

**Machynlleth Town Council
Y Plas
Aberystwyth Road
Machynlleth
Powys
SY20 8ER**

**OUTDOOR PRODUCE MARKET
REGULATIONS**

Definitions

1.
 - a) "The Council" means Machynlleth Town Council.
 - b) "The Market" means the open markets held in, Machynlleth, and at other locations determined by the Council which may come under their control at a future time.
 - c) The street market management functions of the Council may have been delegated to others by agreement at some of the above sites.
 - d) The "Market Officer" means the Council's duly authorised representative.
 - e) "Stall" includes a compartment, standing bench, table, place, pitch, space, vehicle or trailer in the market and used or intended to be used for the sale of goods.
 - f) "Goods" includes provisions, commodities and articles brought into the market for the purpose of sale.
 - g) A "Regular trader" is a trader who has been granted the privilege of using a particular trading position on a particular day at a particular market site.
 - h) A "Casual trader" is a person who attends a particular market with goods in the hope of being allocated a trading position for that day only, from the vacant positions remaining available after the regular trader's deadline has passed (9am). A "casual" trader will be considered for a "regular" privilege when a suitable pitch becomes available and must be previously registered for reasons of regular attendance with the Market Officer.
 - i) A market may consist of areas for both regular and casual traders and both are defined as stallholders.
2. These regulations govern the use of stalls in the Market by stallholders.
Any stallholder who contravenes any of the regulations or any of the by-laws relating to the Market may be refused permission to pitch a stall in the Market.
The regulations of the authority are in conjunction with the by-laws under [section 61 of the Food and Drugs act 1955](#), in respect of produce and livestock markets.

Machynlleth Town Council are managing the market on behalf of Powys County Council who having gained the status through successive local government reorganisations in 1974 and 1996 are the administrators of the open and charter markets.

MARKET DAYS AND TOLLS

3. The Market Shall be on Wednesday 8am – 4pm
4. Market days may be varied by the Council by virtue of public holidays and shall not be held on Sundays, Christmas Day, Boxing Day or New Years Day.
5.
 - (a) Except as hereinafter provided, tolls shall be payable on Market and Fair Days on demand to the Market Officer.
 - (b) The tolls based on the area occupied by a stall shall be payable as per current tolls. The Council reserve the right to review tolls as they see appropriate.
 - (c) Markets managed by others on behalf of the Authority may set their own tolls in accordance with the requirements of the market lease.

RESERVATION AND ALLOCATION OF PITCHES

6. Should a 'regular' stall become available for letting, the Market Officer shall first consider applications from existing 'registered casual' stallholders on a historical seniority basis (see 1.h), and then shall allocate remaining casual stalls to those registered casuals appearing on the waiting list if no regular stallholder applies for that trading position.
7. In allocating stalls, be they regular or casual, regard shall be had by the Market Officer to the type of trade and whether it is in the best interests of the market and local community to allow the matter of historical seniority to be disallowed due to the detriment to adjacent traders. A trader may appeal in writing as per clause 42.
8. Should the Market Officer be of the opinion that a particular type of trade predominates to the detriment of the market and local community, no further trades of the type will be allowed onto the market. However, there is no limit to the number of stalls deemed to be selling the same type of goods and there is no minimum distance between such stalls which will both be at the discretion of the Market Officer. A trader may appeal in writing as per clause 42.
9. The Market Officer retains the discretion to introduce a novel or under-represented commodity, irrespective of casual list seniority, if it is considered to be in the best interest of the market and local community. A trader may appeal in writing as per clause 42.
10. No person shall erect a stall or bring any goods onto the market for the purpose of sale more than two hours before (i.e 6am) or allow them to remain there more than one hour after the market closes (i.e.5pm).
11. All vehicles bringing goods into the market must be removed immediately after they have been unloaded and in all cases by 10am. Such vehicles may not return to the market until 4pm (3pm in Winter) unless otherwise authorised by the Market Officer. In any case only one van per stall will be authorised.

12. No person shall be permitted by himself, his agent or nominee to place, erect or use more than one stall in the market on the same day except with the consent of the Market officer when in exceptional cases a person may be permitted to place, erect or use one additional stall in the market should unallocated space be available.
13. For the purpose of measuring the area occupied by a stall there shall be included in the area of the stall the ground immediately below its roof (if any) and the ground extending for 3 feet in front of a stall, or where trading is from more than one side of a stall, 3 feet in front of each side from which trading takes place. Provided that nothing in this regulation is to be deemed to authorise the placing of goods on the ground or the hanging of goods from the stall or elsewhere so as to obstruct or prevent the passage of pedestrians between stalls.
14. The maximum frontage of a stall shall be 9.23m (30 feet) and the maximum depth 3.65m (12 feet) (see Clause 13) while the minimum height of any part of the roof shall be 2m (6 feet 6 inches) from the ground.
15. Subject to these conditions, a trader desiring to attend regularly at any of the Council's markets may have a space reserved for each market day on paying the appropriate toll, for each market day. So long as the trader complies with all of the conditions contained herein a space will be reserved for him/her. Such stallholders will be known as Regular Stallholders. The Market Officer will use their best endeavours to allocate pitches in the market according to the length of time that the stallholders have been trading regularly in the market.
16. A pitch that is booked in advance shall only be held until 9:00am on market days. After that time as the case may be the Market Officer may re-allocate the stall to another trader who must off-load and remove any vehicles from the market within half an hour of the allocation of the stall. Stalls will not be allocated after 10am.
17. If a stall or a space of a regular trader is not occupied for a period of three consecutive weeks in any year it will be no longer be reserved unless notice in writing has been given to the Plas office giving adequate reasons for such an absence e.g., prolonged illness, in which case it may, at the discretion of the Market Officer be reserved for a longer period. Otherwise, it shall be considered vacant.
18. Any Regular Stallholder wishing to give up their stall shall give one weeks notice in writing to the Plas Office and the Council reserves the right to give one weeks notice to terminate the arrangement between them and the Regular Stallholder.
19. Stallholders shall occupy only the positions allocated to them by the Market Officer.
20. The allocation of a space in a market by the Market Officer is personal to a stallholder who must NOT permit anyone else to occupy that space or his/her stall.
21. Stallholders must inform the Plas office of their names and addresses.

PREVENTION OF OBSTRUCTION, NUISANCE AND DAMAGE.

22. Stallholders shall not place goods beyond the limits of their stalls as allocated by the Market Officer, either on the ground or hanging; all stallholder's goods, wares, empty crates and refuse must be stored within the area of stallage allocated to a stallholder.
23. Stalls must be pitched so that they face in towards pavements or footways.
24. Vehicles, including Carts, Handcarts, Wheelbarrows, Sack trucks, Trucks or Trailers may only be brought by stallholders into the market in such a manner that they will cause no obstruction to any public road, avenue, passage, pavement or footway use by the public. Nor can it inconvenience or nuisance other stallholders or occupiers of any premises adjoining the market and may not stand for longer than it is reasonably necessary for loading or unloading goods other than those vehicles properly adapted for use as a market stall.
25. No stallholder shall hawk, carry about or pitch any article for sale or by calling or making any noise by means of any instrument or otherwise seek to attract attention or custom to any building, stall or standing.

HYGIENE / WASTE DISPOSAL

26. Stallholders are required to keep their stalls and fittings and the space below and adjoining the stalls clean and free of litter, otherwise than, in a proper receptacle.
27. With the exception of Animal by-products waste (see clause 32) all refuse and waste shall be deposited by traders in the bags or receptacles provided by P.C.C. and/or at a location as stated by the Market Officer to be collected and disposed of by the Authority. Such provision to be arranged between the stallholder and P.C.C.
28. Every stallholder or occupier of a stall shall as often as necessary during any day on which the stall is used for the sale of goods and before he/she leaves the market, ensure all refuse from his/her trade or business is to be removed from the area occupied by him/her and cleansed to the satisfaction of the Market Officer and ensure that no goods, boxes, crates or litter of any kind are left on the pitch apart from waste in the appropriate bags.

29. Traders have a Duty of Care in law to ensure they dispose of their waste in accordance with current waste disposal legislation. Without prejudice to any liability that there may be under current waste disposal legislation or market by-laws, if a stallholder fails to comply with this regulation the Council may remove the refuse and cleanse the area before mentioned and the stallholder shall be liable to pay the Councils costs thereby incurred. In any event, such trade waste must not be placed in street litter bins.
30. By virtue of **The Animal By-Products Regulations 2003**, it is prohibited to dispose of most animal by-products to a landfill. It is the responsibility of stallholders in meat/fish related businesses to dispose animal by-products and residues in the appropriate manner. For more information, please visit www.defra.gov.uk
31. The Council disclaim all liability for incidents caused by, or arising from the disrepair, condition or construction of any stall not owned by them. See also Clause 39.
32. All persons selling foodstuff must comply with **the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations 1966, as amended, Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety (Temperature Control) Regulations 1995 and the provisions of the Food Safety Act 1995.**
33. All stalls shall be maintained in a good state of repair and condition and to the satisfaction of the market officer.

GOODS OFFERED FOR SALE.

36. Stallholders shall sell or offer for sale from their stalls only those goods approved beforehand in writing by the Council or the Market Officer. The Market Officer reserves the right to seek advice from Trading Standards Officers regarding hazardous, offensive or dangerous goods before permission to trade is issued.
37. Any request to extend or change the range of goods sold must be put in writing to the Market Officer.

INSURANCES

38. All stallholders shall hold a valid insurance policy for public liability for claims up to £10,000,000 and the Market Officer shall be at liberty to call for and inspect such policy of insurance and the receipt for the current premium at any time. No trader will be allowed to trade unless evidence of relevant valid insurance has been shown to the Plas office.
39. All risk assessments for individual stalls are the responsibility of the stallholders.

COMPLAINTS

40. Any complaint with regard to the regulations of the market must be made in writing and initially sent to the Clerk.
41. Stallholders shall comply with all directions of the Market Officer, which do not conflict with these regulations or any by-laws relating to the market. Additional local market regulations may apply to those markets managed by others, under formal agreement, on behalf of the Authority. Where necessary, such regulations will be approved in the first instance by the appropriate Committee of the Authority.
42. All allocations of the stalls are made on the express understanding that they may be terminated forthwith by the Market Officer in the event of any contravention by a stallholder of these regulations or of any by-laws made by the Council in respect of their markets.
43. A trader in dispute with the Market Officer regarding the implementation of these regulations may appeal in writing to the Clerk of Machynlleth Town Council, Machynlleth Town Council, Y Plas, Aberystwyth Road, Machynlleth, Powys, SY20 8ER.

Email: enquiries@machynlleth-tc.gov.uk