

GUIDANCE ON APPLYING FOR A MARKET OPERATOR LICENCE

A Market Operator Licence shall be required for carrying on a private Market.

What exemptions apply?

A Market Operator Licence shall not be required for carrying on either of the following:-

- Functions held by charitable, religious, youth, recreational, community, political or similar organisations;
- Markets held only for the sale of livestock, fodder or grain.

Who should apply?

The individual or company responsible for operating the market should apply for a licence. Not individual stallholders.

If a partnership applies for a licence they must provide a copy of the partnership agreement.

If a company or partnership applies for a licence they must provide details of an individual who will be responsible for the day to day management of the premises.

An individual applying for a licence who does not intend to be responsible for the day to day management of the premises can name another individual as their day to day manager.

Will I require any other permissions or consents?

Planning permission may be required.

If premises are to be used and any alterations have been done to the premises a building warrant might be needed.

The individual stallholders whose trade includes food should ensure they meet the requirements of the Food and Safety Act 1990.

Further details can be obtained by contacting the Council's Food Safety Unit, Environmental Health, Development Management and Building Standards at Development Services, Falkirk Council, Abbotsford House, Bainsford, Falkirk, FK2 7YZ (telephone 01324 504950).

How do I make an application?

Your application should be made on the form that is available to download from our website. You will also need to send to us the following with the form:-

- The application fee. This can be paid in cash, by cheque made payable to “Falkirk Council”, debit/credit card or postal order.
- Photographic Identification (new applications only).
- Proof of address
- Criminal Record Check if required.
- Location and boundary plan showing at least two named roads and surrounding buildings or the situation of the application site in relation to the locality. The application site must be clearly marked and include all of the land relating to the area to be licensed detailing layout of stalls, toilet provisions and car parking area.
- Written consent from the owner of site/premises to operate a market (if required).

Site Notice (New/Renewal applications only)

When you submit the application the Site Notice will require to be displayed at or near the premises for a period of 21 days where it can be conveniently read by the public. This allows for the public to object to or make representation to your application. Once the notice has been displayed for this period you are required to complete and submit the Certificate of Compliance. Please check with the licensing office to ensure we have your application before you display your notice. The notice will be checked by the licensing Enforcement Officer. No notice is required for a temporary licence application.

How much will it cost?

The application fees for a market operator licence are:-

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|-------------------------------------|------|
| • New/Renewal application | £358 |
| • Temporary (maximum grant 6 weeks) | £136 |
| • Variation | £36 |

Generally you won't get your money back if we have started to process your application and change your mind or if your application is refused.

What happens if I have convictions or fixed penalties?

You need to tell us on the application form of **all** current convictions, conditional offers and/or fixed penalties recorded against any person(s) named on the application. If the application is for the renewal of an existing licence you are only required to tell us of convictions or fixed penalties since your licence was last granted. If you don't submit all information we will send your application form and fee back to you. If you have a current conviction the application will automatically be determined by the Civic Licensing Committee.

What if I have lived outside the UK for six months or more within the last 10 years?

If any persons named on the application has lived outside the UK for a period of six months or more within the last 10 years a Certificate of Good Conduct or Criminal Record Certificate from the country you resided in. The Criminal Record Certificate must have been obtained within the last 6 months of prior to submitting the application. This is so we can make sure we have the same information about your criminal record as we have for people who have lived in the UK for 10 years. You should contact your Embassy or Consulate to find out how to do this. If the information is not in English then you will need to arrange for it to be translated. You will have to meet the cost of getting this information, along with the costs of any translation.

How will my application be processed?

For new and renewal applications a 28 day consultation period begins on receipt of your application. This is when you display the Notice for a period of 21 days on or near the premises. You should check with the Licensing Unit that we have received your application before you display the notice. Thereafter, you complete the Certificate of Compliance and submit it to the Licensing Unit. Any person can object or make representation to your application at this stage.

If the application is for a temporary market we don't need to wait the full 28 days. However please give us as much notice as possible before the event.

During the consultation period your application will be sent to the following:
Police Scotland, Scottish Fire and Rescue Service, Environmental Health, Building Standards, Development Management.

How long will it take to process my application?

We have nine months to make a final decision on your application. No decision can be made on any application until the consultation period of 28 days has passed. In practice most applications take approximately four to six weeks to process unless it has to be determined at a meeting of the Civic Licensing Committee.

The application will be determined at a meeting of the Civic Licensing Committee if:-

- any person named on the application has unspent conviction(s);
- objections are received; or
- the premises/location are not suitable.

The Council can make an application to the Sheriff to extend the nine month determination period if required.

Once I submit my application, can I operate the market?

If the application is for a new licence you cannot run markets **until your application is granted**. If the application is for renewal of an existing licence you can continue to operate as per the last licence granted until we make a decision on your application.

What happens if my application is granted?

You will receive a letter advising of this along with your licence and conditions. Market Operator Licences are normally granted for 3 years. If the licence is granted by officers the Standard Conditions will apply. If the licence is granted by the Civic Licensing Committee it will be granted with the Standard Conditions along with any additional conditions that the Committee may apply.

Do I need to do anything once my licence is granted?

Yes – You will require to demonstrate to us that:-

- you have public liability insurance to the value of £5million
- maintain a register of your markets detailing each stallholder
- provide evidence that there are suitable and adequate arrangements for disposal of all waste including recycling arrangements.

What happens if my application is refused?

If your application is refused, you are not allowed to make another application for this type of licence for 1 year from the date of the refusal unless you can show that there has been a material change in circumstances. You are entitled to ask us within 28 days of the application being refused by the Committee to give reasons for the refusal. Within 28 days of the Committee decision you may be entitled to a right of appeal to the Falkirk Sheriff on certain grounds.

What happens if I want to change my existing licence?

If you want to increase your hours or change the day to day manager you are required to submit an application to vary your licence. If the person who is the licenceholder changes, a new licence will have to be applied for. The variation does not come into force until we make a decision on the variation application. You should also tell us if anyone changes their address.