

Market Operators' Licence

In terms of Section 40 of the Civic Government (Scotland) Act 1982 market operators require to be licensed. The market operators licensing scheme is administered by the Council's Licensing Department.

The Licensing Team are able to provide general guidance on the scheme but cannot assist you to complete your application form or provide legal advice on whether a licence is required. You should seek legal advice from a solicitor or advice centre if you are unsure as to whether you require a licence.

Which markets do not require a licence from the Council?

A market operator's licence shall not be required for carrying on either of the following:

- functions held by charitable, religious, youth, recreational, community, political or similar organisations;
- markets held only for the sale of livestock, fodder or grain.

How do you apply for a Market Operators Licence?

If you want to apply for a licence you must submit an application form along with the required documents and the appropriate fee. You can apply and pay on line at <https://www.pkc.gov.uk/article/15614/Market-operator-licence>

A list of fees are available from the downloads section of this page. To allow time for the application to be processed, applications **must** be received at least 35 days in advance of the date of the event. All applications are copied to the Council's consultees. Mandatory background checks will be carried out on all applicants by Police Scotland.

How will my application be decided?

We have nine months in which to make a decision regarding your application however the majority of applications are determined within 6-8 weeks and applications which do not attract any adverse comments or objections are granted by the Head of Legal Services under delegated powers.

All other applications require to be referred to the Licensing Committee for a decision to be made to grant or refuse your application. You will be advised if your application is being referred to the Licensing Committee. The Committee meets every six weeks and you will be sent notice of the date and time of the meeting at which your application is to be considered along with a copy of the report on your application. Meetings are held in the Council Chambers, 2 High

Street, Perth and you or your representative will be given the opportunity to explain to the committee why you consider your application should be granted

If your application is refused by the Licensing Committee you may have a right of appeal against that decision and can request a written statement of reasons in relation to the decision from the Licensing Team, this must be done within 10 days of the date your application was refused. Appeals against decisions can be made to Perth Sheriff Court, information regarding the Sheriff Court is available from the [Scottish Courts](#) website and you should consult your own legal representative should you wish further information on how to appeal.

How do I make a representation or objection about a Market Operator's Licence?

Any member of the public can make an objection or representation about a market operator's licence application unless the application is for a temporary licence.

Guidance explaining how an objection or representation can be made can be viewed here <https://www.pkc.gov.uk/article/15590/Appealing-objecting-to-a-licensing-application->

What standard conditions will be applied if my licence is granted?

Standard conditions that are applied to a market operator's licences can be viewed in the downloads section of this page <https://www.pkc.gov.uk/article/15614/Market-operator-licence>

How long will my licence be granted for?

A market operator's licence is issued for a period of either 1 year or 3 years for both the grant and renewal of a licence. Alternatively, if your application is for a temporary licence, the licence will be granted for the duration you requested and can be from one day and for no longer than six weeks.

What if I want to vary any of the standards conditions in relation to my licence?

If you are a current licence holder and wish to vary a condition of your licence you need to make a material change application using the form and pay an administration fee. Please note that a separate application must be made for each licence which you wish to be varied. The application form can be found at <https://www.pkc.gov.uk/article/15614/Market-operator-licence> and a list of fees can be found in the downloads section of this page.

Once your application form and fee are received a copy of your application will be sent to the Council's consultees for their comments. If there are no adverse comments received from advisors the licence can be varied by the Head of Legal Services using delegated powers.

However, if any adverse comments are received the application would then need to be referred to the next suitable Licensing Committee for a decision to be taken. If your application needs to go to the committee the whole process may take three to four months depending on how long, it takes the consultees to respond. If your material change application is referred to committee you will be invited to attend the meeting to explain to the committee why you consider your application should be granted. You should be aware that if your application requires to be referred to the Licensing Committee that this will delay the determination of your application.

What if my details change or I no longer wish to hold my licence?

You should notify us as soon as you can if your details change or any of the information given in your application becomes out of date due to a change in your circumstances.

If you no longer wish to hold your licence you can surrender it to the council at any time by returning your licence together with a letter stating that you wish to surrender it. If you surrender your licence it will cease to have effect.

How do you complain about market traders or operators?

Complaints regarding the services offered by market traders should be made to the market organiser. Complaints regarding the conduct of a licence holder may be made to the Licensing Department. These should be made in writing by email or letter providing full details of the nature of the complaint and sent to the Licensing Department using the contact details below.

Complaints regarding unlicensed markets should be made to Police Scotland by calling 101.

LICENSING DEPARTMENT CONTACT DETAILS

Name: Licensing Department

Address: Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Email: civlicensing@pkc.gov.uk

Tel: (01738) 475180