



## **GUIDANCE & INFORMATION FOR MARKET OPERATORS AT:**

- **ELGIN – HIGH STREET (PLAINSTONES)**  
- Markets and non-commercial events
- **BUCKIE – CLUNIE SQUARE – markets**
- **KEITH – REIDHAVEN SQUARE – markets**
- **LOSSIEMOUTH – STATION PARK – markets**
- **FORRES – LEYS ROAD CAR PARK - markets**

**PLEASE NOTE  
YOU MUST OBTAIN THE CORRECT LICENSING  
PERMISSION FROM THE MORAY COUNCIL BEFORE YOU  
CAN OPERATE A MARKET OR EVENT  
FURTHER DETAILS OF LICENCES ARE WITHIN THIS  
DOCUMENT  
APPLICATIONS FOR LICENCES REQUIRE TO BE MADE  
AT LEAST 28 DAYS BEFORE THE PROPOSED MARKET  
OR EVENT**

# **Contents:**

**SECTION 1** Introduction

**SECTION 2** Conditions of Use

**SECTION 3** Information on Licences and Other Permissions

3.1.1 Market Operator Licences

3.1.2 Street Trader Licences

3.1.3 Occasional Licences

3.1.4 Other Licenses

3.2 Other Permissions

3.3 Planning Permission

**SECTION 4**

Certificate of Indemnity Insurance

**SECTION 5**

Environmental Health Regulations

**SECTION 6**

List of Annexes

**SECTION 7**

Checklist

# NOTES AND GUIDANCE

## SECTION 1

### 1.1 Introduction

- The Moray Council is keen to support markets and non-commercial events and recognises these are an important part of community life. To make a market or event successful, it is imperative that the market organiser ensures that their planning and management meets the necessary regulatory requirements. The purpose of this Framework is to guide those wishing to operate markets or non-commercial events located at specified locations in Elgin, Keith, Buckie, Lossiemouth and Forres.

## SECTION 2

### 2.1 Conditions of Use

- ❖ Please see annexe 2 for specific conditions for each town in Moray. Note that you are required to submit a method statement to describe the operation and use of the market or event.
- ❖ Any fire hydrants must be kept clear of any obstruction at all times.
- ❖ Noise from music must be monitored and kept at a reasonable level.
- ❖ The whole area must be kept clean and tidy and the accumulation of any litter removed.

## **SECTION 3 INFORMATION ON LICENCES AND OTHER PERMISSIONS**

**PLEASE NOTE: APPLICATIONS FOR THE FOLLOWING LICENCES REQUIRE TO BE MADE AT LEAST 28 DAYS BEFORE THE PROPOSED MARKET.**

### **3.1.1 Market Operator Licences**

- A licence is required to operate any private market, which is defined as being 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.
- A market operator licence is not required to hold any of the following:
  - a) Functions held by charitable, religious, youth, recreational, community, political or similar organisations;
  - b) Markets held only for the sale of livestock, fodder or grain.

*Please note that your application and insurance details need to be lodged **more than 4 weeks prior to the event** at which the market is to be held.*

*In addition, a plan showing the proposed layout of stalls, gangways, etc and detailing the proposed construction of the stalls requires to be submitted at least 7 days before any market commences (if available this should be submitted with the application form)*

*A comprehensive list of all traders who are to participate in the market requires to be submitted no later than 2 working days prior to commencement of the market (again if this is available please lodge at the time of making of the application).*

***Please also note that the Moray Council is unable to guarantee that your application will be processed within 4 weeks.***

***Should any of the necessary consultees, i.e. Grampian Police, Grampian Fire Brigade and the Chief Environmental Protection, Building Control and Planning Enforcement Officers of the Moray Council) make any objection or representation to your application, then the matter will require consideration by the Council's Licensing Committee who meet once every two months. In other words, your application could not be granted until at least the next scheduled meeting of this Committee.***

*Full information on Market Operator's Licences can be found on The Moray Council's website. Please contact the Council's Licensing Team email [ldsadmin@moray.gov.uk](mailto:ldsadmin@moray.gov.uk) or Tel: 01343 563027, for advice and guidance on applicable licences.*

### **3.1.2 Street Trader Licences**

Street trading means hawking, selling or offering or exposing for sale any item or offering to carry out or carrying out for money or monies worth any service in a public place. A street traders licence is required for street trading by a person whether on his own account or as an employee.

In relation to events on the Plainstones such licences would be required for the operation of food stalls/vans and the retailing of goods from a moveable stall which was not covered by a market operators licence.

*Please contact the Council's Licensing Team email [ldsadmin@moray.gov.uk](mailto:ldsadmin@moray.gov.uk) or Tel: 01343 563027 for information on Street Traders Licence., including information on how to apply.*

### **3.1.3 Occasional Licences**

An occasional licence allows the sale of alcohol on any premises (except premises that are already licensed or that are excluded). The definition of premises is very wide and includes *any* place, or part thereof which could be, for example, a market stall or area of the Plainstones, Elgin.

The sale of alcohol can be for consumption on or off the premises and different hours can be stated for on and off sales. Off sale hours must be between 10am and 10pm.

An occasional licence can last for up to **14 days**.

**NOTE:** Most major towns in Moray have in place a byelaw prohibiting the consumption of alcohol in public places so premises must be clearly defined in order to be exempt from such a byelaw. This also means a licence is still required to allow the consumption of alcohol even if it is supplied free of charge e.g. free tasters.

The following persons may apply for an occasional licence:

The holder of a premises licence

The holder of a personal licence

A representative of any voluntary organisation

Full information on Occasional Use Licences can be found on The Moray Council's website.

*Please contact the Council's Licensing Team email [ldsadmin@moray.gov.uk](mailto:ldsadmin@moray.gov.uk) or Tel: 01343 563027 for information on Street Traders Licences, including information on how to apply.*

### **3.1.4 OTHER LICENCES**

Full information on all other licences can be found on The Moray Council's website.

**If you have any questions or queries regarding licences and need to determine if you need one or not, please the Council's Licensing Team email [ldsadmin@moray.gov.uk](mailto:ldsadmin@moray.gov.uk) or Tel: 01343 563027**

### **3.2 OTHER PERMISSIONS - PUBLIC PROCESSIONS**

If you are proposing to hold a public procession (includes parades, marches, cavalcades and demonstrations) in Moray you must give written notice of the 6

proposals to the Council at least 28 days before the event. This should include the date/time, route, number of participants, control arrangements and details of the applicant. Although at least 28 days notice is required, the organiser is requested to give as much notice as possible. The minimum period of notice may be reduced by the Council where an application is received within 28 days before the date of the proposed procession.

Full information on Public Processions can be found on The Moray Council's website.

**Applications for Public Processions are dealt with by Committee Services on 01343 563014**

### **3.3 PLANNING PERMISSION**

Planning permission for outdoor markets is already in place for the five specified locations at Elgin High Street (Plainstones), Buckie (Clunie Square), Keith (Reidhaven Square), Forres (Leys Road Car Park) and Lossiemouth (Station Road) Other types of activities at these locations may require planning permission and/or a building warrant to be issued by the Moray Council before the event can take place If you have any questions regarding planning permissions, please contact the Planning Department, Moray Council.

## **SECTION 4**

Public Liability Insurance

You are required to have either a valid certificate of insurance with a minimum indemnity of £5 million or another acceptable form of proof of insurance indemnifying The Moray Council of any liability to persons or property arising out of any incident connected with the market or event.

This must be provided PRIOR to the commencement of the market or event.

Failure to do so will result in the cancellation of the market or event by The Moray Council

## **SECTION 5**

### **ENVIRONMENTAL HEALTH**

- 5.1 See annexes:  
Annexe 3 "Health and Safety Guidance"  
Annexe 4 "Food safety licence conditions for markets"

## **SECTION 6**

# **ANNEXES**

Annexe 1 Application Form for Markets

Annexe 1(b) Application Form for non-commercial events

**Annexe 2 Conditions of use**

**Annexe 3 “Health and Safety Guidance”**

**Annexe 4 “Food safety licence conditions for markets”**

**Annexe 5 Map of eligible area with market stall layout**

**Annexe 6 Risk Assessment**

**Annexe 7 Application form for use of electricity supply (for markets in Elgin, Keith and Lossiemouth)**

**Annexe 8 Licensed vehicle in pedestrianised area application (Elgin only)**

## **SECTION 7 - CHECKLIST**

	<b>CHECKLIST - PLEASE USE THIS CHECKLIST TO ENSURE THAT YOU HAVE INCLUDED ALL RELEVANT INFORMATION</b>	<b>Please Tick</b>
1	Please confirm that you have necessary licences in place before the event. If you have any questions regarding licences etc please contact Lorna Carmichael, Legal Department, 01343 563027	<input type="checkbox"/>
2	Please ensure that you have fully completed and signed Annexe 1 - Application Form For Use Of Market Site or Annexe 1(b) - Application Form For Use Of Site - Non-commercial events	<input type="checkbox"/>
3	Please ensure that you have complied with the Annexe 2 - Conditions of Use	<input type="checkbox"/>
4	Please confirm that you will comply with Environmental Health Annexes, Annexe 3 - Health & Safety Guidance and Annexe 4 - Food Safety Licence Conditions	<input type="checkbox"/>
5	Please confirm that you agree to comply with Annexe 5 - Map of Stalls or supply your own drawings of your proposed market layout (for which you must receive permission from The Moray Council) (Market applications only)	<input type="checkbox"/>
6	Please enclose either a valid certificate of insurance/another acceptable form of proof of insurance indemnifying The Moray Council of any liability to persons or property arising out of any incident connected with the market.	<input type="checkbox"/>
7	If appropriate (for Elgin, Keith & Lossiemouth) please complete Annexe 7 - Application form use of electricity supply This form must be accompanied by valid PAT Certificates for the electrical equipment you will be using.	<input type="checkbox"/> <input type="checkbox"/>
8	Please ensure that you have included the appropriate market operators fee (if applicable)	<input type="checkbox"/>
9	If appropriate (Elgin only) please complete Annexe 8 - Application to park licensed vehicle within pedestrianised areas	<input type="checkbox"/>
10	Please complete and return all documentation and supporting documents to: The Moray Council, Economic Development, High Street, Elgin, IV30 1BX	<input type="checkbox"/>

For alternative formats, languages or further information, please ask an English speaking friend or relative to:

Phone: 01343 563319

Email: [equalopportunities@moray.gov.uk](mailto:equalopportunities@moray.gov.uk)

Write to: Project Officer  
Chief Executive's Office  
High Street  
Elgin  
IV30 1BX

如要索取其他的版式、各種語文的翻譯本，或需要更詳細的資訊，請叫一位會說英語的朋友或親屬與我們聯繫：

電話： 01343 563319

電郵： [equalopportunities@moray.gov.uk](mailto:equalopportunities@moray.gov.uk)

信件郵寄地址： 計劃主任(平等機會)

Project Officer  
Chief Executive's Office  
High Street  
Elgin  
IV30 1BX

Jeżeli chcieliby Państwo otrzymać informacje w innym formacie, języku lub dodatkowe informacje, mówiący po angielsku znajomy lub członek rodziny może do nas:

Zadzwoń na numer: 01343 563319

Wyślij mail: [equalopportunities@moray.gov.uk](mailto:equalopportunities@moray.gov.uk)

Adres korespondencyjny:

Project Officer  
(UrządNIK ds. Jednakowego  
Traktowania Mniejszości Narodowych)  
Chief Executive's Office  
High Street  
Elgin  
IV30 1BX

Para outros formatos, idiomas ou para obter mais informações, peça para um amigo ou parente que fale a língua inglesa entrar em contato conosco:

Telefone: 01343 563319

Email: [equalopportunities@moray.gov.uk](mailto:equalopportunities@moray.gov.uk)

Endereço:

Project Officer  
Chief Executive's Office  
High Street  
Elgin  
IV30 1BX