

	Meeting (No)	<b>Market &amp; Town Hall Committee (6)</b>
	Date	<b>21 February 2023</b>
	Document	Ref No
	<b>Market Terms &amp; Conditions</b>	<b>MTH6/75</b>

The amendments to the market trader licence terms and conditions were approved at the meeting on 01.11.22. Following this a consultation period of 14 days with market traders took place, as is stated in the terms and conditions.

The traders brought to our attention that the proposed changes to the leave entitlement and free trading weeks would result in gaps on the market as traders would be forced to take actual leave, rather than trading for free, to prevent them from losing all of their entitlement. The traders who would be mainly affected by this would be the longstanding larger trading stalls who rarely take actual leave, if at all.

Traders have also expressed concern over not being allowed to put up gazebos if high winds are forecast, this is something that does not happen on other markets. They do however realise that they must take them down immediately if high winds do actually occur.

After discussion it is proposed that the following changes and additions are applied:

#### To be removed

#### To be added

- 10.7 Traders not wishing to take advantage of their 8 days' leave entitlement per year can trade without paying pitch fee for a maximum of **4 6** markets in any one year. Traders are responsible for notifying the Markets Officer before any fees are collected. Any leave entitlement not taken by 31<sup>st</sup> March will be forfeited. **All other fees such as storage, electricity and parking will still apply.**
- 10.8 A trader is not expected to take more than the allocated 8 days leave entitlement weeks. **If a trader does not attend the market once the full 8 week's holiday entitlement has been used up. The trader will be charged the casual trader fee, in addition to their pitch fee, for a period of 4 weeks. This will be repeated each time the trader does not attend until the end of the current holiday year. Frequent occurrences may result in the trader's licence being revoked. Once all allocated leave has been used traders must then pay back fees for any missed weeks.**
- 10.8.1 A casual trader will not have any leave entitlement.**
- 10.8.2. Traders not trading on a weekly basis will have their leave entitlement pro-rated accordingly.**
- 10.8.3 A new trader must trade for 2 months before any leave entitlement is granted. During this time back fees must be paid for any missed weeks. New traders cannot take advantage of free trading weeks (see 10.7) until they have traded regularly for 6 months.**

5.4.6 Gazebo's must not be used in if wind speeds of over 20mph occur. If wind speeds of over 20mph are forecast gazebos can be used providing the market officer is satisfied that they have been sufficiently secured or weighted down. If the forecast wind speeds do then occur traders will be instructed to take down gazebos immediately and must therefore bear this possibility in mind when setting up stalls in these circumstances (trading from vehicles as in 10.18 may be necessary). The Council will not be liable for any damage during movement or construction of the gazebo, however caused.

10.18 *In the event of bad weather permanent traders who have provided a risk assessment and have been notified that this has been approved, may be permitted to trade from suitable vehicles if the Markets Officer deems that it is safe to do so, the trading hours may be reduced in this situation. There will also be no vehicular movement on the market during trading hours.*

**Nicky McMahon**

**Senior Market & Support Co-ordinator**