

Street Trader's Licence

In terms of section 39 of the Civic Government (Scotland) Act 1982, street traders are required to be licensed. The 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.

Who requires a licence from the Council?

A street trader's licence is required where a person, whether on his/her own account or as an employee, or business, proposes to engage in the activity of street trading. This means that every person involved in street trading requires to be licensed whether they are an employer or an employee. Businesses trading as companies or partnerships are required to ensure that each employee is licensed in his/her own right. You can apply and pay for the grant or renewal of a Street Trader's Licence on line at <https://www.pkc.gov.uk/article/15623/Street-trading-licence> Types of activity include, licence a kiosk/stall/van selling food* and to trade from it, to licence a kiosk/stall/van selling items other than food* or carrying out any type of service and to trade from it, wheeled bin cleaner.

*Food is very widely defined in the Food Safety Act 1990 and includes all drinks including water and all items we think of as food including chewing gum.

What is the definition of street trading?

Street trading means doing any of the following things in a public place -

- (a) hawking, selling, or offering or exposing for sale any article;
- (b) offering to carry out or carrying out for money or money's worth any service, to any person in the public place and includes doing any of these things there in or from a vehicle or in or from a kiosk or moveable stall not entered in the valuation roll except where it is done in conjunction with or as part of a retail business being carried on in premises abutting the public place.

Therefore, a street trader's licence is not required by persons making pre-arranged deliveries where only goods which have been ordered by customers are delivered.

What is the definition of 'Public Place'?

In the legislation public place is defined as any place (whether a street or not) to which the public have unrestricted access and includes:

- doorways or entrances of premises abutting on any such place; and
- any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses.

What exemptions apply?

A street trader's licence is not required for:

- the sale of newspapers only;
- the sale of milk by or on behalf of a person registered under regulations under Section 19 of the Food Safety Act 1990;
- the sale of coal, coke or any solid fuel derived from coal or of which coal or coke is the constituent;
- any activity in respect of which a certificate under the Pedlar's Act 1871 has been granted; (A Pedlar is any person who travels and trades on foot, carrying to sell or exposing for sale any goods or procuring orders for goods immediately to be delivered or selling or offering for sale a skill in handicraft);
- any activity in respect of which a licence is required under the Civic Government (Scotland) Act, 1982, apart from Section 39 of that Act dealing with street trader's licences;
- organising or participating in a public charitable collection within the meaning of Section 119 (16) of the above Act in accordance with permission granted under that Section.

How do you apply for a licence?

If you want to apply (must be aged 17 years and over) and pay for a licence you can go on line at <https://www.pkc.gov.uk/article/15623/Street-trading-licence> 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. Applicants should note that mandatory background checks will be carried out by Police Scotland. Applications which do not attract any adverse comments/objections are granted by the Head of Legal Services. All other applications require to be referred to the Licensing Committee for determination.

How long can I trade in one place?

Street trading is considered a mobile activity and is restricted by condition to a maximum of one hour trading in any one location.

Can I operate at any time?

No. Street trading is not permitted between the hours of 1 am and 6 am.

Can I operate in one location for longer than one hour?

Yes, however you will be required to apply separately for a variation of the standard conditions for street traders. An application to request to vary Condition 7 of a Street Trader Licence should be submitted together with the fee, a sketch map showing the trading location of your vehicle/stall and written consent from the owner of the ground to occupy the site. The application form can be found [here](#)

Are there any areas within Perth and Kinross where I cannot trade?

Yes. Street trading is not permitted within Perth City Centre, a map outlining the area can be produced on request. A street trader shall not trade within 100 metres of a shop whose main goods or services for sale are of the same or similar class as those offered by the street trader.

Can I apply for a variation for more than one site?

Yes. However only if you specify days and times you wish to trade at each location. The times for each location may not overlap.

If I have a number of vans can I apply for a variation for each van?

If you have a number of vans and employ other street traders to operate them, you cannot vary your licence to cover your employees. The variation must be applied for in the name of the employee and it is the employees licence that will be varied if approved.

How long does a variation last?

A variation remains in force providing you have a valid Street Traders Licence.

What standard conditions will be attached to my licence?

Conditions attached to street trader's licences can be found [here](#)

How do I make an objection or representation about a street trader's licence?

Any member of the public can make an objection or representation about a street trader's licence application. Information explaining how an objection or representation can be made can be viewed [here](#)

How will my application be decided?

Applications which do not attract any adverse comments/objections are granted by the Head of Legal Services under delegated powers. All other applications require to be referred to the Licensing Committee for determination. You will be advised if your application is being referred to the Licensing Committee. The Committee meets on a six weekly basis. We have nine months in which to determine your application however the majority of applications are determined within 6-8 weeks.

How long will my licence be granted for?

A street trader's licence is issued for a period of 1 or 3 years for both the grant or renewal of a licence.

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 I complain about street trader licence holders?

Complaints regarding the conduct of street traders 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 including the date, time and location and sent to the Licensing Department using the contact details box.

How do I complain about an unlicensed street trader?

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

LICENSING DEPARTMENT CONTACT DETAILS

Name: Licensing Department

Email: civlicensing@pkc.gov.uk

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

Tel: 01738 475180