



TIVERTON MARKET CODE OF CONDUCT



The purpose of this Code of Conduct is to protect and enhance the Market's reputation as a vibrant, attractive and safe environment for the shopping public, traders and employees of the Market.

General Conduct

- The Market Management Team will permit, decide or give an opinion, and act generally in all matters in the day-to-day running of the Market. All Traders and persons under their control are required to carry out any reasonable request or directions given by the Market Management Team for the overall general operation of the Market.
- Traders and their staff are expected to behave in a professional and socially acceptable manner at all times having regard to the interests of all traders and the Market as a whole.
- Traders are responsible for their own conduct and that of anyone working on or in connection with their stall at all times while they are on the Market.
- A breach of these Regulations by anyone working on or in connection with a trader's stall will be deemed to be a breach by the trader. The Licensee / Trader shall comply with and ensure that all servants comply with all reasonable directions of the Market Manager or their authorised representatives.
- In line with the Counter-Terrorism and Security Act 2015, Council property is not to be used for the purposes of promoting extremist views.
- The advertising of a business by illegal flyposting will result in the immediate withdrawal of permission to trade at the Market. Traders are advised that if this condition is contravened the Council will seek to recover the costs of removing any unauthorised material.

Conduct of Traders

- Traders and those working with them must not:
 - Use verbal abusive or bad language, physical aggression, shouting or intimidating behaviour.
 - Discriminate against anyone on the grounds of age, gender, race, sexual orientation, disability, gender reassignment, religion or belief.
 - Sell, use or permit the use of illegal substances on the Market.
 - Smoke (including use of e-cigarettes) in the toilets or the storage areas or within the confines of any stall, pitch or canopy on the Market.
 - Hawking / carrying goods about for sale.
 - Sell live animals on the Market.
 - Cause or encourage any nuisance or annoyance to the public or other traders or occupiers of property in the vicinity of the market (this includes shouting and throwing of items).
 - Make any noise or play music that is considered by the Markets Management Team to be a nuisance or inconvenience to other stallholders, customers or local residents.
 - Cook on their stall except where this is part of the product line set out in their Agreement.

- Use stalls for any purpose other than trading, or promotion of their Registered Charity/public service/campaign group.
- Breach any of the conditions outlined in the Licence Agreement (including appendices).
- Any activity involving calling, shouting, playing music or any other action intended to attract shoppers' attention to a particular stall or group of stalls ('pitching') is not permitted except with the absolute discretion of the Market Manager. If such activity, where permitted, causes nuisance or annoyance to fellow traders or customers of the market, the concession may be withdrawn without notice at the absolute discretion of the Market Manager.
- Licensees / Traders shall not offer goods for sale by wholesale or by auction.
- Stallholders and any person employed to work on their stall must be dressed appropriately whilst trading on the Market. Specifically, tops must be worn at all times.

Infringements / Disciplinary Code

The following procedures relate to breaches of market regulations.

- The procedure will normally be:
 - First breach: verbal warning will be given to the trader and noted on the Council's file.
 - Second and third breach: written warning will be given and recorded on the Council's file.
 - Any subsequent breaches may result in the trader's Licence Agreement being suspended. A suspension letter will be issued with the suspension to commence seven days from the delivery of the suspension letter.
 - In the event of continued breaches/ serious misconduct, the trader's Licence Agreement may be terminated.
- In cases of alleged serious misconduct, a trader's Licence Agreement may be suspended or terminated immediately, even for the first breach.
- All breaches will remain on the trader's record (as held by the Council) for a minimum period of (a rolling) twelve months.
- If a trader does not comply with a suspension then this will be taken into account as part of any disciplinary proceedings.
- The termination or suspension will not normally take effect until after any appeals procedure has been completed. However, the Council has a discretion to proceed as it thinks fit having regard to the circumstances of the case and the nature of the breach.
- Examples of conduct which may, following a hearing, normally justify termination of an Agreement are outlined below:
 - Serious misconduct or dishonesty;
 - Assaulting a member of the public, Council Officer or another trader;
 - Verbal abuse, harassment, intimidation, discrimination or bullying towards a member of the public, Council Officers or other trader(s);
 - In the reasonable opinion of the Council, the trader brings the Market into disrepute;
 - The trader has been convicted of selling counterfeit products or has received a formal caution, formal warning or such other similar measure from the Trading Standards Service or any other Enforcement Agency;
 - The trader has persistently failed to make payment of the agreed fee, within the time limit set out;

- The trader has failed to comply with the health and safety legislation affecting the Market sites or any Safety and Health requirements notified to the trader by the Council.
- During periods of suspension, traders must remove all goods from the stall and trading space and leave it empty. The stall may be re-allocated by Mid Devon District Council to casual traders during the period of suspension.
- In the event of any disciplinary action being taken, it shall apply equally to the Licensee/Trader on all trading days (including any third-party organised events operated at Tiverton Market).

Appeals Procedure

- Any trader who is issued with a suspension or whose Licence Agreement to trade has been terminated will have the right of appeal. Written notice of appeal must be received by the Market Manager, Tiverton Pannier Market, Market Square off Fore Street, Tiverton, Devon, EX16 6NH within 5 working days from the day the trader is notified of the suspension/termination decision.
- Appeals will be heard by a Special Committee of any three Members of Mid Devon District Council or Designated Representatives who are eligible to hear such appeals.
- That Special Committee will have the right to confirm, reduce or increase the suspension. The decision of the Council shall be final in all respects.
- The Special Committee will not sit later than 14 days from the date the appeal submission was received by the Market Manager.
- In considering any appeal the Council will have regard to any relevant documentation and may interview such persons, including the trader in question, as appropriate.
- In all cases where an appeal is pending, the trader may be reinstated at the sole discretion of the Market Manager.

What Traders can expect from the Market Management Team

In accordance with Mid Devon District Council's Customer Care Policy, we are committed to providing the best customer service we can and that we will treat everybody fairly in accordance with his or her diverse needs.

We will:

- always be courteous and polite
- provide suitable and safe facilities with clean pitches and equipment (tables etc)
- promote our traders on the Market's communication channels (including website and social media)
- respond to the diverse needs of our customers, adapting our approach as required
- apologise if things go wrong and do our best to put things right (please see our complaints procedure)
- listen to your feedback, act on it and respond
- regularly review our working practices to ensure we are offer the best service