



WEST DUNBARTONSHIRE COUNCIL

MARKET OPERATOR'S LICENCE

STANDARD CONDITIONS

- 1** In these conditions :
 - (a)** the “premises” means the premises specified in the licence and includes any market held outdoors or in temporary premises.
 - (b)** “licence holder” means the person named in the licence.
 - (c)** “the Council” means West Dunbartonshire Council.
 - (d)** “trader” means any person offering (i) goods for sale by retail or (ii) any service to the public at a market.
- 2** The licence holder or a responsible and suitable person (which shall be nominated by the licence holder and intimated by the licence holder to the Council in writing) shall be responsible for the day to day running of the market premises and shall be in charge of and present at the premises at all times when the premises are open to the public.
- 3** The licence holder shall ensure that in addition to a responsible person being present at all times, that there shall always be on duty at such times a sufficient number of competent attendants or stewards to the satisfaction of the Council.
- 4** The licence holder shall at all times display his/her licence at the premises where a market is taking place. The licence shall be displayed in such a way as to be conveniently read by members of the public attending the market.
- 5** The licence holder shall not in any way alter, erase or deface his licence and shall, when reasonably required, produce it for examination by any Police Constable or any Officer of a Government Department operating under statutory powers or any Officer of the Council.
- 6** The licence holder shall maintain a register with individually numbered pages and entries showing the date each time a market is held, the name, address, telephone number and normal place of business of each stall holder or retailer and the vehicle registration mark of any vehicles used or to be used in connection with the said market. The

register shall be available for inspection by any Police Constable or any Officer of a Government Department operating under statutory powers or any Officer of the Council. The licence holder shall maintain the register for a minimum period of 2 years after each market day.

- 7** The licence holder shall be permitted to hold a market only on the day or days, and at the times specified in his/her licence at the premises or location specified in the licence.
- 8** The licence holder shall, if he/she changes his/her name or address, within 7 days next after such change of name or address notify the change and send or deliver the licence to the Council's Head of Legal and Administrative Services who shall endorse the name or address upon the licence and return it to the holder.
- 9** The licence holder shall ensure to the satisfaction of the Council that an adequate number of receptacles are provided on the premises at all times for the deposit of litter by stall holders and members of the public; that said receptacles are emptied regularly and that pavements or public areas bordering the premises are kept clear of litter at all times.
- 10** The licence holder shall be responsible for the collection and removal of all refuse which may be produced or accumulate in the course of the market and, shall, at the termination of the market each day, leave the premises in a neat and tidy condition to the satisfaction of the Council.
- 11** The licence holder shall ensure that toilet and hand washing facilities are available for traders participating in the market and, where appropriate, for those frequenting the market. Such facilities shall be readily accessible and, where temporary facilities have been provided, they shall be to the satisfaction of the Council. The facilities shall be maintained in a clean and tidy condition, a satisfactory state of decoration, and in good working order all to the satisfaction of the Council.
- 12** The licence holder shall comply with, or ensure compliance with, such requirements/recommendations as may be made by the Fire Authority, with particular reference to the undernoted item :
 - (a)** the provision of adequate means of escape in case of fire;
 - (b)** passageways to exit doors to be maintained free of all obstructions;
 - (c)** the provision of suitable lighting;
 - (d)** the provision of illuminated signs and notices indicating the position of fire exits and the method of using the exit (eg "Push Bar to Open");

(e) the provision and maintenance of appropriate and adequate portable fire fighting equipment.

- 13** The licence holder shall be responsible for ensuring that, where necessary, traders participating in the market are holders of second hand dealers licences granted by the Council.
- 14** The licence holder shall ensure that any stalls or units or any premises contained in the market comply with the provisions of the Food Safety Act 1990 including subordinate codes of practice, regulations and other associated legislation.
- 15** The licence holder shall ensure that all stalls or units or any premises contained in the market comply with the provisions of the Health and Safety at Work etc Act 1974 including subordinate codes of practice, regulations and other associated legislation.
- 16** The licence holder shall ensure that all stalls or units or any premises contained in the market do not constitute a noise nuisance in terms of statute or at common law.
- 17** The licence holder shall ensure that no counterfeit goods are sold by any stall or unit or any premises contained in the market. The licence holder shall ensure that all stalls or units or any premises contained in the market comply with the Consumer Protection from Unfair Trading Regulations 2008, Trade Marks Act 1994 and Copyright, Designs and Patents Act 1988 including subordinate codes of practice, regulations and other associated legislation.
- 18** The licence holder shall ensure that all stalls or units or any premises contained in the market do not sell alcoholic liquor. A licence holder shall ensure that no alcoholic liquor is present in, or being consumed on, the premises. The licence holder shall ensure that no person under the influence of alcohol is allowed entry to the premises.
- 19** The licence holder shall ensure that no tobacco products such as cigarettes or cigars shall be sold by any stall, unit or any premises contained in the market.
- 20** The licence holder shall provide insurance cover for all stall holders against claims of up to two million pounds by third parties if occasioned by negligence on the part of the licence holder stall holders or any authorised employee or agent of the licence holder.