

CIVIC GOVERNMENT (SCOTLAND) ACT, 1982

STREET TRADER'S LICENCE

INFORMATION FOR APPLICANTS

1. The Civic Government (Scotland) Act, 1982 introduces a new system for licensing certain activities, including street traders. The Council has agreed that with effect from 1 February 1985 street traders within the Perth and Kinross area will require a licence under section 39 of the Act which is summarised below:

2. Licensing Requirements

2.1 A licence is required by any person engaged in street trading whether as an employee or self-employed. Under the Children and Young Persons (Scotland) Act, 1937, no person under 17 may engage in street trading.

2.2 Street trading covers:

- (a) Hawking, selling, offering or exposing for sale any articles
- (b) Offering to carry out any service for money or monies worth in any public place (whether a thoroughfare or not), to which the public have unrestricted access. Persons trading from a vehicle or in or from a vehicle, kiosk or moveable stall require to be licensed, unless they are trading as part of and adjacent to their retail premises.

2.3 Street trading activities involving food or goods for human consumption and operating from a vehicle, kiosk or moveable stall shall not be granted a licence unless a Certificate of Compliance with the Food Hygiene Regulations is held.

2.4 Street trading is considered a mobile activity and is normally restricted by condition to a maximum of 1 hour on any one location.

Any person wishing to trade for longer than one hour will require to apply separately for a variation of standard conditions. Any application for variation of condition 7 should be in writing together with a map showing the location of your vehicle/stall and a fee of £90.

2.5 The sale of newspapers, milk, coal or any other solid fuel, public charitable collections and any activity for which a Pedlar's Certificate is required are specifically exempted and anybody carrying out one of these activities will not require a licence.

3. How to apply for a licence

3.1 The attached application form should be completed in **black ballpoint pen**. The application may be made in the name of a firm or company (ie a non-natural person) or individual as appropriate. All questions must be answered and any convictions against the applicant or any person named on the application form for any type of offence must be listed.

3.2 Licences will normally be granted for a period of up to 3 years, except where a shorter period has been requested or where the council agrees otherwise. The fee for a 3 year licence is £210, one year licence is £150 and a temporary licence is £150. The fee must be submitted along with your application and is non-returnable.

Variations of conditions are normally granted for the duration of the licence. The fee for a variation of conditions is £90. The fee must be submitted along with the request for a variation and is non-returnable.

3.3 A separate application form (pink) is enclosed and where necessary the form should be completed for a Certificate of Compliance (see 2.3 above). The Executive Director of The Environment Service will have your vehicle, stall etc inspected and if it is satisfactory will advise me.

3.4 Your completed application form should be to me at the address overleaf along with:

- (i) the appropriate fee,
- (ii) 2 passport size photographs of yourself, and
- (iii) the application form for a Certificate of Compliance (where appropriate)

Where a variation to permit trading from one site for longer than one hour:

- (i) a written request for the variations of conditions
- (ii) a plan showing the location from which it is intended to trade
- (iii) the fee

4. Grant of Refusal of Application

- 4.1** A copy of your application will be sent to the Chief Constable and where appropriate the Council's Executive Director of The Environment Service and Tayside Police. They will carry out their own investigations and inspections and report to me. If the Council feels that any enquiries should be carried out, you will be told of the nature of these enquiries and the results of them may be taken into account in coming to a decision on your application. Any objections or observations made by those consulted will be reported to the Council's Licensing Committee who will consider the application. Before reaching a final decision, you will be given an opportunity to be heard by the Committee. If no objections are received to your application and the Council is satisfied with your application, your street traders licence will be issued under delegated powers and you will **not** require to attend the meeting of the Committee.
- 4.2** The Committee meets every seven weeks and you will be notified of the Council's decision as soon as possible after the meeting. The Council must consider your application within three months of it being lodged and reach a decision on it within six months. You may not operate as a street trader until you have been issued with a licence.
- 4.3** The Council may impose any conditions on the grant of a licence which they consider reasonable and if a licence is granted, you will be issued with a copy of the conditions for street traders which must be observed with a licence.
- 4.4** The Council may refuse an application (a) if they consider the applicant is not a fit or proper person to hold a licence, (b) where a vehicle, kiosk or moveable stall is to be used and it is not considered suitable for the proposed activity, (c) for any other good reason. Where an application is refused the applicant may appeal to the Sheriff and in that case you may care to seek the advice of a solicitor.
- 4.5** If you need any help filling in these forms or need any advice, please contact this service.

**I. T. INNES
HEAD OF LEGAL SERVICES**