



# Midlothian

## Civic Government (Scotland) Act 1982

### Market Operators' Licence

#### Notes for Guidance

- 1 A Market Operator's Licence shall be required for carrying on a private market
- 2 A "Private Market" means a market, whether covered or not, carried on by any person other than a local or public authority at which goods are offered by more than one seller for sale by retail to the public. The regulatory framework will address concerns about noise, crowds, traffic congestion and other environmental annoyances to local residents and days and hours of opening, the provision of adequate toilet facilities, the layout of the site or premises on which the market is to be held, and the maintenance of order and public safety.
- 3 There are specific exemptions for a variety of non commercial functions and agricultural markets, which might otherwise have been considered as private markets, namely (a) functions held by charitable, religious, youths, recreational, community, political or similar organisations; and (b) markets held only for the sale of livestock, flour or grain.
- 4 Completed application forms must be accompanied by cheques/postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to 40-46 Buccleuch House, White Hart Street, Dalkeith.
- 5 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.
- 6 **Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED including those not resulting in imprisonment or fines e.g. Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.**
- 7 If you are unable to provide this information you will be able to obtain it from Police Scotland You can submit a subject access request to Police Scotland by emailing: [dataprotectionsubjectaccess@scotland.pnn.police.uk](mailto:dataprotectionsubjectaccess@scotland.pnn.police.uk) or by writing to Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA.

Your request must be accompanied by scans/ photos/ photocopies of two official documents which between them should confirm your date of birth and your current address.

Once the Chief Constable is satisfied as to your identity, Police Scotland have one month to reply to your request.

Further information and application forms can be found on the Police Scotland website on the following link: <http://www.scotland.police.uk/access-to-information/data-protection/subject-accessrequests>

- 8 **Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.**
- 9 **The fee is £420.00 (3 years).**
- 10 In respect of the planning position, it is the applicant's responsibility to ensure that the correct planning permission is in place prior to using a site for any purpose. Ideally this should be established before applying for a licence. If you have any queries about the suitability of a site for a certain use then you should approach the planning authority directly for advice. Pre-Application Advice can be sought here:-  
  
[http://www.midlothian.gov.uk/info/180/development\\_management\\_planning\\_applications/279/planning\\_information\\_and\\_guidance](http://www.midlothian.gov.uk/info/180/development_management_planning_applications/279/planning_information_and_guidance)
- 11 The Council will consult the Chief Constable, Chief Fire Officer, and Planning Manager.
- 12 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments.
- 13 The applicant shall, for a period of 21 days beginning with the date on which the application was submitted, display a Notice confirming that application has been made and after the expiry of the 21 day period, duly certify that this Notice has been posted.
- 14 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained.
- 15 There is attached a statement that has been provided by Scottish Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.
- 16 The Market shall be conducted in such a manner as to cause as little inconvenience as possible to neighbouring residents. All activity on site, including the erection of stalls, shall not commence prior to 0800 hours and shall take place in such a manner as to avoid nuisance.
- 17 All amplified music and vocals shall be controlled to the satisfaction of the Director, Communities and Wellbeing.
- 18 Any generators used during the event shall be of a 'silenced' type and shall be located and operated in such a manner as to minimise disturbance and avoid nuisance.
- 19 The Licensee shall comply with the advice given in the Chief Fire Officer's Guidance, a copy of which is attached hereto, (Appendix 2.)

- 20 The Licensee shall be responsible for ensuring that the structure of any stall is sound and secure.
- 21 The Licensee must maintain a register which contains the following details:-
- (a) the date each time a market is held;
  - (b) name, address, telephone number of each stallholder;
  - (c) type of goods sold; and
  - (d) registration mark of any vehicle used in connection with the said market.
- 22 The register must be made available for inspection by any Police Officer or authorised officer of the Council.
- 23 Notices of a size that are readily legible shall be posted throughout the site bearing the contact details of the Responsible Manager.
- 24 Appropriate site monitoring arrangements shall be made by Council Officers.

#### Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email [BG@midlothian.gov.uk](mailto:BG@midlothian.gov.uk) to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) to access our online Privacy notice