a minimum.
- Any free samples which are provided must also be protected against contamination e.g. use disposable cocktail sticks or forks to prevent handling. Samples should be left on display for as short a period as possible then replenished.

## ***Temperature Control***

- All perishable foods must be kept at a suitable temperature.
- Food which is usually stored in the fridge must be kept below 8°C (ideally less than 5°C).
- If a refrigerated unit is not available, it may be adequate to store the product in an insulated container with ice or ice packs.
- It is only possible to display the product at ambient temperatures for a short period of time - in most cases, no more than 4 hours.



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- It is recommended that you only keep a small amount of food at ambient temperature to minimise the amount of time it is out of temperature control.
- If you are selling hot food, you must ensure that it is thoroughly cooked to 75 °C or above before it is sold and kept hot prior to sale (above 63 °C).
- An accurate food probe, prepared with food safe disinfectant wipes, should be used for checking the temperatures of hot food.
- Temperature checks on chilled and hot foods should be recorded in a logbook as part of your food safety management arrangements.

## ***Traceability***

- You are required to demonstrate (through relevant documentation or information) who has supplied food products to you; including ingredients, so that the source can be identified at any time.
- If you supply to other food businesses, you must be able to show what product you have supplied and the customer details.

## ***Personal Hygiene***

- Hand washing is one of the most important steps in producing safe food. Hands must always be washed before starting work, after handling raw food and after any task which may have made them dirty, particularly after visiting the toilet.
- Clean over-clothing and, where necessary, a hat should be worn when handling food.
- Long hair should be tied back & jewellery should not be worn.
- Cuts or skin infections must be covered with a waterproof dressing.
- Food handlers must not handle food at all if they are suffering from an upset stomach. They must not handle food until 48 hours after they are symptom free.

## ***Training***

- Any person who handles food to any extent, whether the food is open or pre- wrapped, should be suitably trained or instructed in food hygiene matters.
- Handlers of open food should be trained to at least the Food Hygiene Level 2 (formerly the Basic Food Hygiene Certificate) or similar.
- Training must be regularly reviewed and updated.



# Bridport Town Council Markets

## ***Registration***

Every food business must be registered with the Local Authority where they are based. Registration is free and the application form can be obtained from your local Environmental Health Department

## ***Food Safety Management Systems***

All food businesses must prepare documentation that explains what food safety hazards are relevant to their operation and how they will be controlled and monitored. The type of system you adopt will depend on your business.

A very low risk business such as a stall selling vegetables will need to follow good hygiene practice, whereas a food manufacturer will need a fully documented Hazard Analysis Critical Control Point (HACCP) plan. A caterer or a stall holder selling homemade meat pies for example is somewhere in between. The Food Standards Agency has produced packs for caterers and retailers entitled “*Safer Food Better Business*”. If you require advice on the type of system to adopt, contact your Environmental Health Department.

## ***Allergens***

Allergic reactions to particular elements in food are becoming more widespread and can be catastrophic in individual cases.

At a minimum; stallholders should display a notice advising if the goods they sell contain any of the 14 recognised groups of allergens

This is a specialty issue and information is available at:

<https://www.food.gov.uk/topic/allergens#business-guidance>

<http://allergytraining.food.gov.uk/english/rules-and-legislation>



# Bridport Town Council Markets

## ***Further Information***

The purpose of this guidance is to advise you on how to meet the Food Safety Laws that apply to you whilst trading at a market. However, this leaflet cannot cover all aspects of the law or circumstances that may arise. You are advised to contact the local Environmental Health or Trading Standards services for more specific advice applicable to your business.

## **Useful contacts:**

Environmental Health - Email: [env.health@dorsetcouncil.gov.uk](mailto:env.health@dorsetcouncil.gov.uk)

Tel:01305 251010 / Fax:01305 251481

[Dorset Council - Environmental Health Guidance](#)

The Food Standards Agency

[www.food.gov.uk/](http://www.food.gov.uk/)

Tel: 020 7276 8000

Bridport Town Council,

Mountfield, Bridport. Dorset. DT6 3JP

Phone: 01308 456722

Email: [enquiries@bridport-tc.gov.uk](mailto:enquiries@bridport-tc.gov.uk)



# BRIDPORT CITIZENS' CHARTER

## General Rights & Duties

**As a human being we have certain rights and freedoms. In return, we are responsible for upholding the rights and freedom of all other human beings and engaging, as far as able, in activities that promote the wellbeing of everyone within the Town of Bridport and the wider community. As a community we expect our elected representatives to honour these rights and responsibilities.**

## 5 Key Principal Rights & Responsibilities

### 1 Freedom of belief, thought & expression

We have the right to make up our own minds, think and believe what we like, express our thoughts freely and discuss our thoughts with other people.

We are all responsible for respecting the ideology, thoughts and feelings of other people and defending their right to express them within the limits of the law. We have a right to safe and public spaces where people can speak and share ideas freely and with respect.

### 2 Democracy & access to public services

We have the right to fully participate in local and national government and have equal access to all public services.

We are all responsible for actively engaging in the democratic process to ensure freedom of speech, and that all public services which uphold the dignity and safety of all our citizens are not denied or restricted unfairly. We also have responsibility to hold elected representatives to account where they fail in their responsibilities.

### 3 Personal and community security

We all have the right to a safe, warm, dry home, economic security and access to health and social care and live in a safe environment. We have a right to expect that government will secure our country and our communities. We have a right to learn and maximise our personal potential.

We have responsibility for our own and any dependants' health and education by making responsible choices, but are also responsible for paying our taxes to ensure that local and national resources are available to deliver those essential services and aspirations.

### 4 Personal and community culture

We have the right to access, and freely participate in, the cultural life of the wider community and to protect and celebrate cultural differences within it.

We have a responsibility, therefore, to honour other peoples' culture. We are also responsible for respecting copyright and intellectual rights of those who create literature, music etc.

### 5 Environment

We all have the right of access to sufficient of the Earth's resources, but no more than to maintain the above rights.

We are responsible for not wasting natural resources, being aware of our carbon footprint and the consequences of our actions on the environment and natural community.

## Appendix C: Changes & updates history table

Date of change	Location of change	Purpose of change
4/5/2021	3.1	Clarification of terms
4/5/2021	3.9	Addition of new clause explaining the introduction of change history
14/5/2021	1.4 et al	Change in definitions to include Bridport Market Regular Trader
14/5/2021	2.4 & 2.5	Change in attendance requirements
14/5/2021	Appendix	Inclusion of absence notification form
14/5/2021	1.5	Definition of Regular traders scheme included.