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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**APPLICATION FOR THE GRANT OR RENEWAL  
OF A STREET TRADER'S LICENCE**

**Please read the attached guidance notes before completing this form**

**PLEASE NOTE THAT ALL EMPLOYEES OR AGENTS ACTING AS STREET TRADERS  
REQUIRE INDIVIDUAL STREET TRADERS LICENCES**

Please answer **all** questions, continuing on a separate sheet if necessary.

	Surname		Forename(s)	
1. (a) Full name (Block Letters)				
(b) Home Address				
(c) Telephone No.				
(d) Age, Date and Place of Birth	Years	Date of Birth	Place of Birth	
2. Will the activity be operated for the benefit of a person other than the Applicant?  If so, give full name, address and <b>date of birth</b> of that person.				
3. State whether applying for the grant or renewal of a Licence. If renewal state previous licence reference no.				
4.(a) Give name and address of person, company or firm, employing you to act as Street Trader <b>OR</b> state if self-employed				
(b) Is applicant to carry out day-to-day management of the street trading?				

<p>If not, give full name, address and date of birth of any employee or agent so engaged.</p> <p>(c) Give business hours telephone number of applicant or agent.</p>				
<p>5. Do you propose to trade from a particular location(s)?</p> <p>If YES State precise locality, by reference to street names or a sketch map, if necessary, in which it is proposed to act as a Street Trader (or if existing trader, in which you currently act). (Continue on separate sheet if necessary).</p> <p>A letter of consent from the owner of the site must accompany this application unless the location is on the carriageway of a street or the applicant is the owner of the site. Please specify.</p>	<b>YES/NO</b>			
<p>6. (a) State (a) days/hours during, and</p> <p>(b) the period during which it is proposed to act as a Street Trader</p>	<p><b>(a) Hours between                      am and                      pm</b></p> <p><b>on</b></p> <p><b>(b)</b></p>			
<p>7. State the nature of good/services in which it is proposed to trade.</p>				
<p>8. State the address of the premises in which the goods will be stored when not being offered for sale.</p>				
<p>9. State the type and Registration Number of vehicle or describe and give dimensions of the structure, kiosk, moveable stall or receptacle to be used in connection with street trading.</p> <p>If the proposed trading includes a food business and involves a vehicle, kiosk or moveable stall, there must be produced a Certificate of Compliance with the Food Safety Act 1990 from the Council's Protective Services.</p>				
<p>10. Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in this form ever been convicted of any crime or offence? (continue on a separate sheet if necessary). Please read the guidance notes accompanying this form before completing this section.</p>				
<b>NAME</b>	<b>DATE</b>	<b>COURT</b>	<b>OFFENCE</b>	<b>SENTENCE</b>

11.(a)	Have any persons named in this form held or currently hold a licence or permit for street trading?  If yes, when was the licence/permit granted? When does it expire? Which Authority granted the licence/permit?	YES/NO		
(b)	Have any persons named in this form ever applied for and been refused a licence/permit for street trading?  If YES when was it refused? Which authority refused the licence/permit?	YES/NO		

Where a certificate of compliance is required (see question 8), and this has not already been obtained, the application form for this certificate should also be completed and submitted with the application.

**DECLARATION:**

- (A) I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.
- (B) I/We understand that the information supplied by me/us as detailed in this form may be passed to other services or other agencies relevant to the application for the purpose of the prevention of fraud or other unauthorised activities. This does not affect your statutory rights in terms of the Data Protection Act 1998.

Date ..... Signature of Applicant .....

NB Any person who in, or in connection with, the making of this application makes, any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.

**TO BE LODGED WITH YOUR LOCAL CORPORATE SERVICES OFFICE (SEE ATTACHED LIST) OR HIGHLAND COUNCIL SERVICE POINT, WITH THE APPROPRIATE FEE AS DETAILED IN THE GUIDANCE NOTES ACCOMPANYING THIS FORM.**



# **STREET TRADER LICENSING UNDER THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

## **NOTES FOR GUIDANCE**

The following notes are a brief outline of the requirements for Street Traders Licences under the above Act. They should be treated as **guidelines only and not an authoritative statement of law**. They do not purport to be more than a guide to the main provisions of the Act in order that would be applicants may consider if they need to apply for a Licence. Applicants are recommended to study the relevant provisions of the Act and obtain any further advice from their Solicitor.

### **1 STREET TRADER'S LICENCE**

In accordance with the Civic Government (Scotland) Act 1982, a Street Trader's Licence, issued by The Highland Council as licensing authority, is required for street trading by a person, whether on his own account or as an employee. **Each individual trader requires to be separately licensed.**

A Street Traders Licence shall not be required for:-

- (a) the sale of newspapers only;
- (b) the sale of milk by or on behalf of a person registered under regulations made under Section 19 of the Food Safety Act 1990;
- (c) the sale of coal, coke or any solid fuel derived from coal or of which coal or coke is a constituent;
- (d) any activity in respect of which a Certificate under the Pedlars Act 1871 has been granted;
- (e) any activity in respect of which a Licence is required under the Civic Government (Scotland) Act 1982; or
- (f) organising or participating in a public charitable collection within the meaning of Section 119(16) of the Civic Government (Scotland) Act 1982.

### **/2 DEFINITIONS**

## **2 DEFINITIONS**

**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 a public place and includes doing any of these things therein 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 connection with or as part of a retail business being carried on in premises abutting the public place.

**Public Place** means any place (whether a thoroughfare or not) to which the public have unrestricted access and includes:-

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

## **3 FOOD HYGIENE CERTIFICATE**

If the sale of foodstuffs is involved from a vehicle, kiosk or moveable stall, you will require to obtain a Food Hygiene Certificate from the Council stating that the vehicle, kiosk or moveable stall complies with the requirements of Food Safety legislation. A separate fee is payable for this certificate as detailed in the attached list of fees.

## **4 HOURS OF OPERATION**

It is a standard condition of the Licence that trading should not take place later than 11.00 pm. An application beyond this time will require to be justified by the applicant before a Hearing of the Area Committee.

## **5 TRADING LOCATION**

You are asked on the application form to state whether you propose to trade from a specific location. If the answer to this is yes you should provide details of that location together with a site or location plan. You will be asked to provide a letter or similar document from the owner of the land you propose to trade from, to show you have permission to trade from that location, before the licence is issued. A street trader's licence although valid in all Highland Council Areas will not give permission in itself to trade from a specific location.

## **5 CONDITIONS**

The Licence holder will be required to comply with the standard conditions attached to these Notes and which will form part of the Licence being granted.

## **/6 DETERMINATION OF AND DURATION OF LICENCES**

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- (i) **Full licences:** a licence will normally be issued after the elapse of 21 days from receipt of an application. In certain circumstances, eg where objections have been received, applications can take considerably longer to be determined. A Licence shall remain in force, unless previously suspended or revoked, for a period of three years from the date when it comes into force, or such shorter period as the Council thinks fit. The Licence is not normally transferable.
- (ii) **Temporary Licences:** application may be made for a temporary licence which on being granted by the Council may have effect for a period not exceeding 6 weeks. A temporary licence is not capable of being renewed, but where application has also been made for a full licence for the same activity, the temporary licence, if granted, shall continue to have effect until the application for the full licence has been determined. Temporary licences may be granted earlier than the 21 day period specified for a full licence and the fee for a temporary licence is as shown in the attached list of fees.

## **7 LICENCE TO BE RETAINED**

The Licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent to or used by any other person. Should the Licence be lost or become defaced or illegible the Licence holder shall obtain a replacement from the Council on payment of the appropriate fee as detailed in the appendix to these notes. The Licence holder shall produce his/her Licence within five days of being requested to do so by a Police Officer or an authorised Officer of the Council or the Fire Authority.

## **8 RETURN OF LICENCE**

A Street Trader shall deliver his/her Licence and identification badge to the licensing authority:-

- (a) upon ceasing to act or trade as a Street Trader;
- (b) within seven days of receiving notice of the coming into effect of a decision of the Council authority to suspend or vary the terms of the Licence, or the decision of a Court to revoke it.

## **9 NOTIFICATION OF CONVICTIONS OR MATERIAL CHANGE OF CIRCUMSTANCES**

The Licence holder shall notify the Council as soon as is reasonably practicable with any **convictions or other material change** in circumstances affecting him/her or the activity to which the Licence relates, including any particulars referred to in the application for grant, or latest application for renewal, of the Licence. **If in doubt, notify the Council of any changes.**

## **/10 NOTIFICATION OF MATERIAL ALTERATIONS**

## **10 NOTIFICATION OF MATERIAL ALTERATIONS**

The Licence holder shall not make or permit to be made any material change to the vehicle or stall without the prior **written** consent of the Council unless in accordance with a requirement imposed by or in pursuance of any enactment other than parts I or II of the Civic Government (Scotland) Act 1982. **If in doubt as to whether consent is required, contact the Council.**

## **11 APPLICATION FORM AND FEES**

Application forms are available from Council Offices or Service Points shown at the end of these Notes.

You should take care in completing the application form to list, subject to the terms of the Rehabilitation of Offenders Act 1974, all convictions against you. If you are in doubt as to whether or not to list a conviction you should seek independent advice on this matter.

A separate application is required for obtaining a Food Hygiene Certificate.

In order to apply for a Street Trader' Licence, the application form must be returned along with the appropriate fee (as detailed in the attached list of fees).

The following documentation must be submitted before the licence can be issued:

- two passport photographs for identity badge;
- if applicable, a certificate of compliance with Food Safety legislation; and
- location plan and permission if trading from a fixed stance.

Your application will be referred to the Police, Planning and Protective Services and if applicable Roads & Transport Services for comment.

## **12 PRIOR REFUSAL**

Please note that if you have applied for and been refused an application for a Street Traders Licence in one Area of The Highland Council then, unless your circumstances have altered, you will be unlikely to be granted an application made in another Highland Council Area.

If refused, you cannot apply for the same kind of licence in respect of the same activity or for the same premises, within one year of that refusal unless there has been a material change in circumstances.

## **13 HEARINGS**

Occasionally, and always if there is an objection to the granting of a Licence, a Hearing of the Area Committee of the Council will be held to decide whether or not a Licence should be granted. If the application is to be referred to a Hearing you will be invited to attend and notified in writing of the date, time and venue. A further appeal lies to the Sheriff Court.

## **/14 OFFENCES**

## **14    OFFENCES**

The following are criminal offences liable, on summary conviction, to a fine and/or imprisonment:-

- (a) Carrying on an activity for which a Licence under the Civic Government (Scotland) Act 1982 is required without such a Licence;
- (b) Failing to comply with a Condition of a Licence;
- (c) Failing to notify the Council of a material change in the circumstances of a Licensee;
- (d) Failing to obtain the consent of the Council before making any material change to any premises, vehicle or vessel to which the Licence relates;
- (e) Failing to surrender the Licence (1) after it has been suspended or (2) when the Licensee has given up the activity to which it relates;
- (f) Failing to disclose convictions in the Application Form;
- (g) Making a false statement when filling in the Application Form.

The above list is not exhaustive and reference should be made to the Civic Government (Scotland) Act 1982 for all offences under the Act.

(stguidl01)