



LEGAL AND REGULATORY SUPPORT

SCHEDULE OF CONDITIONS

MARKET OPERATORS

General Conditions

- 1 A market operator while operating said market shall always have with them their licence which they shall keep at all times clean and legible and shall exhibit on demand to any Trading Standards Officer, any authorised Officer of the Council or any Police Officer, on production by that person of his Badge of office and shall allow such person to note the particulars on such licence.
- 2 A market operator shall not lend or allow any other person to use their licence.
- 3 A market operator shall not in any way alter, erase or deface their licence and shall, when reasonably required, produce it for examination by the Licensing Authority.
- 5 The market operator shall require the consent of the Director of Development and Infrastructure Services to the layout of the site or premises on which the market is to be held.
- 6 The market operator must comply with the requirements of Section 40(3) of the Civic Government (Scotland) Act 1982 with regard to the maintenance of order and public safety as well as all other relevant legislation (ie. Food safety, workplace safety, fair trading)

Planning Consent

- 7 A market operator must ensure that they have planning consent and all other necessary consents for operating as such in the site specified and must adhere to all relevant legislation.

Litter and Refuse

- 8 Every market operator shall collect and remove any paper, garbage or other refuse which may be produced or accumulated during the course of trading. Without prejudice to the foregoing generality deposit of paper, garbage or other refuse by customers.
- 9 The market operator shall ensure they have, prior to trading in terms of this licence, arranged and signed an agreement for the collection of commercial waste. They shall either submit a copy of the agreement with the application or do so within 14 days of receipt of a licence. The renewal of licence application must be accompanied with a copy of the agreement

Statutory Obligations

- 10 The market operator shall also ensure that, where appropriate, they comply with workplace safety (including noise at work), food safety, fair trading, prohibition of smoking in public places and environmental noise and pollution legislation.

Stall-Holders

- 11 Every market operator shall at all times when operating said market keep themselves and their clothing clean and keep and maintain any structure, vehicle or receptacle used for the purpose of market operating in a clean and tidy condition to the satisfaction of the Head of Legal and Regulatory Support. On written notice signed by an Environmental Health Officer authorised by the Council to sign such notices in terms hereof being given to any street trader that they have become unsuitable in respect of the unsatisfactory condition of their clothing or person or that the structures of receptacles are unsuitable, such market operator shall immediately cease to act as a market operator until they remedy the cause of the complaint to the satisfaction of the Director of Development and Infrastructure Services or until the said notice is withdrawn and such notices shall be recorded in the Register kept for the purpose and available during normal office hours for public inspection and shall be reported to the Licensing Authority for information as soon as may be.
- 12 Notwithstanding the terms and conditions contained in their licence, every person engaged or employed in market operating within the licensing area shall comply with any order or instruction given by any Police Officer in uniform for the prevention of obstruction or annoyance to the public or to the occupiers of any premises or in connection with any emergency or disturbance or on any occasion when such Officer in his discretion may consider it necessary in the Public interest to give such order or instruction.

Food Safety

- 13 Where the goods or articles sold or which are offered for sale by any person engaged or employed in operating the market are of a perishable nature, or are intended for human consumption, the licence holder shall not store such goods or articles in any place or vehicle until said place or vehicle has been approved by the Director of Development and Infrastructure Services for that purpose.
- 14 Vehicles used for the sale of perishable food require to have been issued with a current certificate of compliance and to be in compliance with the requirements of the Food Hygiene (Scotland) Regulations 2006 and Safety at Work etc. Act 1974.
- 15 Stalls used for the sale of food should be constructed of materials which will enable them to be kept clean and capable of being maintained in good order.
- 16 Sales of food which are outwith their use by date is prohibited. It is recommended that foods which are outwith their “best before” date are not sold.
- 17 The market licence holder to accept responsibility for the cessation of trading of operators of vehicles and stalls which do not fulfill the criteria specified at 15-19 above.
- 18 Where the licence allows the holder to sell from a stationary structure in said market, the said structure shall be of a form which can speedily and easily removed, and where such stalls are used for the sale of food, they shall contain equipment for the proper cleaning and sterilizing of all utensils and vessels used in connection therewith as shall be satisfactory to the Director of Development and Infrastructure Services and shall comply at all times with the requirements of the Food Safety Act 1990, the Food Hygiene (Scotland) Regulations 2006 and any other associated regulations.

General Fire Precautions

- 19 The licence holder must ensure compliance with the duties placed upon them under Part 3 of the Fire (Scotland) Act 2005 (as amended) insofar as such obligations would apply

Change of Circumstances

- 20 A market operator who ceases to act as such for the unexpired period of this licence or whose licence has been suspended by the Licensing Authority or has expired shall, within three days thereafter deliver his licence to the Head of Legal and Regulatory Support, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
- 21 The licence holder, shall within seven working days, notify the Licensing Authority of any change of circumstances (i.e. change of address; medical conditions; criminal convictions; no longer operating as a market operator etc.). Any licensee in doubt as to what constitutes a change of circumstances should contact the office of Head of Legal and Regulatory Support for guidance.