

## Important information for all applicants

**Please see below the important information that you agree to when you completing your application form to trade on the Esplanade during Sidmouth Folk Week:**

1. All complete applications will be considered individually on their merits.
2. Pitches will be allocated on a first come first served basis.
3. All street trading consents will be limited to daily trading hours of between 8.00am and 9.00pm. Set-up is strictly prohibited before 7.00am on any day. On the last Friday of Folk Week (9<sup>th</sup> August 2024) daily trading hours will be limited to between 8:00am and 7:00pm.
4. Unless the Council has been informed (in writing) in advance, if a consent holder has not occupied the pitch for which they hold consent by 11.45am on any day, the Council may re-let the pitch for the remainder of the trading hours of that day.
5. The consent holder shall not carry out any street trading activities other than those permitted by the consent and is expressly prohibited from;
  - selling Psychoactive Substances,
  - holding an Auction Sale
  - selling food, drink or any other consumables
  - selling or issuing any glass items or vessels (unless the glass is a piece of art or craft),
  - selling, displaying or wearing any article which is or is intended to be offensive either in writing or pictures.
  - using a generator or gas appliance
6. The Council has the right to cancel any permissions granted for seafront trading on the grounds of severe weather conditions or other adverse health and safety risks.
7. Traders must use biodegradable materials and packaging wherever possible and should not rely on single use plastics to support a reduction in plastic waste
8. The siting and operation of any stall, gazebo, barrow etc. operated by a consent holder (or people employed by them) shall be such that it does not cause any problems of highway safety, obstruction to users of the highway or conflict with the requirement of emergency vehicles. If an emergency service requires access to the Esplanade and you are required to move your stall, you must do so immediately.
9. The appearance of all equipment or structures shall be of good quality and the precise appearance of any structures to be used shall be identified before consent is granted.
10. The use for which the pitch is put shall not be likely to cause problems of noise, smell or litter, or be inappropriate to the character of the event with which the permit is connected.
11. **Stalls (including any gazebo/stall covering) must be kept within the pitch size** – the pitch size is **2.5m wide by 2m deep**. All stock, tables, mannequins etc must be kept within this pitch. You should not bring excessive stock which will not fit within this pitch. Any items left out of the pitch will be removed instantly and disposed of after 12 hours. 2m x 2m market gazebos are widely available for purchase. 2.5m x 2.5m gazebos are too large for the pitch and are unacceptable.
  - **Gazebos/stall coverings must be white in colour** to ensure that the market is kept visually appealing and compliments the character of the town.
  - If using a gazebo, **leg weights must be used** to ensure your gazebo is kept safe.
  - Gazebos must be British **fire-rated** BS 5438 and/or BS 7837 and marked accordingly.
  - **Domestic garden gazebos and old style market gazebos will not be accepted** as they are not structurally safe for use in public areas (due to the way poles are interlocked together).
12. **Health & Safety**

- **Camping on the Seafront is forbidden** and can cause public annoyance and disorder. If consent holders are found to be camping on the Seafront, they will be deemed unsuitable to hold their consent and it will be revoked.
  - The **Esplanade wall must be kept clear** of stock/signs/personal belongings etc. The Esplanade is a blue route for the Life Boat and anything placed on or over the wall is at risk of falling into the road and causing a hazard to the Life Boat. Excessive stock is not an excuse for items to be placed on the wall.
  - No items (including stock) are permitted to be attached to or placed against the railings on the Esplanade. This side of the Esplanade must be kept clear to ensure public safety
  - The **use of A-boards is forbidden** on the Esplanade due to the limited space and potential for being a trip hazard.
13. The council will not permit trading unless the Consent Holder or people employed by them have a current insurance policy against **public liability and third party risks**. The minimum insurance cover shall be five million pounds (£5,000,000) and must cover the use of the Consent Holder's vehicle, stall, barrow and any additional equipment under their control.
14. Standard conditions will be imposed unless circumstances dictate otherwise. Additional conditions may be imposed at the discretion of the District Council.
15. Where the imposition of conditions is not adequate to control potential problems, applications will be refused.
16. Refusal or withdrawal of street trading consents will be normal in the following circumstances:
- a) That there are not enough pitches available in the street for the applicant to engage in the trading in which she/he desires without causing undue interference or inconvenience to persons using the street.
  - b) That there are already enough Consent Holders or people employed by them trading in the street from shops or otherwise, in the goods in which the applicant desires to trade.
  - c) An applicant or operator of the stall is under the age of 18 years.
  - d) That a Consent Holder or a person employed by them has failed to comply with the conditions attached to the Consent.
  - e) That the street trading may damage the structure or surface of the street.
  - f) When adverse comments are received
17. Any consent holder found to be uncompliant with these terms and the terms provided along with the consent notice will have their consent revoked immediately. As there is always a waiting list for trading pitches during the Folk Week, any traders who do not comply will be asked to remove their stalls from the Esplanade and the pitch will be resold. Any revocation of consent will have a bearing on any future application which may be refused.
18. The Council may at any time revoke a consent or vary the conditions of an existing consent where there are reasonable grounds for so doing.
19. Double pitches will only be issued in exceptional circumstances where demand for consents does not exceed the number of pitches available.

### **Pedlars**

- If you hold a **Pedlars Certificate**, you are required to **'travel and trade on foot'**. Therefore using a motor vehicle to bring your goods to the town invalidates this certificate and means you will not be able to trade under a Pedlars Certificate. If you are using a valid Pedlars Certificate you are required to trade whilst travelling, unless serving a customer,

and therefore you are not permitted to remain static waiting to be approached by passing customers in the same location. Pedlars should not use large wheeled trolleys for the goods as this can cause an obstruction to the highway which is an offence under the Highways Act 1980.