



COLCHESTER STREET TRADING

RULES AND REGULATIONS

1. What do we mean?

- The Council means Colchester Borough Council.
- Market inspector shall be the person or persons nominated to act in this role by the Council.
- Street trading means trading in designated units within Colchester Town Centre as licensed by the Council.
- Stall means vehicle, space, table, pitch, trailer or any space where goods are sold.
- Site means the place allocated to a street trader.
- Primary Street trader means the person in whose name any agreement for a site is issued and who is responsible for any other worker, street trader or employee.
- Street trader means any person named on any agreement for a site.
- Trading Rights means the right to occupy a stall on an allocated site.
- Agreement means either the "casual" or monthly written notice between the street trader and the Council setting out the dates a site is available and the type of goods to be sold.
- Waiting list means any potential street traders awaiting a suitable position.
- In the case of catering, sale of same type of goods (3.6) means identical goods.

NB Any reference to action by the Council shall include any member of staff employed by them for the purpose of market and street trading operation and management.

2. General

- 2.1 Nothing in these rules or regulations shall be deemed to create the relationship of landlord and tenant between the Council and street trader.
- 2.2 "Stallage Rights" are granted by the Council subject to observance of all of these regulations or rules by the street trader.
- 2.3 The "primary street trader" is the person to whom stallage rights are given. The primary street trader may name up to 3 other persons on the agreement. These persons shall be the primary street trader's spouse, children or bona fide business partners.

- 2.4 Stallage rights will normally be granted on a monthly basis but provision for a casual (single day) agreement may be considered. Subject to the payment methods outlined below.
- 2.5 Payment for stallage rights must be paid in advance and be received before the 15th day of the preceding month to the contract period. Payments can be made via a debt/credit card to the Professional Support Unit by contacting 01206 508805. The payment line will be open Monday – Friday from 9am to 4pm. If Payment is not received in time then trading will not be permitted and/or discounts revoked (see 2.6).
- 2.6 The following discounts are available to those who maintain their account as per 2.5.
- 10 - 15 days 10%
 - Over 15 days 20%
 - Extra 5% off for permanent Street Traders who book three months or more before 15th December of any given year
- 2.7 The Council reserves the right in their absolute discretion to refuse stallage rights to any person or persons for any reasons.
- 2.8 Stall spaces will be let only on the street trading pitches available.
- 2.9 Street traders must comply with any instructions given by the Council's officers.
- 2.10 The Council reserves the right to alter any stall location, change the layout or vary the trading times on any occasion.
- 2.11 If any street trader contravenes any of these rules and regulations herein the Council shall invoke against the primary street trader the procedures set out in the Disciplinary Section of these rules and regulations.
- 2.12 If the stallholder is unable to attend due to bad weather, unsuitability of pitch or whatever reasons, no refunds will be granted under any circumstances

Trading Hours and Stallage

- 2.13 The trading site will be available for setting up between 5 am and 9 am. Street traders must be set up ready to trade between the hours of 9 am and 4.00 pm. Street traders vehicles must be removed by 8.45 am and will not be allowed back on site until 4.00 pm. Stallholders must be clear of the Street area by 6pm.

- 2.14 The market inspector may vary these hours on any day for any reason. In the event of adverse weather conditions or the trader's absence, no refunds will be made.
- 2.15 A street trader shall be in attendance personally at the site for a period of at least four consecutive hours between 9 am and 4 pm on any approved day.
- 2.16 Street traders shall not conduct "Dutch" auctions or similar methods of trading except on sites specifically agreed by the Council for that purpose.
- 2.17 Street traders shall not offer for sale any goods, which by reason of size, smell, noise, condition or nature are, in the opinion of the council, objectionable for any reason. Any goods identified as objectionable shall be removed forthwith from the area by the street trader.
- 2.18 Restrictions will apply to the sale of goods by street traders. Street traders must clearly state the type of goods to be sold when applying for a monthly agreement. No more than two street traders will sell the same type of goods at the market inspector's discretion and not within "eyeline" and within 100 metres of each other at the market inspectors discretion. Exceptions to this restriction will be fruit and vegetables and clothing, at the market inspectors' discretion.
- 2.19 Street traders may not sell goods outside or immediately adjacent to permanent retail premises selling similar goods.
- 2.20 Stalls or units must be of a size, shape and condition that meets the approval of the market inspector. The street trader must also trade from within the boundary of the stall and must not erect any tables/stalls in addition to the stall or trade from outside the boundary.
- 2.21 All passageways and viewing points reserved for pedestrians must be kept free of obstruction with particular attention to dropped kerbs for wheelchair access. This includes "A" frames which are not permissible outside the boundary of the stall.
- 2.22 Certain locations require the units to be fully mobile in the event of access being required by emergency vehicles. Street traders will be notified if allocated one of these positions.
- 2.23 Street traders shall not block any fire exits of premises adjacent to their stalls.
- 2.24 Essex County Council Trading Standards have developed a Code of Practice for markets and boots sales. Colchester Borough Council supports this and requires street traders to comply with this Code of Practice at all times. Copies of this code of practice are available from the market inspector.
- 2.25 Street traders shall be required to display a permit allowing entry to Culver Street West during the times when the Traffic Order restricts access to traffic.

Promotional Activities and Charity Fundraising

2.26 Street licences issued for promotional activities and charity fundraising are subject to the following:

- Leafleting is not permitted in the Town Centre
- A promoter of disposable products should provide waste collection with their stall
- Charity Fundraisers must provide a gazebo or similar structure that provides a clearly identifiable boundary which the fundraiser/s must operate within
- Charity Fundraisers must hold a collection licence in addition to their street licence. Apply here:
<http://www.colchester.gov.uk/CHttpHandler.ashx?id=22623&p=0>

2.27 Failure to comply with the rules set out in 2.26 will result in licence being revoked, and immediate cessation of promotional or fundraising activity. No refunds will be made.

Restrictions

2.28 Street traders cannot sell the following restricted items:

- Any inflammable liquids, gases, fireworks or similar articles which may cause fire or explosion
- Goods may be displayed or sold which in the opinion of the Council are inappropriate, dangerous or likely to cause offence to other traders or members of the public
- Counterfeit goods or goods in breach of copyright or patent
- Mains-powered electrical goods except for new items still in their original packaging
- Second-hand or used electrical goods, even if PAT-tested

2.29 No animals or pets are permitted within or adjacent to stalls.

2.30 Smoking is not permitted by Traders, their employees and suppliers within or near stalls/pitches in line with 2007 legislation which banned smoking in enclosed/substantially enclosed workplaces and public spaces. Traders should not serve members of the public in any instances whilst smoking. This is to protect traders, their employees, suppliers, neighbouring traders and their stock as well as customers.

3. Safety, Nuisance and Identification

3.1 It is the street trader's responsibility to ensure the site is kept clean and tidy during the day and is left clean and tidy at the end of each trading day. Any refuse, litter or spillages must be deposited in the appropriate receptacle or

cleaned up. It is the street trader's responsibility to remove all waste during and at the end of each market day. Street traders are expected to separate waste for recycling.

- 3.2 Generators are permitted but they must be of the silent running type, the noise level must equate to a car ticking over and must not exceed 65DB(A) measured at a distance of one meter from the source. Street traders must have appropriate firefighting equipment, which is regularly serviced and maintained. Generators must not be placed in a position where a disturbance may be caused.
- 3.3 Street traders must display either their trading name and address or the Council's official "stall number" notice on all trading days.
- 3.4 Dismantling of stalls and units must not commence before 4 pm on any day unless otherwise directed by the market inspector.
- 3.5 The primary street trader shall indemnify the Council against all costs, claims and demands resulting from damage caused to the market area by the primary street trader, street traders and any employees in and about the exercise of stallage rights.
- 3.6 The primary street trader shall indemnify the Council, its employees and agents from and against all costs, claims and demands in respect of bodily injury to or illness or disease of third party property arising from the occupation and use of the site.
- 3.7 All licensed and casual Traders are required to hold and maintain valid insurance cover for third party public and products liability with a limit for claims of not less than £5 million, and employers' liability insurance cover with a limit for claims of not less than £10 million.

Traders shall provide evidence of insurance cover upon application for a contract to trade.
- 3.8 Prior to the first days' trading, Traders will be required to supply proof of their right to work in the UK and that of employees working on their behalf, paid or unpaid. Typically a valid passport or work permit is sufficient– check here for full details: www.gov.uk/government/publications/acceptable-right-to-work-documents-an-employers-guide

This data will be kept secure and confidential between the parties.

4. Subletting, Assignment of Rights and Sale of Good Will

- 4.1 Primary street traders are not permitted to sublet their stallage rights.
- 4.2 Upon the death of any primary street trader the Council will permit a spouse or child to take over the agreement, provided that the new street trader

complies with the street trading rules and regulations and continues to sell the same line of goods for the remainder of the current contract period.

5. Discipline

- 5.1 Breaches of rules or regulations will normally be discussed with the street trader concerned as soon as the market inspector is aware of any breach. Street traders will normally be asked to correct any breaches or comply with any rules in the first instance.
- 5.2 If a street trader does not comply with a verbal request, or if a further breach occurs on the same day, then a formal written notice will be issued as soon as possible.
- 5.3 Any written notice issued in 6.2 will remain active for a period of 6 months, if a further written notice is issued during this period the street trader will be automatically suspended for the next trading day.
- 5.4 If any street trader incurs two periods of suspension in any period of 12 months then their stallage rights will be removed. Traders will be permitted to reapply for stallage rights but will be placed at the bottom of any waiting list.
- 5.5 Street traders suspended or removed from trading are still liable to the fees due for any period of absence under their agreement.
- 5.6 Disciplinary matters will, in the first instance be dealt with by the market inspector and if necessary be referred to the appropriate Council Officer.

6. Appeal Provisions

- 6.1 The Council will discuss any issue and give reasons for their decision in the first instance.
- 6.2 If street traders are not satisfied with the explanation or decision they may contact the Council who will review any action and respond in writing stating their decision if required.

7. Street Trading Management

- 7.1 Council officers will act openly, honestly and without favour.