

STANDARD CONDITIONS

These Conditions are in three parts:

Part A applies to all Street Traders.

Part B applies to Traders who supply or sell **food** (Part A also applies).

Part C applies to '**itinerant**' traders - traders using a vehicle and traders using a van or trailer to move (Parts A and B also apply).

but

Part C **does not apply** to trading on land which is either:

- (a) covered by a "Public Entertainment Licence" or a "Market Operator's Licence" under the Civic Government (Scotland) Act 1982, or
- (b) is exempt from holding either Licence;

Part C **does** apply if the Licence-Holder is trading at any other time or place.

In the Licence:

"Authorised Officer of the Licensing Authority" includes a Civic Licensing Standards Officer employed by North Ayrshire Council.

"he" and similar words are used regardless of the gender of the person.

Notes

These conditions have notes to help you.

"Street Trading" is defined by Section 39(2) of the Civic Government (Scotland) Act 1982 and 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.

Although the Licence is called a "Street Trader's Licence", the need for it is not limited to streets. The Licence is needed for trading in any public place.

Part A - General Conditions applying to all Street Traders

A.1. The Licence is not transferable and the Licence-Holder is not permitted to alter, erase or deface the Licence or badge, or to allow any other person to use them.

A.2. At all times when the Licence-Holder is trading in a public place he must:

- (a) have this Licence in his possession;

(b) wear the badge issued by the Licensing Authority showing that he holds this Licence, so that its details are legible and visible to any customer; and

(c) conduct himself in a proper and civil manner and have a clean and tidy appearance.

A.3. At all times that trading in a public place takes place, the Licence-Holder must ensure that everyone engaged in or assisting with the Licensed street trading activity:

(a) holds their own Street Trader Employee's Licences issued by the Licensing Authority; and

(b) wears the badge issued by the Licensing Authority showing that he holds that Licence, so that its details are legible and visible to any customer;

A.4. The Licence-Holder must comply with any instruction given by a Police Officer or Authorised Officer of the Licensing Authority which the Officer considers necessary or expedient in order to prevent any obstruction of or annoyance to the public or to the occupiers of any premises.

A.5. If requested to do so by:

(a) a Police Officer,

(b) an Authorised Officer of the Licensing Authority, or

(c) a customer,

the Licence-Holder must permit that person to inspect his badge and to take a note of the details specified on the badge.

A.6. If requested to do so by

(a) a Police Officer, or

(b) an Authorised Officer of the Licensing Authority,

the Licence-Holder must provide the name, address, date of birth and Street Trader Employee Licence number of all persons who are employed (or have within the previous three months been employed) on that Licensed vehicle, kiosk or moveable stall.

Changes of Circumstances

A.7. The Licence-Holder must hand over the Licence and badge to the Licensing Authority within three days of:

(a) ceasing to trade;

(b) the Licence being suspended or revoked, or

(c) the Licence expiring without an application to renew being made.

A.8. The Licence-Holder must notify the Licensing Authority in writing within seven days if there is any substantial change in circumstances since the application for the Licence.

Examples:

- any change of address

- a change in the trading name
- medical conditions which affect the ability to operate as a Licence-Holder.

Criminal Offences

A.9. This applies to any offence, and not only to offences arising from the operation of the Licence.

The Licence-Holder must notify the Licensing Authority in writing within seven days if any of these things happen:

(a) if he is charged by the Police with any offence (whether or not any Court proceedings have started). He must give this information:

- the nature of the alleged offence
- its date
- its place

(b) Where a Court convicts, he must give this information:

- the date of the conviction
- the name of the Court
- the fine or other penalty which was imposed

(c) If there are no Court proceedings (e.g. if the Procurator Fiscal issues a Conditional Offer, sometimes called a 'Fiscal Fine'), the Licence-Holder must give the same information as in (b).

A.10. The Licence-Holder must have all required statutory Permissions and Consents.

Note: before you start operating, you should check with the Council's offices to see if you need Planning Permission or Roads Authority Consent.

A.11. The Licence-Holder must not:

(a) park or place any vehicle, kiosk or stall to be used for trading on any road or pedestrian crossing, or within 10 metres from any road or pedestrian crossing;

(b) park or place any vehicle, kiosk or stall to be used for trading on any land, road or premises, unless he has first obtained written permission from the owner or lawful occupier of such land, road or premises.

Part B - Sale and supply of food

Definitions

B.1. "food" includes—

- (a) drink;
- (b) articles and substances of no nutritional value which are used for human consumption;
- (c) chewing gum and other products of a like nature and use; and

(d) articles and substances used as ingredients in the preparation of food or anything falling in (a) to (c).

B.2. The Licence-Holder must not use any vehicle, kiosk or moveable stall unless a Food Authority in Scotland has granted a Certificate that the vehicle, kiosk or moveable stall complies with statutory requirements (Civic Government (Scotland) Act 1982, Section 39(4) and (4A)).

B.3. The Licence-Holder must not sell, supply, store, offer or expose for sale, any food unless the Council has approved, in writing, the arrangements for the storage, preparation, handling and exposure for sale of that food.

B.4. The Licence-Holder must maintain those approved arrangements at all times.

B.5. At all times when street trading the Licence-Holder shall wear a clean overall, keep himself/herself and the appropriate clothing clean, ensure that any employee also maintains a high standard of cleanliness, keep and maintain any moveable structure, kiosk, stall or vehicle in a clean and proper condition and shall ensure that his trade equipment, utensils, fixtures and fittings are in a clean condition.

B.6. No smoking is permitted in the vehicle, kiosk or moveable stall at any time.

Part C - Itinerant Street Traders (if not at licensed "Public Entertainment" or Markets)

Exclusion Zone

C.1. The Licence-Holder must not engage in street trading within 50 metres of any establishment or premises (this includes any land, shops, kiosks, vehicles and moveable structures) where any goods or articles are sold or offered for sale, or services are offered, which are of the same or similar type as those sold or offered by the Licence-Holder.

The Licence-Holder may apply to the Licensing Authority for exemption from this Condition or part of it. If the Licensing Authority decides on the individual circumstances of each case to grant such an exemption, the exemption will not come into effect until it has been endorsed on this Licence.

Refuse and Litter

C.2. The Licence-Holder:

- (a) must collect and remove any refuse which may be produced or may accumulate from his trading (including any refuse left by customers);
- (b) If trading for longer than 5 minutes in any location, must provide an accessible litter bin or other receptacle for use by the customers;
- (c) must not deposit refuse on any street, pavement, footway or other land;
- (d) must not allow any other person to do so.

Movement

C.3. When the Licence-Holder parks or sets-up the vehicle or stall in one location:

- (a) he may remain there for a maximum period of 20 minutes;
- (b) he must then move to another location at least 200 metres away.

This period of 20 minutes includes:

- parking and setting-up before trading starts, and
- dismantling and clearing-up afterwards.