

# THE ST. NICKS CHRISTMAS TRADING

## CONDITIONS OF TRADING

### MARKET DAYS AND HOURS

#### The Christmas Market opening hours:

Corn Street/Wine Street Christmas Trading

Monday, Tuesday, Wednesday, Thursday, Friday, Sunday 10:00am – 5:00pm. Saturday 10:00am – 6:00pm. Christmas Eve 10:00am – 3:00pm.

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 09:45am may be let to casual traders or used for other purposes as appropriate.

Stallholders must keep their stall open for business for the entire duration of the opening hours indicated above. No stallholder will be allowed to open late in the morning or shut before closing unless prior authorisation has been given. In emergencies, agreement from the Markets Office should be obtained before closing a stall.

### VEHICLE ACCESS/EGRESS

No vehicles will be permitted onto the market site before 8:30am. Vehicles must be off the site by 9:45am. Vehicles are not allowed on-site between 09:45am and 5:00pm or whenever the market is in operation unless authorised to do so.

Traders' vehicles are allowed back on-site at the end of the market. All vehicles are to be off site an hour after the market has closed.

All traders' vehicles must use hazard warning lights and travel at 5mph while in the market area. Additionally, traders must always drive in a forward 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.

### 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. The council will accept no liability.

### DISPLAY & STALLS

All traders must display their business name and market contact information on their stall in a visible position for public view. 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 agreed allocated space, as defined by the umbrella canopy (or gazebo as per the Covid Security Outdoor Trading), 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 neighboring traders.

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

**We ask that all traders dress their stalls accordingly for the Christmas period e.g. lighting and decorations.**

**The use of traders' own mobile trading units or other alternative stall equipment or shelter is not permitted unless prior, written agreement has been gained from the Markets Team or we are operating under the Covid Security Outdoor Trading measures.**

### **Advertising**

Advertising and promotion of the market by the Licensor is subject to financial budgets. Nevertheless, you are encouraged to place your own advertisements, at your own expense. The markets office shall utilise social media for the duration of the Christmas period and also encourage traders to do the same.

### **Sale of Alcohol**

Traders wishing to sell alcohol must have their own licensing in place. A TENS is required for your stall location/number and NOT St Nicholas Market and this must be confirmed by the Markets Office prior to a TENS application. Copies of all documentation will be required period to trading.

### **Food**

All traders must be registered with a Local Authority Food Safety Team, and comply with any legislation laid down by them. All food safety queries should be directed to Bristol City Council's Food Safety Team on 0117 9222500 or [food.safety@bristol.gov.uk](mailto:food.safety@bristol.gov.uk)

The trader selling foodstuffs must take every precaution to avoid food contamination (including proper treatment for repression of vermin and prohibition of smoking on the stall). The Licensee(s) and their staff shall comply with:-

Food Safety Act 1990;

Food Premises Registration Regulation Act 1991;

Food and Environmental Protection Act 1985;

Food hygiene (Market Stalls and Delivery Vehicles 1966) as amended by the Food Hygiene Amendment Regulation Acts 1990 and 1991, and any other relevant Acts of Parliament and regulations relating to food. All persons handling food should possess and publicly display (on the stall) a 'basic food hygiene' certificate.

### **General Inspections & Certification**

Representatives from other council departments such as Environmental Health, Corporate Health and Safety or Trading Standards may make unannounced visits to the market, at which point you must co-operate fully with their requests.

Traders utilising portable electrical appliances must supply a copy PAT certificate (Portable Appliance Tested) unless under 12 months old (proof required upon request). No liability will be accepted by the council.

All persons handling food should possess and publicly display (on the stall) a 'basic food hygiene'

certificate, and produce the certificate to a Markets Officer upon request

## **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.

## **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 Council. 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 & Payments**

Stall fee payments are collected via an associated City Council payment system and your pitch is not guaranteed until it has been paid for.

## **Cancellations**

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

## **ENFORCEMENT OF MARKET CONDITIONS**

There is a 3-Strike Policy in place, two offences will be dealt with via verbal warnings, then the third offence you will be required to cease trading and leave the event site. You will then be informed by letter detailing the nature of your offences and the reasons you were asked to leave.

### **Stage 1 - First Warning**

Non-compliance with the trading conditions and or regulations may if necessary, result in an interview of the trader by the Market Manager. If a satisfactory explanation is not forthcoming, then the Market Manager will give a Stage 1 verbal warning.

### **Stage 2 – Final Warning**

If a subsequent offence, not necessarily related to the previous one is committed within the Christmas Market and if a satisfactory explanation is not forthcoming then a Stage 2 Final Warning will be verbally given.

### **Stage 3 - Notice to quit or suspend**

If a further offence, not necessarily related to the previous one is committed within the Christmas Market, you will be issued with a notice to leave. This will have immediate effect and you will be escorted from the event site.

#### **Note**

In a case of gross misconduct involving violence, drunkenness or sexual misconduct, the trader can be immediately dismissed by the Market Manager and a letter will be sent detailing the incident.

If any trader refuses to leave the event site, the Police will be called, and the Trader will be escorted out of the event site.

#### **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 BCC Markets Team and a reply will be issued within seven days.