

Why do I need a street trader's licence?

A licence is required for selling, offering to sell or carrying out a service paid for by any person in a public place. This includes selling from a vehicle, kiosk or moveable stall.

A street trader's licence is not required if the kiosk or stall is carried out in conjunction with or is part of a retail business being carried out in premises abutting a public place.

For further information please contact the Civic Enforcement Officer on 0141 840 3272.

Exemptions

The following types of activity are specifically exempt and anyone carrying on such a business will NOT require a street trader's licence:

- The sale of newspapers;
- The sale of milk by a registered person;
- The sale of coal, coke or solid fuel;
- Collecting on behalf of charity
- Peddling where a licence under the Pedlars Act 1871 has been granted.

Important information

Your proposed trading location must be more than 100 metres away from a shop selling similar goods. Your stance must not contravene any waiting and / or loading restrictions and your trailer or vehicle must not contravene any waiting and / or loading restrictions. A licence is required for each person who intends to trade.

If you sell food and drink you are prohibited from trading in the vicinity of a school during specified times of the day, Monday to Fridays inclusive. Please refer to the street trader application form and licence conditions for further information on what this means and how you should complete your application. You can check on the Council website to view the 500 metres exclusion zones around the schools at www.renfrewshire.gov.uk.

Applications

The lodging of an application form does not allow a person to trade unless and until the licence is granted and issued.

If a question is irrelevant please mark it "not applicable" unless otherwise stated.

For renewal applications, applicants are solely responsible for ensuring their renewal application form is lodged timeously, ideally around 6 weeks prior to the expiry date. Failure to lodge the renewal before the expiry date of the current licence will result in the licence lapsing.

Application Fees

Payment is due at the time of lodging. For application fees please refer to the civic licensing application fees on our website at www.renfrewshire.gov.uk.

No refund of application fees will be made for applications which are subsequently refused or withdrawn.

Location Plan (fixed location)

If you are applying for a street trader licence in respect of a **fixed stance** you are required to provide a plan of your proposed trading location. Your plan must show the **precise** location of your proposed stance and must include:

- the name of the street or nearest street
- the town
- the distance in meters from the nearest street or junction (please note that the proposed stance must be no closer than 100 metres to a shop selling the same goods as the trader).

Mobile Trading

If you are applying for a mobile street trader licence you must state the area(s) in which you intend to trade. If you only propose to trade within one or two areas, please also specify the street names in the areas.

Processing the Application

When your application is lodged and the appropriate fee has been paid, a copy of your application will be sent to Strathclyde Police, Local Councilors, Community Councilors, Environmental Services department, Planning & Transport Development Control and Roads Division, Education & Leisure and where the premises are within Paisley Town Centre the Town Centre Manager. They will carry out their own investigations and report back to the licensing office.

The legislation allows for consideration of the application within three months and a decision within six months.

If an objection or representation is received in relation to your application you will be sent a copy of the letter. Your application and the letter of objection or representation will then be referred to a Regulatory Functions Board meeting. You will be called to a hearing before the Board and given the opportunity of addressing the Board.

Right of Appeal

If your application is refused, or granted conditionally, you are entitled to ask the Council within 21 days to give reasons for such refusal, or the imposition of such conditions, and thereafter you are entitled to appeal to the Sheriff against the decision on certain grounds.

If there is an objection to your application and the application is subsequently granted the objector can also ask the Council to give reasons for such grant and thereafter are entitled to appeal to the Sheriff also.

You may wish to seek independent legal advice in relation to any appeal.

Compliance Certificate

If your business involves the sale of food and you operate from a vehicle, kiosk or mobile stall or vehicle, you will require to obtain a **certificate of compliance** from the Environmental Services department for your vehicle. It is your responsibility to contact the Environmental Services Department to have your vehicle inspected prior to submitting your application. Your application will not be accepted until you can exhibit a satisfactory certificate of compliance. You can contact the Environmental Services Department by phone on 0141 840 3106 or by email at es@renfrewshire.gov.uk

Conditions of Licence

A copy of Renfrewshire Council's standard licence conditions for street trader licences will be issued to you in the event that your licence is granted. The Council requires all licence holders to have a thorough understanding of these conditions and these should be retained as they form part of your licence

Renfrewshire Council may attach additional conditions to the licence as it sees fit, with each application being dealt with on its own merits.

Duration of Licence

Applications for the grant of a licence are generally granted for a period of one year, whilst applications to renew an existing licence are normally granted for a two year period.

Issue of Licence

Once you are in receipt of your licence you must ensure that it is not altered, erased or defaced in any way. It should 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 you must obtain a replacement from Renfrewshire Council on payment of the appropriate fee.

Any Further Questions

Should you have a query that is not covered in these guidance notes please feel free to contact the licensing section for further information.

Contact Details

Phone: 0141 842 4499

Fax: 0141 840 3566

Email: licensing.cs@renfrewshire.gov.uk

Website: www.renfrewshire.gov.uk

Customer Service Opening Hours

Monday - Friday 8.00am - 6.00pm

Or write to:

Renfrewshire Council

Licensing Section

Renfrewshire House

Cotton Street

Paisley

PA1 1TT



Civic Government (Scotland) Act 1982

Application for a street trader's licence

Note:

Applicants should refer to the Guidance Notes when completing this application form.

For official use only	
Date	
Receipt	
28 Days	
Police Report	

1.

Full Name			
Address			
Postcode			
Email Address			
Home Phone number		Mobile phone number	
Date of birth		Place of birth	

2. Are you applying for the grant of a licence or to renew an existing licence?

(Tick one box only)

Grant Renewal If renewal, state licence number-

3. Have you previously held a street trader's licence?

If yes, how long did you hold this licence?

If yes, give date last licence granted?

4. Have you ever had a licence refused or suspended? (Tick one box only)

Yes No

If yes, please give details

5. Are you self employed?

Yes

No

6. What type of street trader's licence are you applying for?

Mobile

Fixed Location

7. State the name and address of the person or company who will employ you as a street trader if you are not self employed.

Name _____ Address and postcode: _____

8. Please state the names of the street(s) and area(s) where you proposed to trade if you have ticked Mobile at Question 6.

9. Please describe the exact location of the fixed location that you wish to trade if you have ticked Fixed Location at Question 6. You are also required to attach a detailed plan with this application. Space is provided to draw a plan of the area on the second last page of this form.

10. Is the site on the carriageway of an adopted road? Yes (go to question 13)

Note: not all roads are maintained by Renfrewshire Council

No (go to question 11)

11. Are you the owner of the site? Yes (go to question 13)

No (go to question 12)

12. Details of letter of consent from the owner of the site

Name and address of owner of the site

Does the letter state consent given to the applicant to occupy site?

Yes No

How long is the applicant allowed to occupy the site?

Details of any conditions or restrictions to occupying the site?

For official use
only

The details on
this application
have been
checked against
the original
documentation
and verified
correct

CSC Advisor

13. State days and times when you intend to trade as a street trader.

Days	Hours	Examples of times
Monday:		10am – 5pm
Tuesday:		Not trading
Wednesday:		Not trading
Thursday:		Not trading
Friday:		9am – 6pm
Saturday:		9am – 6pm
Sunday:		11am – 4pm

14. Details of the goods/services which you propose to trade?

15. Do you intend to sell food or drink?

Yes (go to Question 16)

No (go to Question 17)

16. The Council has a policy that no trader shall trade no closer than a distance of 500 metres from any entrance to any school at any time between the hours of 8am to 9am, 12 noon to 2pm and from 3pm to 5pm Mondays to Fridays inclusives during school terms determined by the Education Authority from time to time. If you consider that the condition should not be included on your licence, please state your reasons.

17. State the address of the premises at which the goods will be stored when not being offered for sale?

18. Subject to the provisions of the Rehabilitation of Offenders Act 1974 has the applicant ever been convicted of any crime or offence. Please note that it is an offence if you fail to disclose a conviction against you. If you have none please state "none" in the box below.

Date of conviction	Court of conviction	Offence	Sentence/Disposal

Area for plan which must show the precise location of the proposed stance. The information on the plan must include the name of the street or nearest street, the town, the distance in metres from the nearest street or junction

For official use only
<p>The details on this application have been checked against the original documentation and verified correct</p> <p>_____</p> <p>CSC Advisor</p>

The Data Protection Act 1988

The information you have given will be used for the purposes of consulting on and determining your application for the above licence. The Council may check your details with other information held and may share these with other Council departments, the police and fire authorities, HM Revenue and Customs, the statutory consultees and other public bodies for the above purposes and in order to check the accuracy of the information, to prevent or detect fraud or crime or to protect public funds.

Any person, who in connection with the making of this application, makes any statement, which 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 not exceeding level 4 on the standard scale.

I declare that all the particulars given by me on this form are true.

Signature		Date	
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For CSC official use only:

The details on this application form have been checked against the original documentation required and verified as correct on the date this application was accepted at the Customer Service Centre.

Signed _____ Date _____
CSC Advisor

Complete applications should be lodged at:

Renfrewshire Council
 Customer Service Centre
 Renfrewshire House
 Cotton Street
 Paisley
 PA1 1AN

Phone: 0141 842 4499

Opening Hours

Monday to Friday: 8:00am to 6:00pm

<u>For official use only</u>	
GRANTED UNDER DELEGATED POWERS	
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HEAD OF LEGAL & DEMOCRATIC SERVICES	DATE

Standard Street Trader Licence Conditions

1. The trader shall be permitted to sell: **GOODS SOLD**
2. The trader shall be permitted to sell only from the vehicle or from the kiosk, moveable stall or structure approved by the Council and described in the Schedule hereto.
3. The trader shall be entitled to trade at: **LOCATION**
4. The trader shall be permitted to trade during the following hours inclusive and at no other times: **HOURS**
5. This licence is granted under the authority of Renfrewshire Council and is conditional on the trader complying with the Civic Government (Scotland) Act 1982, and also with the conditions contained in this Licence.
6. A street trader while street trading shall always have with him his licence which he shall keep at all times clean and legible and on display in the vehicle or structure and shall exhibit on demand to any Consumer Protection Officer or Inspector of Weights and Measures, any Shops Inspectors, any Environmental Services Officer, any Police Officer appointed by the Council or such other Officer as may be described by the Council in the licence from time to time on production by that Officer, Inspector, Police or other Officer of his badge of office or written evidence of his appointment to that office and shall allow such Officer, Inspector, Police or other Officer to note the particulars on such licence.
7. A street trader shall not lend or allow any other person to use his licence.
8. A street trader shall not in any way alter, erase or deface his licence and shall, when reasonably required, produce it for examination by the Director of Corporate Services, Renfrewshire House, Cotton Street, Paisley.
9. Where the goods or articles sold or which are offered for sale by any person engaged or employed in street trading are of a perishable nature, or are intended for human consumption, the licence holder shall not store such goods or articles in any dwelling house or other place or vehicle until the said dwelling house or other place or vehicle has been approved by the Director of Environmental Services for that purpose.
10. A street trader who has charge of any mechanically propelled vehicle, any beast of burden or any vehicle, including any carriage, lorry, cart, wagon, truck, van, float or barrow, shall not cause or allow the same to stand on or within a distance of 10 metres from any pedestrian crossing.
11. Where the licence allows the holder to sell from a stationary structure in any specified place in any street, the said structure shall be of a form which can be speedily and easily removed, and where such stalls are used for the sale of food they shall contain equipment for the proper cleaning and sterilising of all utensils and vessels used in connection therewith as shall be satisfactory to the Director of Environmental Services and shall comply at all times with the requirements of the Food Safety Act 1990.
12. Every street trader shall collect and remove any paper, garbage or other refuse which may be produced or may accumulate in the course of trading and shall not place or deposit the same or allow the same to be placed or deposited or to fall on any street, foot-pavement or footway or an adjoining property. Without prejudice to the foregoing generally, every street trader trading at a particular location for a period exceeding five minutes shall place in the public place a litter bin or other receptacle for the deposit of paper, garbage or other refuse by customers.

Standard Street Trader Licence Conditions

13. Every street trader shall at all times when street trading keep himself and his clothing clean and keep and maintain any moveable structure, or vehicle used for the purpose of street trading in a clean and proper condition to the satisfaction of the Director of Environmental Services. On written notice, signed by the Director of Environmental Services himself or by an Environmental Services Officer authorised by the Council to sign such notices in terms hereof, being given to any street trader that he has become unsuitable in respect of the unsatisfactory condition of his clothing or person, or that the vehicle or structure is unsuitable, such street trader shall immediately cease to act as a street trader until he remedies the cause of complaint to the satisfaction of the Director of Environmental Services or until the said notice is withdrawn; and such notices shall be recorded in a Register kept for the purpose and available during normal office hours for public inspection and shall be reported to the Council for information as soon as may be.
14. Notwithstanding the terms and conditions contained in this licence, every person engaged or employed in street trading within the area of Renfrewshire Council shall comply with any order or instruction given by any police officer in uniform for the prevention of obstruction or annoyance to the public or to the occupiers of any premises or in connection with any emergency or disturbance or on any occasion when such officer in his discretion may consider it necessary in the public interest to give such order or instruction.
15. A street trader who ceases to act as such for the unexpired period for his licence or whose licence shall have been suspended by the Council or shall have expired shall, within three days thereafter, deliver his licence and badge to the Director of Corporate Services and shall be in contravention hereof if he shall fail to deliver both or either his licence and/or badge within said period of three days and without prejudice to the foregoing shall forfeit his right to repayment of deposit if and when his licence and badge are both delivered.
16. The holder of this licence shall operate from **VEHICLE** and shall obtain permission from Renfrewshire Council should they wish to change their vehicle.
17. The holding of this licence shall be no defence to a charge of obstruction or any other contravention of the Road Traffic Acts.
18. If the licence holder intends to trade in a trunk road layby he/she should advise The Scottish Executive, Industry Department, Roads Directorate, Room 3/76, New St. Andrew's house, Edinburgh, EH1 3SZ, before commencing trading.
19. The street trader shall trade no closer than 100 metres to a shop selling the same goods as the street trader.
20. The street trader if involved in the sale of food or drink shall trade no closer than a distance of 500 metres from any entrance to any school at any time between the hours of 8.00am to 9.00am, 12.00 noon to 2.00pm and from 3.00pm to 5.00pm, Mondays to Fridays inclusive during the school terms determined by the Education Authority from time to time.
21. Any variation of this licence is subject to a variation fee and would be considered by the Regulatory Functions Board at an appropriate meeting.

