

## CHRISTMAS FAYRE 2021 TERMS & CONDITIONS

There are 55 3x3m pitches for sale. Bishop's Stortford Town Council operates on a first come first served basis; however your application will not join the queue to be processed unless the form is correctly completed and all the requested valid documentation is submitted. You will be notified if your application has been either be accepted or rejected together with next steps for payment. Until you have received a notification and acknowledgement from us please do not assume that your application has been accepted. Once the form is correctly completed, all the requested valid documentation is submitted and checked, an acceptance email has been sent to you and full payment is received your booking with us will be confirmed.

Application entry will close at midnight on 1 November 2020 or when we no longer have any pitches for sale whichever is the sooner. We may operate a waiting list; email [market@bishopsstortfordtc.gov.uk](mailto:market@bishopsstortfordtc.gov.uk) even if the event is full of your interest to trade.

Nothing in the regulations below shall be construed as placing an obligation on the Council to provide Bishop's Stortford's Christmas Fayre on 4 December 2021, but it is agreed that the council will endeavour to provide the Fayre except where prevented from doing so by circumstances beyond its control such as adverse weather making the holding of the Fayre unsafe for the licensees or the public. In order to meet this obligation the Council may, at its absolute discretion, restrict, re-site or alter the layout of the market. The rules and regulations will be enforced by the Event Manager or another representative of Bishop's Stortford Town Council ("the Council").

### CORONAVIRUS (COVID 19)

Bishop's Stortford Town Council is closely monitoring the implications of the Coronavirus (Covid 19) on events and will be paying attention to the Government guidelines and legislation/regulation. Currently our intention is to hold our annual Christmas Fayre on 4 December 2021, however this will be subject to government guidelines/legislation at the time of our event which may result in the event being restricted, re-sited or altered to accommodate the guidelines. Should the Government impose guidelines which render the event inoperable or force closure we reserve the right to cancel the event and in this case we will refund in full fees paid by stallholders. Refunds will be issued within six weeks of notification of the cancellation.

### LICENCES AND COMMODITIES

- All licensees must hold a valid and current Licence Agreement before commencing trade and at all times while trading. This document (such as an entry ticket) will be issued electronically to the email address (as specified on the application form) shortly before the Fayre.
- The Licence is personal to the licensee and may not be transferred, resold or sub-let. Without a licence agreement, trading will be prohibited. The stall must be operated at

all times by the licensee, a member of the licensee's immediate family, or an individual employed directly by the licensee.

- Licensees must only sell goods which have been specified in their application unless otherwise agreed in writing by the Event Manager. The goods specified on the application form must only be main line products that make up the majority of the stock. The goods specified on the application form must be available to purchase from the licensee and must be displayed at the Fayre.
- The sale of tobacco, live animals, fireworks, offensive/ornamental/replica weapons, pornographic material, unsafe goods, illegal/chemical substances that may cause injury or death, or counterfeit goods is prohibited.
- No licensee will be given the exclusive right to sell any item, type of item, or range of items and the Council may accept product lines that compete with existing licensees. The Council does, however, reserve the right to decline any application if it considers that any particular trade or line will be overrepresented at the Christmas Fayre.
- All licensees selling alcohol (off sales or on sales) are required to apply for a TEN (Temporary Event Notice) from East Herts District Council for the date of the Christmas Fayre. Upon acceptance of a Christmas Fayre application to sell alcohol, the Town Council will issue the licensee with a pitch reference in order to complete the TEN application form.
- All licensees wishing to carry out a street collection at the Christmas Fayre must comply with East Herts District Council's Street Collection regulations and have a valid collection licence issued by East Herts District Council.
- All licensees wishing to distribute free literature (leaflets, flyers and other printed matter) must comply with East Herts District Council's Leaflet Distribution regulations and have a valid licence issued by East Herts District Council.
- No Chinese lanterns, paper lanterns or helium balloons.

## PITCHES

- Pitches will be allocated by the Council as it considers best for the Fayre. Licensees are not permitted to set up without prior consent. If works are taking place in an allocated pitch or the allocated pitch is for some other reason not available, no refund will be due where there is an alternative pitch available anywhere at the Christmas Fayre.
- Licensees are responsible for providing, erecting and dismantling their own stalls.
- Unless otherwise agreed, a pitch will be 3m x 3m. Licensees may trade on multiple adjacent pitches if the licence so permits. There may be pitches allocated that are smaller or larger than specified above.
- Licensees must trade from within the boundary of the pitch; for the avoidance of doubt this includes merchandising and any other items belonging to the licensee.
- Licensees do not acquire any enduring right to retain a specific pitch.

- The use of amplified sound is prohibited with the exception of low-level background sound audible from the pitch and immediately adjacent pitches only. Licensees using amplified music and/or copyright material must be in possession of the appropriate permissions and must inform the Event Manager.

#### TRADING HOURS, LOADING AND UNLOADING

- Trading hours: 9.00am – 4.30pm.
- Vehicles will be allowed in the event area whilst unloading and loading. This should be completed as quickly as possible. Licensees are only permitted to bring one vehicle per company or organisation to the event area. Vehicles must not be left unattended at any time whilst unloading and loading and must be positioned so as to cause minimum disruption to others.
- Licensees will be advised in advance of the entry times associated with the event unless specified in writing by a member of the Council. Should the licensee not arrive at the specified time, they may be refused entry and no refunds will be given. All licensees must be set up and ready to trade by 9.00am on the day of the Fayre unless express permission has been given by the Event Manager. Pitches not occupied by 8.45am may be allocated, by the Council or its nominated representative at that time, to another licensee in attendance and no refunds will be given. The decision of the Event Manager on such matters will be final. Unloading vehicles must be removed by 8.30am unless express permission has been given by the Event Manager. Loading vehicles must be removed by 6.00pm or otherwise at the Event Manager's discretion.
- Vehicles and trailers that are used to sell products such as street food, and specialist trading vehicles (with serving hatch/opening, products displayed inside the vehicle or trailer) are legitimate vehicles that can remain onsite during the Fayre. All other vehicles must not remain onsite at the Fayre outside of loading and unloading times. There is no parking within in the Fayre area unless otherwise agreed in writing by the Event Manager.
- Bishop's Stortford Town Council reserves the right to charge for the entire footprint of fixed sized vehicles, trailers and specialist trading vehicles including any tow bar or any other non-selling space. However as a concession and subject to availability of space on the Fayre we may charge at our discretion for the retail frontage only. We reserve the right at any time to levy the whole charge or relocate the licensee to another location where the overhang is otherwise not saleable.
- The Event Manager or another representative from the Council may, at their sole discretion and subject to availability of pitches and time to consider the request, hear requests from licensees who wish to relocate to alternative pitches. However, there will be no obligation on the Council to consider such requests or to relocate a licensee. No refunds will be given should the Council decline to consider the request or if the licensee relocates.

- No licensee may begin to clear their stall during the stated trading hours unless permission is given in writing by the Event Manager.

## PRESENTATION

- It is the intention of Bishop's Stortford Town Council to ensure that the Fayre is well presented and adequately stocked to be attractive to potential customers and licensees. A high standard is required of all licensees' presentations and merchandising and in pursuit of this the Council have set quality standards for all licensees to abide by. These should be regarded as a minimum. Guidance on how to achieve this level will be given by the Event Manager. Should individual licensees fail to conform to the quality standards their license may be terminated.
- The Minimum Quality standards-
  - Unless otherwise agreed with the Event Manager, Licensees may only trade from gazebos, specialist trading vehicles (with serving hatch/opening, products displayed inside the vehicle or trailer), trailers or metal framed stalls.
  - During trading hours, stalls and pitches must be presentable and in keeping with the Fayre.
  - Stalls, fixtures and fittings (display stands, tables, etc) must be of a good quality and professional appearance, and meet Health and Safety requirements.
  - Gazebos must cover all of the fixtures and fittings and should be clean and in good repair. Unless used for extensive display, prices or other information, licensees are strongly encouraged to have clear side sheets or sheets that have a clear window to present a view of the goods on sale from all directions.
  - Metal-framed stalls: Tarpaulins must be clean and attached to the stall in a neat and symmetrical manner at all times (other than when adverse conditions make it unsafe to do so). Preferably these should be of one colour/design. Licensees are strongly encouraged to have clear side sheets or sheets that have a clear window.
  - Metal clips and weights must be put on the inside of the stall as this looks neater (and also helps avoid any potential Health and Safety issues).
  - Fixtures and fittings must be clean and in good repair.
  - Licensees are strongly encouraged to have a skirt around the bottom of the stall to hide any unsightly fixtures and fittings or stock such as cardboard or plastic boxes. Skirts and all other covers used on the stall should be clean and in good repair.
  - Trailers and specialist trading vehicles (with serving hatch/opening, products displayed inside the vehicle or trailer) that are used to sell goods from must be of clean and tidy appearance, and conform to the above minimum standards where appropriate.
- Licensees are strongly encouraged to:
  - Keep their stall adequately stocked with goods attractively displayed.

- Clearly price all products and display a returns policy, details of methods of payment- credit/debit cards accepted etc and public liability insurance to increase shoppers' confidence.

#### PARKING

- Vehicles will be allowed in the event area whilst unloading and loading. Vehicles and trailers that are used to sell products such as street food, and specialist trading vehicles (with serving hatch/opening, products displayed inside the vehicle or trailer) are legitimate vehicles that can remain onsite during the Fayre. All other vehicles must not remain onsite at the Fayre outside of loading and unloading times. There is no parking within in the Fayre area unless otherwise agreed in writing by the Event Manager.
- The Council will not, in any circumstance, be responsible for any penalty charges or fines incurred by any licensee.

#### LITTER AND WASTE

- Throughout the event and at the end of trading the licensees must ensure the area surrounding their stall and their pitch is cleaned and clear of all refuse. The Council will not provide waste disposal facilities at the Fayre. It is the responsibility of the Licensee to ensure that all refuse generated is removed at the end of trading and disposed of legally and appropriately away from the Fayre. Proof may be required and certificates and documents maybe subject to audit.
- Licensees must not under any circumstance put their trade waste in public litter bins.
- Licensees providing containers for food or drink consumption must also provide disposal facilities unless permission has been given in writing from the Event Manager.
- If a licensee does not dispose of and/or remove trade waste from the area of the Fayre the Council may remove the waste and charge the licensee the reasonable cost of removal and disposal.

#### BEHAVIOUR

- Responsibility for adherence to the rules and for the behaviour of any person employed or manning a stall still remains with the person to whom the licence was allocated. Failure to behave in accordance with these rules may lead to permanent termination of a licence.
- Licensees are expected to present a positive image at the Fayre and to treat customers, fellow licensees and others with courtesy at all times including comments made online and other publications.
- Licensees are required to conduct themselves in a manner that does not bring any adverse publicity to the Fayre, fellow licensees or Bishop's Stortford Town Council (including comments made online and other publications)

- A licensee shall not, to the annoyance of any other person, ring any bell or blow any horn or use any other noisy instrument or loudspeaker to attract the attention or custom of any person to any sale or to any goods intended for sale.
- A licensee shall not permit any dogs, cats or other animals (whether domestic or otherwise) to come onto any stall on any part of the Fayre except where the animal is an assistance dog for a person requiring such assistance.
- The following must be observed by licensees and any other person operating a stall at all times: no swearing or arguing, no fighting, no drugs (promotion or consumption, no children (unless approved by the Event Manager)

## ELECTRICITY

- Hot food vendors will be given priority to use electric.
- Other licensees may be given electric subject to availability. Should your expression of interest in electric be accepted, the following rules apply:
  - Licensees may only use electrical equipment that is in good condition, weatherproof and suitable for outside use. All electrical equipment (other than low voltage, battery operated equipment) must have a valid up to date PAT test certificate (dated within the last 12 months). Other evidence proving that equipment has been appropriately tested will also be considered.
  - Licensees must not plug in any electrical items that are not suitable for a 240v/230v bollard with 16 amps sockets.
  - Licensees must ensure that trailing cables do not present trip hazards or any other hazard and are suitably protected and at a safe height. Alternative, licensees should cover any cables with cable covering. The cable covering should lie flat, and cover the entire length of the cable.
  - Licensees must not make any alterations or additions to the electrical wiring and fittings of the electrical bollards.
  - Licensees must contact a representative of the Council immediately if there is a problem with an electrical bollard.
  - Licensees must not attempt to re-activate a bollard if the circuit breaker has cut the electrical supply.
  - Unless permission to use electricity for cooking has been given in writing and the appropriate fee paid, licensees are only permitted to use the electricity supply for appropriate lighting, refrigeration, scales and tills.

### Please note:

1. Each electricity bollard will be numbered and your bollard number will be stated in your Christmas Fayre entry ticket.
2. Your business name will be displayed both the bollard and commando socket inside the bollard.
3. Each licensee will be allocated just one commando socket regardless of the number of pitches purchased.

4. Licensees will only be allocated the amount of electric requested on the application form (e.g. lighting/tills). No more will be available.
5. Pitches may be located up to 20 metres away from the bollard; ensure you bring adequate length cables/extension leads.
6. Electrical distribution within the pitch is the responsibility of the licensee. You will need to provide a converter to be able to use a domestic plug (13amp).
7. The socket in the bollard is a 16amp commando socket (female). You will need to provide a 16amp male commando plug.
8. We do not provide any equipment so please bring with you everything you may need.

#### GENERATORS

- Generators must be located within the licensee's allocated pitch so as not to be accessible to members of the public or other unauthorised persons. All cables must be routed away from pedestrian traffic routes in order to avoid tripping hazards and must be protected from mechanical damage.
- No re-fuelling or storage of fuel is allowed on site.
- Where the Event Manager considers that a generator is too noisy, he/she will require that the generator be switched off immediately.

#### TRADING REGULATIONS

- It is the responsibility for all licensees to acquaint themselves with the trading regulation regarding their own specialist area and abide by them. The licensee must ensure that all staff are properly trained to meet the necessary standards and regulations. Certificates of proof must be available to the Event Manager on request.
- Licensees must ensure that they comply with all relevant legislation with regard to employment of minors.
- Where Licensees sell food or food products licensees must ensure that they maintain adequate levels of food and personal hygiene.

#### GENERAL

- Auctions (real or mock) are not permitted.
- Bishop's Stortford Town Council reserves the right to exclude any licensee who has breached the rules or falsified application information or whose actions are not in the best interests of the Fayre.
- The Event Manager can seek the immediate removal of a licensee, his employees, attendants or any other person associated with the licensee who, in the Event Manager's opinion, is causing a nuisance, annoyance or danger to other licensees, Bishop's Stortford Town Council representatives or the public or who damages any property of the Council.

## PROCEDURE FOR DEALING WITH COMPLAINTS

- Complaints by licensees in respect of any matters affecting the Fayre must be brought to the attention of the Event Manager promptly. He/she will carry out investigation, relevant action and notification to the complainant of the result. Licensees must comply with any request from the Event Manager to provide written notification of a complaint.
- If a complainant is not satisfied with the action taken by the Event Manager on any complaint then the matter may be referred in writing to the Chief Executive Officer of Bishop's Stortford Town Council in accordance with the Town Council complaints procedure. This procedure is available upon request or is available on Bishop's Stortford Town Council's website.

## HEALTH AND SAFETY REQUIREMENTS

- Bishop's Stortford Town Council is committed to delivering, improving and developing a safe Fayre for licensees and customers. In order to ensure this, Bishop's Stortford Town Council requires licensees to comply with the following requirements:
  - Licensees are responsible for ensuring that their stall is properly constructed and assembled and that no modifications are made which constitute a safety hazard.
  - Licensees must co-operate with the Event Manager with regard to risk assessments of the Fayre both as a whole and of individual stalls.
  - Licensees must immediately comply with any reasonable instruction given by the Event Manager or other Council representative in the interests of Health and Safety.
  - Licensees are required to ensure that their stalls are positioned so as not to obstruct the highway in a way which impedes pedestrian or vehicular movement around the Fayre, presents a safety hazard or which may be detrimental to the efficient operation of the Fayre.
  - Licensees stalls must be weighted correctly (on all four legs for gazebos/steel framed stalls) in relation to the particular weather conditions (this could vary though out the event day). Vehicles cannot be used to anchor stalls.
  - Licensees are required to ensure all other health and safety provisions are met in accordance with their particular stall and business in relation to weather condition.
  - The decision of the Event Manager is final on the interpretation of this section.

## CORONAVIRUS (COVID 19)

- Licensees are responsible for ensuring that they are aware of, and are operating in line with the most current Coronavirus guidance, good practice, legislation and regulations issued by the Government, the local authority, and specialist bodies/ specialist sector bodies.

- Licensee must comply with any local regulations and guidance which has been implemented by the government and local authorities, for both Bishop's Stortford and their home address.
- Licensees are responsible for ensuring that their customers adhere to guidance, good practice, legislation and regulations issued by the Government, local authority, and specialist bodies.
- Bishop's Stortford Town Council may implement Coronavirus measures at the Fayre. Licensees are responsible for ensuring their business operates in line with these measures. Failure to comply will result in the Licensee being excluded from the Fayre
- This will mean that licensees are required to operate in a Covid safe way by implementing mitigating practical measures to reduce transmission risk and increase safety. This could include reducing touch points, creating more space within the trading area (pitch), avoiding direct contact with others, additional sanitization and cleaning schedules. Licensees will be asked to produce a Coronavirus prevention plan that details all these measures. This plan will be approved by the Council before licensee trade at the Fayre. Licensees must have all measures that are stated in their Coronavirus prevention plan in place at all times when trading at the Fayre. Licensees must ensure that their stall or items associated with their stall does not impact the Coronavirus prevention measures of other licensees, high street businesses, or users of the space. Licensees must comply with reasonable requests from the Council to improve Coronavirus prevention measures in and around their stall.
- Licensees are required to inform the Council if they or a person they have come into contact with develops symptoms of Coronavirus (a list of coronavirus symptoms can be found on the Government or NHS websites). The licensee must then follow the current regulations for persons with Coronavirus symptoms set out by the government and local authorities.
- If the licensee or a person they have come into contact with develops symptoms of Coronavirus, the licensee may not attend the Fayre until they have provided evidence of a negative NHS Coronavirus test. If the licensee is unable to show evidence of a negative test administered by the NHS, they will not be able to attend the Fayre until an isolation period in line with current government guidance has been completed.
- If a licensee has travelled abroad and is required to isolate upon return, the licensee must isolate for the duration of time specified by the Government before attending the Fayre.
- Licensees that do not comply with requests given by the Council to implement Coronavirus prevention measures, or contravene guidance and regulations issued by the Government or local authorities may be excluded from the Fayre.

## LIABILITY AND INSURANCE

- Proof of public liability cover (minimum five million pounds) must be provided in all cases by the licensee. Licensees not displaying evidence of public liability insurance or providing evidence of their insurance as required may not be permitted to trade until this has been rectified. No rebate of the fee will be given in these circumstances.
- Licensee shall also provide Gas safety certificate dated within the last 12 months if gas appliances are used.
- Licensee shall also provide PAT certificate dated within the last 12 months if electric is provided from the Fayre bollards
- Licensees who produce or use food items will be required to:
  - Register in accordance with the provisions of the Food Premises (Registration) Regulations 1991.
  - Comply with the Acts relating to food hygiene and the Regulations made thereunder, and to immediately comply with the requirements of the Environmental Health Officer.
  - Provide a food hygiene training certificate at a minimum rating of level two dated within the last five years
  - Provide current food hygiene rating at a minimum rating of three. Any standing licensee whose rating drops below three will be suspended until they have been reassessed a higher rating has been given.
- Licensees must notify the Town Council of any changes in documentation, certificates and provide copies on request and on renewal
- A Licensee shall indemnify the Council from and against all actions, proceedings, damage, claims, losses or outgoings of whatever nature arising out of the licensee's use of any stall, pitch, vehicle or stand etc. at the Fayre
- A licensee shall have no claim for compensation for any loss whatsoever (other than amount equal to the pitch fee paid) on the termination or suspension or where a pitch is not available or made available to the licensee for whatever reason, nor for loss or damage to stock, to stalls or to any other items brought onto the Fayre by the licensee.
- The Council will not be responsible for personal injury or death unless the personal injury or death has been caused by the negligence of the Council, its officers or agents.

## EQUAL OPPORTUNITIES POLICY

- Bishop's Stortford Town Council is committed to equal opportunities where it applies to both the running of, and the trading on, the Fayre. This means that no one will be treated less favourably or suffer any detriment on the grounds of sex, race, ethnic origin, marital status, sexual orientation, age or disability. Bishop's Stortford Town Council is also committed to anti-discriminatory practices with regard to the service received by our customers, clients or contractors on the same grounds as above. This

means that: no licensee may abuse or refuse service to any customer on the grounds of sex, race, ethnic origin, marital status, sexual orientation, age or disability.