



Tuesday, 3 September 2024

Report of Councillor Paul Stokes -
Deputy Leader of the Council, Cabinet
Member for Leisure and Culture

Market Trader Code of Practice Update

Report Author

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Purpose of Report

To update the Committee on the revised Code of Practice which outlines the operational requirements for any trader operating at any of the three Council-led markets (Bourne, Grantham and Stamford).

Recommendations

The Committee is recommended to:

- 1. Support the implementation of the revised Market Trader Code of Practice for execution from 1 October 2024.**

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

Connecting communities
Enabling economic opportunities

Which wards are impacted?

All Wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no additional costs associated with the introduction of the Code of Practice.

Completed by: Richard Wyles, Deputy Chief Executive and Chief Finance Officer (S151)

Legal and Governance

- 1.2 The report is for noting and there are no significant legal or governance implications arising from the report. It is important for Members to be aware of the Code of Practice highlighted at Appendix 1.

Completed by: Graham Watts, Monitoring Officer

Health and Safety

- 1.3 The revised Code of Practice outlines the trader's responsibilities regarding health and safety. The document defines the expectations of the authority alongside relevant health and safety legislation concerning the operation of stalls and mobile trading.

Completed by: Phil Swinton, Emergency Planning and Health and Safety Lead

Human Resources

- 1.4 Although traders will be asked to leave the market if they refuse to agree to the updated Code of Practice, they are not directly employed by the authority and therefore, there are no HR implications.

Completed by: Fran Beckitt, Head of Service (HR)

2. Background to the Report

- 2.1 The management of South Kesteven's markets at Bourne, Grantham and Stamford underwent several changes with the employment of a new Markets

Manager in October 2023, shortly followed by a new Head of Waste Management and Market Services in January 2024.

- 2.2. A previous operational review of the market, carried out in 2023, highlighted the need for the Code of Practice to be reviewed and updated.
- 2.3. The previous Code of Practice was last reviewed in 2020 and therefore did not reflect current working practices. The update and review have now been completed and the updated Code of Practice can be found at Appendix 1.
- 2.4. The Code of Practice is made up of 23 sections and key areas to note within the document are:
 - Section 1: Market Charges – this outlines the possible trading options (pitch size, regular/casual traders etc.,) and associated costs,
 - Section 5: Trader Definition – this outlines the difference between a regular and a casual trader,
 - Section 8: Trading Hours and Cancellations – this section outlines expected trading hours,
 - Section 17: Conduct of Traders – this section outlines the expected behaviours of traders, and it is followed by a summary of the disciplinary procedure which will be invoked should a trader breach the Code of Practice.
- 2.5. The Code of Practice will be reviewed annually, and any changes will be reported to the Committee before they are implemented.

3. Key Considerations

- 3.1. The Code of Practice ensures that all traders understand and display the behaviours expected of all representatives of this authority. It also sets out an operational framework with practical information which ensures the markets are run safely. Additionally, they also give the market management team a consistent framework for managing behaviour which may fall below the expected standards.
- 3.2. The Code of Practice provides a framework that will ensure a consistent approach is taken with respect to the operation of the Council markets.

4. Other Options Considered

- 4.1. An alternative option to consider is to take no action; this will leave the authority at risk of making inconsistent, opinion-based decisions which may be deemed unfair.
- 4.2. The Committee could also recommend changes to the Code of Practice.

5. Reasons for the Recommendations

- 5.1. Without an approved Code of Practice, the authority is at risk of making inconsistent, opinion-based decisions which may be deemed unfair.

6. Consultation

- 6.1. There is no requirement to undertake formal consultation however, as the Code of Practice will be reviewed annually, it is anticipated that trader feedback will be incorporated into future versions.

7. Appendices

- 7.1. Appendix 1 – Market Trader Code of Practice