

**MARKET OPERATOR
CONDITIONS**

(a) Conditions applicable to all Markets

1. The Licensee shall comply with all recommendations, instructions and directions which he may receive from any constable or from any authorised officer of the licensing authority or of the fire authority. In particular, and without prejudice to the foregoing generality, the licensee shall comply with any conditions imposed or instructions issued by any authorised officer of the licensing authority or of the fire authority in relation to matters of market lay-out, construction of stalls, provision of passage-ways, gaps between stalls, provision and maintenance of fire fighting appliances, provision and maintenance of means of escape, and where applicable, provision and maintenance of fire alarm systems.
2. The Licensee shall be responsible for the collection, storage and disposal of litter and refuse which may be produced or may accumulate in the course of market operations or emanate therefrom, all to the satisfaction of the licensing authority.
3. The Licensee shall not permit the selling or the offering or exposing for sale within the market of goods or articles of an objectionable or indecent character.
4. The Licensee shall at all times conduct the market in such a manner as to cause no nuisance, annoyance or danger to neighbours or to the public.
5. The Licensee shall maintain a register with individually numbered pages and entries showing:-
 - (i) Each date upon which the market is open to the public;
 - (ii) The name, permanent address, telephone number and place of business of each stall holder;
 - (iii) The nature of the business of each stall holder; and
 - (iv) The registration marks of all vehicles serving as stalls or used in any way in connection therewith.
6. The Licensee shall keep the register available for inspection at the market during operating hours by any constable and any authorised officer of the licensing authority or of the fire authority.
7. The sale of open food shall be restricted to vegetables not normally consumed in an uncooked state and fruit unless sold from a purpose built unit, such as a van, caravan, trailer or stall which complies with the Food Hygiene (Scotland) Regulations 1959-78 and/or the Ice-cream (Scotland) Regulations 1948.
8. The Licensee shall ensure that, where appropriate, individual stalls and stall holders shall comply with the relevant food hygiene legislation and other legislation relating to the sale of food for human consumption.
9. The Licensee shall operate the market in such a manner as to ensure that the market and the stalls and stall holders within it comply with the relevant provisions of the Health and Safety at Work Etc. Act 1974.

10. The Licensee shall effect and maintain insurance with a reputable insurance company all to the satisfaction of the licensing authority against any loss, injury or damage arising out of or in any way connected with the operation of the market, to persons working at or attending the market and other members of the public in the vicinity, and shall exhibit the policy and premium receipts to the licensing authority on demand.
11. The Licensee shall ensure compliance with all relevant legislation relating to noise emanating from the market, including that contained in Section 62 of the Control of Pollution Act 1974 as read with the Code of Practice on Noise from Ice-cream Van Chimes, etc 1982, the Environmental Protection Act 1990 and the Noise and Statutory Nuisance Act 1993.
12. The Licensee shall not knowingly permit any persons convicted of a criminal offence arising out of or in any way connected with their activities as a stall holder or stall holder's assistance either to operate or assist in the operation of a market stall.
13. In these special and general conditions:
 - (a) "fire authority" means the Lothian and Borders Fire and Rescue Board;
 - (b) the singular includes the plural and the masculine includes the feminine; and
 - (c) all reference to statutes or statutory instruments shall be deemed to include references to any bye-laws, regulations or codes of practice made thereunder and to any amendments made from time to time thereto.

(b) Extra Condition applicable to Open Air Markets

Where the number of stalls at the market exceeds ten, the Licensee shall provide adequate toilet facilities, including hand washing facilities and a hot water supply for the use of persons working at the market, all to the satisfaction of the licensing authority.