MO6 – Version 2.4 (01.04.2024)

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| **Guidance Notes for Applicants****Market Operator Licence** | Fife Council logo |

**Introduction**

This guidance is provided for your information only and is not prepared as a substitute for any independent legal advice. If this is required you should contact your solicitor.

A Market Operator’s licence is required for carrying on a private market. The licence is granted to the *operator* of the market, and not the individual stallholder. It is therefore the *market operator’s* responsibility to ensure that all stallholders comply with any conditions attached to the licence. The *market operator* must hold written permission from the landowner where the market is proposed to operate.

A Market Operator’s licence is **not** required for

* functions held by charitable, religious, youth, recreational, community, political or similar organisations unless they are for commercial gain
* markets held for the sale of livestock, fodder or grain

**Application**

Application fees are non-refundable and you can apply for a 1 or 3 year application.

A temporary Market Operator’s licence application can be made for one off events.  Applications for such events will not be considered unless there is at least 4 weeks’ notice of the event.

Your application should be lodged online at this link: [Market Operator's Licence](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/other-business-licences)

Please note that if you apply as a company or partnership then you will have to provide details of the day-to-day manager. You should be aware that the day-to-day manager is a joint licenceholder and as such if they cease to be so at any time within the duration of the licence then a new application with the applicable fee will be required.

**Register of Applications**

Fife Council will keep a register of applications in which it will enter the date of receipt, the name and address of the applicant, the decision, the issue date and duration of the licence, and a note of any suspension, variation or surrender of the licence. This information is available for inspection by any member of the public.

**Notification to the Public**:- The Civic Government (Scotland) Act 1982 requires that all licence applications involving premises are notified to members of the public. As part of the application process for this type of licence, you must display a completed notice of application (form MO2) in a prominent place at your premises. This must be displayed for a period of 21 days starting on the day that the application is submitted to Fife Council. Once the 21 day period has passed, the certificate of compliance declaration (form MO3) must be completed, dated and returned by email to Misc.licensing@fife.gov.uk

**Application Process**

The Civic Government (Scotland) Act 1982, prohibits the Council from making a decision on your application until a minimum of 28 days has passed from the date of application. During this time any person can object to your application.

Applications will be copied to Police Scotland (Fife Division) and the relevant Council Services. On receipt of a reply from these consultees the licence will either be granted by the Licensing Team, or where there are any representations or objections to an application, the application will be considered at a meeting of the Regulation & Licensing Committee, to which the applicant and any objectors will be invited to attend.

The majority of applications with no representations or objections will take 4-6 weeks to process, however applications that are to be considered by the Regulation & Licensing Committee will take longer to determine. The Council has a maximum of 9 months from the date of application within which to make its decision.

**Previous Convictions**

A full police record check is undertaken for all applicants and Police Scotland (Fife Division) may report on any incidents applicants have been involved in which required Police assistance. This may include incidents that have not reached the Court, incidents resulting in “no proceedings” by the Court and any outstanding Court cases. The provisions of the Rehabilitation of Offenders Act 1974 apply to convictions.

**Refusal**

You will be informed of the Regulation & Licensing Committee’s decision, in writing, within 7 days of the date of the hearing. If your application has been refused you may appeal against the decision, to Kirkcaldy Sheriff Court, within 28 days of the date of the decision.

If you have been refused Fife Council will not entertain a subsequent application, within one year of the refusal, for the same type of licence unless in its opinion there has been, since the refusal, a material change of circumstances.

**Conditions of Licence**

A copy of the standard conditions applicable to this licence is below. Fife Council requires all licenceholders to have a thorough understanding of these conditions. The Committee can, if it wishes, impose additional conditions and can grant the licence for a shorter period than that applied for.

**Renewal Applications**

If an application for the renewal of a licence is made before its expiry, the existing licence shall continue to have effect until, the renewal licence has been granted or where the Council has refused that application, the time within which an appeal against the decision can be lodged has elapsed or, where such an appeal has been lodged, the time when it has been abandoned or determined.

**The Council will regulate the days and times of operation of the Market.**

**The Council may specify the layout of the premises or the site on which the Market will take place.**

**The Council may make conditions with a view to the maintenance of public order and public safety.**

**Additional Guidance Relating to Food Hygiene Requirements**

**Structure**

Any vehicle, trailer or stall used for the sale of food shall be sited, designed, constructed, kept clean and maintained in good repair, so as to avoid the risk of contaminating food, especially by animals and pests. Surfaces in contact with food shall be in sound condition and easy to clean and disinfect. Where opened foods are handled appropriate hand washing facilities shall be provided with hot and/or cold potable running water and hand washing and drying materials. Adequate provision shall be made for cleaning and disinfecting food contact utensils/equipment including where necessary, a supply of hot and/or cold potable water for cleaning foodstuffs. Foodstuffs shall be so placed as to avoid the risk of contamination with adequate facilities for maintaining and monitoring temperature controlled conditions for the storage of foodstuffs which will support the growth of food poisoning organisms.

**Food Safety Management Systems**

Traders selling foodstuffs shall have a documented food safety management system in place to demonstrate that the food is safe for sale. The system shall be based on the principles of Hazard Analysis and Critical Control Point as far as is relevant to the operation. In practice, this requires identification of possible food safety hazards and things that must be checked to ensure food is safe. Thereafter simple details of what requires to be done must be written with records kept to show food was produced/stored and sold in line with these. These written procedures should be submitted to Environmental Health (Food & Workplace Safety), Fife House, North Street, Glenrothes, KY7 5LT.

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| **OUTDOOR MARKET OPERATOR****LICENCE CONDITIONS** | Fife Council logo |

1. The licenceholder shall be responsible for ensuring that all persons present during the operation of the market conduct themselves in an orderly manner and the licenceholder shall take all steps and precautions necessary to ensure and maintain public order and safety.

2. All stalls should display the trader’s name and address.

3. Market Traders shall keep themselves, their clothing and the trading vehicle, trailer or stall in a clean and proper condition to the satisfaction of Authorised Officers from the Environmental Health Section.

4. The market and any facilities to be provided and used in connection therewith must be available for inspection at any time on market days by officers of Fife Council. The market site shall be made available for inspection on non market days by prior arrangement.

5. Any electrical installations e.g. lighting, amplified music, refrigeration equipment, cooking equipment, etc. must be installed in accordance with the current Institute of Electrical Engineers (IEE) Regulations. Residual current devices must be on all power supplies sockets used for electrical equipment. Appropriate labels are to be attached to all electrical equipment to show that a suitably qualified person has inspected it within the last twelve months.

6. Any electrical generators shall be tested, insured and suitably located. Any electrical cables must be in good condition located in a suitable position so as not to cause an obstruction or danger to pedestrians.

7. The licenceholder shall take all reasonable precautions to ensure that his staff, employees, agents, stallholders and members of the public are not exposed to a risk to their health or safety and without prejudice to the foregoing:-

(a) If any operations are to take place during the hours of darkness then adequate artificial lighting will be required throughout. Notwithstanding this, the licenceholder shall ensure that the site is adequately lit at all times.

(b) All accesses, roads and pavements within the site shall be of such repair and construction so as not to endanger public safety; no tripping, slipping or falling hazards must be present.

(c) The licenceholder or persons responsible for the supervision of the site must be present at a recognisable point on the site at all times whilst a market is in operation.

(d) The licenceholder shall make adequate arrangements for access and parking of emergency vehicles adjacent to the site and for first aid treatment within the site. Instructions for emergency procedures and location maps of the main emergency station should be posted.

8. The licenceholder shall ensure that there are adequate public toilet facilities and arrangements for supplies of wholesome water for drinking and cleaning purposes to the satisfaction of the Environmental Health Section prior to the market opening to the public.

9. The licenceholder shall ensure that there is adequate space between lines of stalls for movement within the site and access to circulation within and egress from the market for pedestrians. The licenceholder shall comply with any directions or requests regarding the layout from the Chief Fire Officer, Chief Constable or any other officer of the Council.

10. The licenceholder shall draw to the attention of any persons offering or intending to offer for sale food, including drink, the requirement for such persons to comply with the legislation relating to food and in particular food safety and in doing so the licenceholder shall make reasonable enquiry of such persons to establish that they are so complying. Market traders shall not store foodstuffs in any place or vehicle until approved by authorised officers from the Environmental Health Section.

11. The licenceholder should notify Environmental Health Services in writing three days before the date of the market the names of all stallholders/traders who will be selling food or drink.

12. The licenceholder, his agents, employees and all stallholders and persons otherwise trading within the market shall comply with any instruction or requirement communicated to them by an officer of the Council, the Chief Fire Officer, or the Chief Constable. Where this request is made on the grounds of safety the request will be complied with immediately.

13. The licenceholder shall take steps to ensure that all instructions and recommendations from the Council’s Environmental Health Section are complied with by the stallholders and any traders operating from vans.

14. The licenceholder must maintain a register giving the following details:-

(a) the date the market is held;

(b) the name, address and telephone number or normal place of business of each stallholder, retailer or trader;

(c) the nature of goods sold and the vehicle registration number of any vehicle used or to be used in connection with the market;

(d) the register must be available at an agreed location within Fife and available at the market site on the days of the market for inspection by any Police Constable or authorised officer of the Council and must be retained by the licenceholder for a minimum of two years thereafter.

15. Noise levels generated by and during the market must not be such as to cause nuisance to any persons occupying premises in the vicinity. Noise exposure levels for all persons attending the function must be within acceptable limits and in accordance with any directions from the Council’s Environmental Health Section.

16. Provision shall be made for the storage and disposal of refuse and the licenceholder shall meet any charge levied by the Council’s Environmental Health Section for clearing and cleaning the surrounding streets, if required, after the conclusion of the market. The licenceholder shall provide litter bins and arrange litter pick ups in consultation with the Council.

17. The licenceholder must not knowingly allow the market to be used for the sale of stolen/counterfeit or contraband goods.

18. Current insurance certificates to cover public liability, employer’s liability and product liability for the market and/or for each individual stallholder will require to be provided before the first market and the insurance cover maintained thereafter.

19. A minimum road width of not less than 3.25m must be maintained at all times for emergency vehicles.

20. Any canopies must have a minimum headroom of 2.6 metres over footway and 5.1 metres over carriageway and contained within the designated limits of the stall.

21. Any fire hydrants & gas shut off valves must not be obstructed or hidden in case access is required in the event of emergencies.

1. Any surface water drains (gullies) must not be covered or obstructed. Liquids or fatty substances must not be poured down the drains.

23. The licenceholder will be responsible for reinstating the footway and carriageway to the satisfaction of the Council including removing any staining.

24. All health and safety requirements including the storage of flammable materials and liquids and gases including LPG shall require to be complied with. The licenceholder is required to submit, for approval by the Council, risk assessments of all identifiable hazards, and details of how these are to be addressed, prior to the market opening. Each assessment is to be specific to the individual market.

25. The licenceholder shall ensure that all arrangements for fire prevention and safety are to the satisfaction of the Chief Fire Officer.

26. The licenceholder shall ensure that:

(a) where the market is held outdoors, the flow of vehicular traffic into and out of the market is controlled so as to avoid congestion and danger to other vehicular users and pedestrians;

1. a safe and efficient system of car/vehicle parking is in place for the duration of the market;

(c) no vehicles belonging to them or any of the stallholders shall obstruct the free movement of traffic in the vicinity of the market; and

(d) access to any adjacent commercial or residential premises is not adversely affected by the parking of vehicles or placing of equipment.

27. No flyposting advertising the event will be permitted and no signage, directional or advertising to be placed within the adopted road boundary this includes on footway and street furniture e.g. barriers, lighting columns etc.

28. The licenceholder must have in place any necessary planning consents in respect of the operation of the market.

29. The following will be prohibited:

1. the use of any power tool;
2. the playing of amplified music
3. The use of Public Address Systems
4. The use of generators unless hush powered; and
5. The sounding of car or van horns

30. No body piercing or tattoo art shall be permitted. The licenceholder shall take all reasonable steps to ensure that Traders are not involved in the sale of Fireworks which is prohibited by law.

31. Where on street services are being used, eg: Power and Water, the licenceholder will be responsible for the safety of its use and any connections.

32. Any damage caused to the road surfacing or street furniture will be repaired and invoiced to the licenceholder.

33. If, during the currency of the licence, the licenceholder is:

(a) charged with any offence; and/or

(b) issued with a fixed penalty, conditional offer or written warning

by the Police or Procurator Fiscal, the licenceholder shall provide, in writing, full details of these to the Licensing Team at the address below immediately.

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| **INDOOR MARKET OPERATOR****LICENCE CONDITIONS** | Fife Council logo |

1. The licenceholder shall be responsible for ensuring that all persons present during the operation of the market conduct themselves in an orderly manner and the licenceholder shall take all steps and precautions necessary to ensure and maintain public order and safety.

2. All stalls should display the trader’s name and address.

3. Market Traders shall keep themselves, their clothing and the trading vehicle, trailer or stall in a clean and proper condition to the satisfaction of Authorised Officers from the Environmental Health Section.

4. The market and any facilities to be provided and used in connection therewith must be available for inspection at any time on market days by officers of Fife Council. The market site shall be made available for inspection on non market days by prior arrangement.

5. Any electrical installations e.g. lighting, amplified music, refrigeration equipment, cooking equipment, etc. must be installed in accordance with the current Institute of Electrical Engineers (IEE) Regulations. Residual current devices must be on all power supplies sockets used for electrical equipment. Appropriate labels are to be attached to all electrical equipment to show that a suitably qualified person has inspected it within the last twelve months.

6. Any electrical generators shall be tested, insured and suitably located. Any electrical cables must be in good condition located in a suitable position so as not to cause an obstruction or danger to pedestrians.

7. The licenceholder shall take all reasonable precautions to ensure that his staff, employees, agents, stallholders and members of the public are not exposed to a risk to their health or safety and without prejudice to the foregoing:-

(a) If any operations are to take place during the hours of darkness then adequate artificial lighting will be required throughout. Notwithstanding this, the licenceholder shall ensure that the site is adequately lit at all times.

(b) All accesses, roads and pavements within the site shall be of such repair and construction so as not to endanger public safety; no tripping, slipping or falling hazards must be present.

(c) The licenceholder or persons responsible for the supervision of the site must be present at a recognisable point on the site at all times whilst a market is in operation.

(d) The licenceholder shall make adequate arrangements for access and parking of emergency vehicles adjacent to the site and for first aid treatment within the site. Instructions for emergency procedures and location maps of the main emergency station should be posted.

8. The licenceholder shall ensure that there are adequate public toilet facilities and arrangements for supplies of wholesome water for drinking and cleaning purposes to the satisfaction of the Environmental Health Section prior to the market opening to the public.

9. The licenceholder shall ensure that there is adequate space between lines of stalls for movement within the site and access to circulation within and egress from the market for pedestrians. The licenceholder shall comply with any directions or requests regarding the layout from the Chief Fire Officer, Chief Constable or any other officer of the Council.

10. The licenceholder shall draw to the attention of any persons offering or intending to offer for sale food, including drink, the requirement for such persons to comply with the legislation relating to food and in particular food safety and in doing so the licenceholder shall make reasonable enquiry of such persons to establish that they are so complying. Market traders shall not store foodstuffs in any place or vehicle until approved by authorised officers from the Environmental Health Section.

11. The licenceholder should notify Environmental Health Services in writing three days before the date of the market the names of all stallholders/traders who will be selling food or drink.

12. The licenceholder, his agents, employees and all stallholders and persons otherwise trading within the market shall comply with any instruction or requirement communicated to them by an officer of the Council, the Chief Fire Officer, or the Chief Constable. Where this request is made on the grounds of safety the request will be complied with immediately.

13. The licenceholder shall take steps to ensure that all instructions and recommendations from the Council’s Environmental Health Section are complied with by the stallholders and any traders operating from vans.

14. The licenceholder must maintain a register giving the following details:-

(a) the date the market is held;

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(c) the nature of goods sold and the vehicle registration number of any vehicle used or to be used in connection with the market;

(d) the register must be available at an agreed location within Fife and available at the market site on the days of the market for inspection by any Police Constable or authorised officer of the Council and must be retained by the licenceholder for a minimum of two years thereafter.

15. Noise levels generated by and during the market must not be such as to cause nuisance to any persons occupying premises in the vicinity. Noise exposure levels for all persons attending the function must be within acceptable limits and in accordance with any directions from the Council’s Environmental Health Section.

16. Provision shall be made for the storage and disposal of refuse and the licenceholder shall meet any charge levied by the Council’s Environmental Health Section for clearing and cleaning the surrounding streets, if required, after the conclusion of the market. The licenceholder shall provide litter bins and arrange litter pick ups in consultation with the Council.

17. The licenceholder must not knowingly allow the market to be used for the sale of stolen/counterfeit or contraband goods.

18. Current insurance certificates to cover public liability, employer’s liability and product liability for the market and/or for each individual stallholder will require to be provided before the first market and the insurance cover maintained thereafter.

19. All health and safety requirements including the storage of flammable materials and liquids and gases including LPG shall require to be complied with. The licenceholder is required to submit, for approval by the Council, risk assessments of all identifiable hazards, and details of how these are to be addressed, prior to the market opening. Each assessment is to be specific to the individual market.

20. The licenceholder shall ensure that all arrangements for fire prevention and safety are to the satisfaction of the Chief Fire Officer.

21. The licenceholder shall ensure that:

(a) a safe and efficient system of car/vehicle parking is in place for the duration of the market

1. no vehicles belonging to them or any of the stallholders shall obstruct the free movement of traffic in the vicinity of the market; and

(c) access to any adjacent commercial or residential premises is not adversely affected by the parking of vehicles or placing of equipment.

22. No flyposting advertising the event will be permitted and no signage, directional or advertising to be placed within the adopted road boundary this includes on footway and street furniture e.g. barriers, lighting columns etc.

23. The licenceholder must have in place any necessary planning consents in respect of the operation of the market.

24. The following will be prohibited:

1. the use of any power tool;
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25. No body piercing or tattoo art shall be permitted. The licenceholder shall take all reasonable steps to ensure that Traders are not involved in the sale of Fireworks which is prohibited by law.

26. If, during the currency of the licence, the licenceholder is:

(a) charged with any offence; and/or

(b) issued with a fixed penalty, conditional offer or written warning

by the Police or Procurator Fiscal, the licenceholder shall provide, in writing, full details of these to the Licensing Team at the address below immediately.

MO2

# **FIFE COUNCIL**

Civic Government (Scotland) Act 1982

**NOTICE OF APPLICATION – MARKET OPERATOR LICENCE**

NOTICE IS HEREBY GIVEN that application has been made on (date)

to Fife Council for a Market Operator’s Licence in respect of premises at

(address)

Days and Times of Operation

by Name of Applicant / Company -

##  Address -

##  Day to Day Manager -

##  Address -

**OBJECTIONS AND REPRESENTATIONS**

Any objections and representations in relation to the application may be made to Fife Council, Licensing Team, Finance & Corporate Services, Fife House, North Street, Glenrothes, KY7 5LT generally within 28 days of the abovementioned date. Objections and representations should be made in accordance with the following provisions, namely:-

1. Any objection or representation relating to an application for the grant or renewal of a licence will be entertained by the Council if, but only if, the objection or representation -

 (a) is in writing;

 (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;

 (c) specifies the name and address of the person making it;

 (d) is signed by him or her or on their behalf;

 (e) is made to the Council within 28 days of whichever is the later or latest of the following dates -

 (i) where public notice of the application was advertised in a newspaper, the date when it was first so advertised;

 (ii) where the Council has required the applicant to display the Notice for a second time, the date the Council specified in the second notice;

 (iii) in any other case, the date when the application was made to the Council.

2. Notwithstanding 1. (e) above, it shall be competent for the Council to entertain an objection or representation received by it before it takes a final decision on the application if it is satisfied that there is sufficient reason why the objection or representation was not made in the time required.

3. An objection or representation shall be made for the purposes of 1. above if it is delivered by hand, within the time limit specified, to the Council or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered within that time.

**Any objection / representation submitted to the Licensing Team will be copied in full to the applicant. It is likely that the person making the objection / representation will be invited to attend the Regulation & Licensing Committee to speak in support of their objection / representation prior to the application being determined.**MO3

**PLEASE NOTE THIS DECLARATION SHOULD ONLY BE COMPLETED AND RETURNED TO FIFE COUNCIL ONCE THE NOTICE OF APPLICATION MO2 HAS BEEN DISPLAYED FOR THE 21 DAY PERIOD.**

FIFE COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

MARKET OPERATOR LICENCE

CERTIFICATE OF COMPLIANCE

I,

applicant for a Market Operator’s Licence, hereby certify that a Notice has been posted at or near the premises at

from (date) to (date)

containing such information as is required by paragraph 2(3) of Schedule 1 to the above Act.

\* Where the said Notice was removed, obscured or defaced during the above-mentioned period, I took reasonable steps for its protection and replacement as follows:-
(give details and circumstances)

Date Signature

\* Delete if not applicable