

# Fenland District Council

## Market Towns Service

### Section 1:- Code of Conduct – General Terms and Conditions

#### A) Introduction

This Code of Conduct aims to help all stakeholders to achieve a better understanding of how the Markets Service hopes to develop its relationships on the basis of partnership working and the types of responsibilities that are essential to the development of such a relationship. We (Fenland District Council) hope that this Code will prove a useful tool in meeting all stakeholders' expectations, and that it may be used to help strengthen and build the working partnerships and business relationships which will ensure the effective operation of our Markets Service. This code illustrates the Council's commitment to partnership working and achieving continuous improvements to our services to the community.

#### B) Why are we here?

The following statements illustrate the Market Towns Service role in relation to Fenland District Council's objectives and community provisions.

- 1) ***To provide the public with a convenient and accessible town centre shopping facility which embraces the spirit and intent of a traditional community Market, in an enterprising environment.***
- 2) ***To increase the vibrancy and vitality of our Fenland town centres by the provision of Markets, Funfairs and Special Events***
- 3) ***To provide trading opportunities and facilities for new and existing small businesses resulting in increased employment opportunities to the benefit of the local economy.***

## **C) Scope of this Code of Conduct**

This document relates to all Fenland District Council organised Events, such as: Community, Farmers' & other Markets and Special Events held in Chatteris, March, Whittlesey and Wisbech.

## **D) What are our respective expectations?**

In any partnership there are expectations on both sides relating to how the partners will act and what each will contribute to the partnership. All too often, partnerships fail because of differing expectations. As a starting point, listed below are various statements of intent which should form the basis of a practical and professional working relationship.

### ***What You can expect of Us:***

- 1) That we will use our best efforts to ensure that adequate trading facilities are available to stallholders for the whole trading day for each Market or Event.
- 2) We will provide you with a safe and healthy working environment.
- 3) We will apply Market Byelaws, Licence conditions, Regulations and this code of conduct to all traders and stakeholders fairly and equally in accordance with the Councils Comprehensive Equal Opportunities Policy.
- 4) We will only impinge on your trade when absolutely necessary to ensure that the Service's aims and objectives are met and in order to meet our legal obligations.
- 5) We will consider your views, treating all traders as equals.
- 6) We will be open and honest in our dealings with all stakeholders.
- 7) We will always attempt to resolve day to day trading issues fairly and promptly.

### ***What We will expect of You:***

- 1) That you will abide by all the Byelaws, Regulations and this code of conduct as they are there for the benefit of all stakeholders.
- 2) That you will provide the public with good quality goods at fair prices and will meet all of your legal obligations.

- 3) That you will treat your fellow traders, Markets Service staff and the public with respect, courtesy and professionalism.
- 4) That you will respond to surveys/questionnaires promptly and fully - these are distributed purely to benefit the market.
- 5) That you will be open and honest in your dealings with Markets Service staff and members of the public.
- 6) That you will work with us in resolving day to day issues quickly and amicably.
- 7) That you will respond to, and act upon, any reasonable requests made of you by the Markets Service staff, in the course of their official duties.

**All of the above intentions are fundamental to the development of an effective partnership between Fenland District Council's Markets Towns Service, Market Traders and other stakeholders.**

## **E) How can We help You?**

As a Council Service we are pleased to offer help and advice on any aspect of Market trading and Markets staff will be happy to meet with traders, stakeholders and other partners individually or collectively as required. Meetings can be conducted in confidence or in public, as appropriate.

### ***What You can expect of Us:***

We will always be willing to offer advice and guidance on any issue in a professional manner. A Markets officer will normally be available on every Market trading day.

### ***What We will expect of You:***

That you will ask for assistance on issues and listen to and act on the reply reasonably.

## **F) Equalities**

One of Fenland District Council's overarching principles is to be open and fair, ensuring equity in access to services for all. The Council aims to be a leading organisation for promoting equality of opportunity and diversity in East Anglia. We believe that any modern organisation needs to reflect all the communities and people it serves, in both employment and service delivery. We will challenge discrimination on the grounds of gender, race, marital status, age, disability, sexuality and faith/belief. To ensure the widest possible access to information, all Fenland District Council documents are available in Community Languages, Large Print, Moon, Braille, Audio Cassette and Electronic format on request.

### ***What You can expect of Us:***

That we will deal with every stallholder, member of the public and other partners with respect, fairly and consistently irrespective of gender, race, marital status, age, disability, sexuality and faith/belief.

### ***What We will expect of You:***

That You (or your staff) will never use discriminatory language or behaviour of any kind to anyone. Any act that might cause anxiety or offence to other stallholders, Market officers, partners or the public is strictly forbidden and will be considered a gross breach of this Code.

## **G) Health and Safety**

We are duty bound to carry out risk assessments on a regular basis and more importantly act upon any issue requiring attention. Occasionally, risk assessments may result in policy changes which may affect traders. However, it is important that traders recognise that changes to working practices in these circumstances are undertaken only in the interests of the safety of the general public, traders and staff.

### ***What You can expect of Us:***

We will undertake our inspections and legal obligations in an honest, fair, competent and thorough manner.

### **What We will expect of You:**

- 1) That you will at all times operate in a manner which is safe for public access and movement.
- 2) That you will uphold and support, without hindrance, action and service decisions taken on the basis of the Councils legal obligations.
- 3) That you will ensure that your vehicles, personnel and the general public are adequately insured against damage or injury in line with Market Byelaws and Regulations.
- 4) That you will bring any potential hazard noticed, to the attention of Markets Staff IMMEDIATELY.

### **H) Trading Standards & Customer Relations**

The public have the right to expect certain standards with regard to the goods that they buy. The law states that the goods must be:-

- ***Of satisfactory quality*** - This covers, for example, the appearance and finish of goods, their safety and durability. Goods must be free from defects, even minor ones, except where they have been brought to the consumers' attention, for example, if the goods are said to be shop-soiled.
- ***Fit for their purposes***, including any particular purpose mentioned by you to the purchaser - if the purchaser tells you he requires boots fit for climbing, that is what he should get.
- ***As described*** - on the package or display sign, or by the stallholder. If you tell a customer that a jumper is 100% wool it should not have acrylic fibres in it.

### **What You can expect of Us:**

- 1) We will give impartial advice to traders and members of the public when a consumer problem arises.
- 2) We will, if acceptable to both parties, mediate in disputes.
- 3) We will bring unacceptable standards of trading to the attention of the appropriate regulatory body. Serious breaches of Consumer Legislation (e.g. the sale of counterfeit goods) may be dealt with formally through disciplinary procedures.

- 4) We will provide upon request more detailed guidelines relating to various aspects of consumer related legislation.

***What We will expect of You:***

- 1) That you will remain aware of and act within all consumer and other associated and relevant legislation, (e.g. legislation relating to health and safety, weights and measures etc.)
- 2) That you will demonstrate a willingness to resolve customer complaints amicably and fairly.
- 3) That you will treat Market Officers and customers with courtesy and act in a professional manner throughout the process of dispute resolution.

**I) Day to Day Operations**

***What You can expect of Us:***

- 1) We will endeavour to provide safe and suitable trading facilities, as far as it is reasonably within our power.
- 2) Where appropriate, we will do our best to ensure that our equipment is maintained in a good state of repair.
- 3) We will operate a formal stall allocation procedure as detailed in section 3.
- 4) We will implement all Byelaws, Market Regulations and procedures in a fair and equitable manner and if necessary implement appropriate disciplinary action against offending traders.
- 5) That we will respond to all requests for action, or urgent attention to hazards or maintenance works, promptly and efficiently.

***What We will expect of You:***

- 1) That you will carry out your trading duties in an honest, courteous and businesslike manner, respecting all relevant market Byelaws and Regulations, in addition to complying with all appropriate legislation.
- 2) That you will keep your stall clean, tidy & presentable and follow established practices for disposal of trade waste at each location.

- 3) That you will comply with the reasonable directions of the Market Officer. Failure to comply will be treated as a disciplinary matter.
- 4) That you will use and operate any equipment provided by the Council in a safe and responsible manner. (The electrical supplies are provided for power and lighting NOT heating or other inappropriate use).
- 5) That you will never use obscene, discriminatory, threatening or abusive language or behaviour to anyone during the trading day. Any act that might cause injury, anxiety or offence to other stallholders, Market Officers or the public is strictly forbidden and will be considered a gross breach of this Code.
- 6) That you will not create any undue noise or play any music of an intrusive nature or do anything which in the opinion of the Markets Manager may cause a nuisance or inconvenience to other stall holders or members of the public. N.B. the use of amplification or public address equipment is prohibited. (As covered by the Control of Pollution Act 1974).
- 7) That you will NOT bring animals, birds or livestock into the market except in connection with an approved business, and with written authorisation from the Markets Manager.
- 8) That you will bring any potential or necessary remedial work required to Council equipment or to the Market place to the attention of the Market Officer IMMEDIATELY.

## **J) Consultation**

### ***What You can expect of Us:***

- 1) We will comply with the Council's Consultation Policy.
- 2) We will carry out a formal consultation at least once a year to enable all traders to give their views and comments
- 3) We will treat all responses confidentially and consider all views equally.
- 4) We will meet any individual or group of traders upon request.
- 5) We will recognise that small bodies of traders may not represent the views of all traders in the market and will seek to obtain the views of ALL traders on important issues.
- 6) We will recognise and respect the right of individual traders for self representation.

***What We will expect of You:-***

- 1) That you will take an active part in the consultation process, and respond to traders questionnaires fully and within the requested time period to give us a true reflection of stallholders and stakeholders views on issues.

## **Section 2:- When Things Go Wrong**

No one is perfect and occasionally things do go wrong. If you believe the Council or its officers are at fault you have the right to complain. (See section 5: Grievance Procedure).

***What You Can Expect Of Us:-***

- 1) We will investigate your complaint impartially, following our grievance procedure.
- 2) We will record details of any complaint/grievance.
- 3) We will act upon genuine grievances in a prompt and efficient manner.
- 4) We will inform you of the outcome of our investigations.

***What We will expect Of You:***

That you will fully co-operate with and supply the necessary information, to enable a comprehensive investigation of any grievance to be carried out.



## Section 3:- Stall (Pitch) Allocation Procedures

### 1. Casual Pitch Allocation

**‘Licensed’ traders will be given until 8.00am to occupy their pitches.**

- a) If ‘Licensed’ pitches are not occupied by 8.00am they may be allocated to casual traders unless prior notice of late arrival has been given.
- b) All ‘Casual’ traders will be issued with a ‘casual trader permit’ and list of Market rules. All relevant personal and insurance details as required must be provided upon demand.
- c) Regular ‘Casual’ traders may occupy a pitch before 8.30am providing approval has been given by the duty Markets Officer.
- d) All allocations will be carried out fairly with due regard to providing a balanced spread of trade lines throughout the market. Consequently pitches will be allocated based upon the duty Market Officer’s judgment rather than any particular traders’ preference.
- e). Where possible, ‘Casual’ traders selling similar lines to existing ‘Regular’ traders will be separated to avoid undue conflict. If this is not possible, Officers may allocate pitches to “Casual” traders even if conflict of trade lines exists. Duty Market Officers will not turn traders away if suitable empty pitches are available for occupancy unless the balance of goods or services would (in their opinion) be adversely affected.
- f) Should a ‘Casual’ miss three consecutive weeks attendance, he will revert to the bottom of the waiting list for consideration when spaces are being allocated for the day.
- g) At every Fenland District Council Market, ‘Casual’ traders must wait until 8.00am, when they will be allocated any vacant spaces by the duty Market Officer. If an Officer is not present by 8.30am, ‘Casual’ traders may at that time occupy any vacant designated pitch.

## 2. 'Licensed' (Permanent) traders Licence

**Applications for a permanent traders Licence will be considered based upon the following criteria:**

- a) Applicant's personal 'Casual' trader record in terms of attendance, compliance with Market Regulations, complaints received etc.
  - b) Proximity of vacant pitches - applications from existing 'Regular' traders (who wish to expand their existing trade line) whose stall(s) are adjacent to the vacant Pitch will be given priority.
  - c) Type of trade line – 'Regular' traders who specialise in under-represented trade lines will be given higher priority than traders whose lines are currently well or over-represented.
- a) Length and reliability of attendance on the specific Market day.

## Section 4:- Disciplinary Procedure

Fenland District Council has general principles within the Corporate Enforcement Policy relating to Prevention, Intervention and Enforcement for issues arising across the District. The Market Towns Service applies a disciplinary procedure which will operate in circumstances where this Code, Licence conditions, Market Byelaws or Regulations have been breached or other misconduct has taken place. The disciplinary process will be phased and will comprise of firstly, a recorded verbal warning, followed by a formal written warning, followed by suspension from the market pending an investigation by the Markets Manager, which may result in the permanent withdrawal of all Market trading rights. Traders have the right to appeal against any disciplinary measures imposed by firstly writing to the Markets Manager and if not satisfied, then by writing to Engineering Services Manager.

In certain circumstances, immediate suspension from the market may be imposed where Gross Misconduct is deemed to have taken place. Examples of Gross Misconduct include: a serious breach of Market Byelaws or Regulations including persistent encroachment onto the public highway, unauthorised removal of or damage to Council property, breaches of Health and Safety Regulations, fighting and malicious damage to Council or private property.

## **Section 5:- Grievance Procedure**

Fenland District Council will operate a grievance procedure which traders may follow should they wish to have a grievance investigated. An investigation into any grievance will be carried out upon receipt of a written notification to the Markets Manager. The Markets Manager will subsequently notify the trader in writing of the outcome of his investigations and any action deemed necessary. Traders have the right to appeal against a decision by firstly writing to the Markets Manager, giving reasons for their dissatisfaction. Upon receipt of a written reply to their appeal, traders may pursue their grievance by writing to the Engineering Services Manager. Should the matter still not be resolved, the aggrieved party may pursue a grievance through the Corporate Customer Complaints procedure.

For details on our Correspondence, Compliments and Complaints (3Cs) procedure, please contact our 3Cs team on 01354 622459 or 01354 622519. Alternatively, you can visit our website at [www.fenland.gov.uk](http://www.fenland.gov.uk), or email the team on [3cs@fenland.gov.uk](mailto:3cs@fenland.gov.uk).

## **Section 6:- In Conclusion: At the End of the Day**

### ***What You Can Expect Of Us:-***

- 1) That we will endeavour to positively support the operation of Fenland District Council Markets and Events.
- 2) That we will recognise your rights as independent traders and partners in the delivery of services to the community.
- 3) That we will value your contributions and feedback to promote closer working relationships and that we will listen to your views when making decisions that affect you.
- 4) That we will strive to promote and manage Markets and Events to the benefit of all concerned.

***What We Would Ask Of You:***

- 1) That you support the Council and its Officers in providing a quality service to the community.
- 2) That you recognise that you have responsibilities as well as rights.
- 3) That you co-operate with and support initiatives that seek to widen the vibrancy and appeal of the Fenland Market towns.
- 4) That you understand that the Council has to balance the needs of a single individual or group against those of the wider community.

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