

**FALKIRK COUNCIL
MARKET OPERATOR CONDITIONS**

1. The Licence holder (also known as the “Operator”) shall be permitted to operate in the area as detailed in the licence and as in accordance with the stall layout in the attached location plan. Any material alteration to the layout must be approved in advance by the Council.
2. The Licence holder shall comply at all times with the provisions of the Civic Government (Scotland) Act 1982 and any legislation amending or replacing same and shall also comply with or ensure compliance with such recommendations as may be made by the Scottish Fire and Rescue Service from time to time in relation to fire safety. In addition, the Licence holder must ensure compliance with the Health and Safety at Work etc. Act 1974 and any legislation amending or replacing same and all other relevant legislation and regulations and, where the premises include food stalls or catering facilities, The Food Safety Act 1990 and the associated Regulations made thereunder. The Licence holder will ensure that no noise nuisance is caused in contravention of the Environmental Protection Act, 1990, or any legislation amending or replacing same in particular that any music, amplified music and speech are properly controlled so as not to give rise to nuisance.
3. The Licence holder shall maintain public liability insurance to a minimum level of indemnity of £5,000,000 throughout the duration of the licence. The Licence holder shall exhibit to the Council the policy at least 7 days prior to the commencement of the first market.
4. The Licence holder shall prepare and submit to the licensing section a comprehensive risk assessment relating to the operation of the market at least 7 days prior to the commencement of the first market.
5. The requirements for toilet facilities shall be as agreed with the Council. The Licence holder shall ensure that appropriate signage is provided indicating the location of the nearest toilet provision available to the general public.
6. The Licence holder shall maintain a Register with individually numbered pages and entries showing the date upon which each market is held together with the name, address, telephone number and place of business of each stall holder or retailer, the nature of the goods sold by him or her and the registration number of his or her vehicle (if applicable). Each entry shall identify the stall allocated to each stall holder by its number. The register shall be completed by start of trading of the first day of the market and retained for two years. The Licence holder must keep this Register up to date at all times, and shall exhibit it on demand to any Police Officer, Trading Standards Officer, Environmental Health Officer or authorised Official of Falkirk Council on production by that Officer or Official of their badge of office or written evidence of their appointment to that office and shall allow such Officer or Official to note such particulars as he or she may require from the Register.

7. The Licence holder shall supply each stall holder in the Market with a printed number of a size not less than six inches square and shall ensure that the stall holder displays the number in a prominent position on the stall. This number shall correspond to an entry in the Register required to be kept by the Licence holder in accordance with the foregoing Condition 6.
8. The Licence holder shall permit access to the Market at any time to any Authorised Police Officer, Fire Officer, Trading Standards Officer, Environmental Health Officer or any other authorised Official of Falkirk Council on production of evidence of such Authorisation. All reasonable directions from such officers must be complied with.
9. Notwithstanding the terms and conditions contained in this Licence, the Licence holder shall comply or ensure compliance with any order or instruction given by any Police Officer for the prevention of obstruction or annoyance to the public or to the occupiers of any premises or property or in connection with any emergency or disturbance (including an order or instruction to close the premises for a limited period) or on any occasion when such Police officer, in the exercise of his or her discretion, may consider it necessary in the public interest to give such order or instruction.
10. The Licence holder shall ensure that no person shall bring into the Market any vehicle, goods or receptacle for goods in such a manner as to cause obstruction provided that this shall not apply to any vehicle being used by the Scottish Fire and Rescue Service, Ambulance Service, Doctor, Police or Refuse Collection Service in pursuance of their statutory powers or duties.
11. The Licence holder shall ensure that all stalls, fittings, cloths, covers and appliances used within the Market are kept clean and in good condition.
12. Adequate litter bins must be provided with all refuse generated being cleared from the market area.
13. The Licence holder, while operating a private Market shall have with him or her, the Licence which shall be kept at all times clean and legible and shall exhibit it on demand to any Authorised Officers referred to in paragraph 8. and shall allow such Officer or Official to note the particulars of the Licence. The Licence holder shall not in any way alter, erase or deface this Licence
14. Any portable generators should be enclosed wherever possible to reduce noise and safeguard the public.
15. In the event of any damage being caused to the existing infrastructure as a consequence of the market, or any refuse or extraneous materials that requires to be cleared, all associated costs for carrying out remedial action will be met in full by the Licence holder.

16. The Licence holder shall ensure that first aid facilities/ trained first aiders are available and on site for the duration of the market.
17. The Licence holder shall ensure that the day to day manager is present on-site throughout the duration of the market.
18. The Licence holder shall ensure that SIA accredited security personnel are located on-site during the night should the market stalls be kept in position overnight.
19. The Licence holder shall not:
 - a) at any time use, for the purpose of advertising his presence, trade or business, any loudspeaker, horn, whistle, or other device as to give reasonable cause for annoyance to persons in the vicinity; and
 - b) allow merchandise to be sold or offered for sale at the market other than the following categories of stall/ produce:-
 - details of stalls to be provided
20. This licence is granted subject to the Licence holder having the right to use premises and having obtained all other necessary consents including under the Planning legislation. If the premises are to be operated as a street market on property managed and maintained by Falkirk Council as Roads Authority, this licence is in no way to be considered to waive the requirement to obtain the consent of Falkirk Council to use the premises. Instead the consent of Falkirk Council as Roads Authority must be obtained to cover every occasion when the street market is being operated.
21. The Licence holder shall ensure that all traders participating in any market to be operated in terms of the licence are aware that they may not sell anything illegal or in contravention of any laws. Traders are responsible for ensuring that they are aware of any legislation relating to the products they sell and in particular whether or not trading in specific goods may be illegal.
22. An adequate number of fire extinguishers shall be provided and their location suitably identified throughout the site. All stall holders shall be aware of the siting of the fire fighting equipment and its operation. Adequate access and egress to and from the site shall be provided and maintained free from obstruction.