

# CIVIC GOVERNMENT (SCOTLAND) ACT 1982

## **APPLICATION FOR GRANT OF A**

## **STREET TRADER LICENCE (OPERATOR)**

Completed application forms and enquiries to:

North Ayrshire Council, Licensing Office,Cunninghame House, IrvineKA12 8EE

(opening hours: Monday – Thursday 9.00am – 4.45pm, Friday 9.00am – 4.30pm)

Telephone 01294 324305

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| **FOR OFFICE USE ONLY** | | |
| **Ref. No.** |  | |
| **Date of Receipt** |  | |
| **Fee Paid** |  | |
| **Name of Applicant** |  | |
| **Consultation** | **Requested** | **Received** |
| **Police Scotland** |  |  |
| **Scottish Fire and Rescue** |  |  |
| **Environmental Health** |  |  |
| **Planning** |  | FOR INFORMATION ONLY |
| **Roads** |  | FOR INFORMATION ONLY |
| **Estates** |  | FOR INFORMATION ONLY |
|  | | |
| **Certificate of Compliance** |  |  |
| **MEETING DETAILS** | | |
| **Committee Meeting** |  | |
| **Hearing** |  | |
| **Granted/Refused** |  | |

|  |  |
| --- | --- |
| **Type of Trading** | |
| Static with Events |  |
| Itinerant with Events |  |
| Events Only |  |

|  |  |
| --- | --- |
| **TYPE OF LICENCE** | |
| Full (3 years) |  |
| Temporary |  |

**PLEASE READ ACCOMPANYING NOTES BEFORE COMPLETING APPLICATION**

**Licence Type Full (3 years) - Temporary - Please provide date**

**Licence required from**

**Tick ONE box below which applies -**

**I am applying as an Individual If selected complete Section 1**

**I am applying as a Company/Partnership If selected complete Section 2**

**All applicants have to complete Section 3**

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| --- | --- | --- | --- | --- | --- |
| **SECTION 1 (FOR INDIVIDUALS)** | | | | | |
| **NAME** |  | | | | |
| **ADDRESS** |  | | | | |
| **TOWN** |  | | | | |
| **POSTCODE** |  | | | | |
| **TELEPHONE NUMBER** |  | | | | |
| **EMAIL ADDRESS** |  | | | | |
| **AGE/DATE/PLACE OF BIRTH** | **AGE** | **D.O.B** | | **PLACE** | |
| **NATIONAL INSURANCE NO.** |  | | | | |
| **SECTION 2 (FOR COMPANIES/PARTNERSHIPS)** | | | | | |
| **COMPANY/PARTNERSHIP NAME** |  | | | | |
| **ADDRESS** |  | | | | |
| **TOWN** |  | | | | |
| **POSTCODE** |  | | | | |
| **TELEPHONE NUMBER** |  | | | | |
| **COMPANY REG NO.** |  | | | | |
| **DATE REGISTERED** |  | | | | |
| **Please provide the full name, address, date of birth of all partners or company directors or other person responsible for management on a separate sheet of paper if applicable. Blank sheet provided at end of application.** | | | | | |
| **SECTION 3 (TO BE COMPLETED BY ALL APPLICANTS)** | | | | | |
| **TRADING NAME (IF APPLICABLE)** |  | | | | |
| **DAY TO DAY MANAGER NAME** |  | | | | |
| **ADDRESS** |  | | | | |
| **TOWN** |  | | | | |
| **POSTCODE** |  | | | | |
| **TELEPHONE NUMBER** |  | | | | |
| **AGE/DATE/PLACE OF BIRTH** | **AGE** | | **D.O.B** | | **PLACE** |

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| **SECTION 4 – TRADING DETAILS** | |
| **Static:** This means that you intend to trade for longer than 20 minutes at a specific site(s).  **Itinerant:** This means that you intend to trade from numerous locations. You may remain at one site for **a maximum of 20 minutes** before moving on.  **Events**: This means that you intend to trade at temporary events throughout North Ayrshire such as local galas/fetes and other similar organised events **with the permission of the event organiser.**  **Please refer to the accompanying guidance notes for the definition of a qualifying event.** | |
| **with reference to the note above SELECT THE BOX below WHICH APPLIES –**  **STATIC if Selected go to section 5**  **ITINERANT if selected go to section 6**  **EVENTS ONLY if selected go to section 6**  **Note – all static and itinerant licences are granted with the option of also trading at events.** | |
| **SECTION 5 – details of static trading proposals** | |
| **location from where you propose to trade** | |
| **address** |  |
| **town** |  |
| **postcode** |  |
| **If more than one static site then provide details on separate sheet of paper**  **Location plan has to be provided for EACH static site.**  **For EACH static site applied for a notice must be displayed in accordance with the legislation – refer to guidance notes for further information** | |
| **for your information** | |
| **planning permission** | **Normally only required if trading from same location for more than 28 days in any calendar year** |
| **landowner consent** | **If you do not own the proposed site(s) then consent should be sought from the landowner for each site selected** |
| **roads authority consent** | **If trading on the carriageway of any street consent should be sought from the relevant roads authority** |

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| **SECTION 6 (TO BE COMPLETED BY ALL APPLICANTS)** | | | |
| **do you propose to sell food items?** | **YES/No**  **If yes and certified by another local authority – provide certificate of compliance** | | |
| **TYPE OF GOODS/SERVICES PROVIDED** |  | | |
| **PREMISES WHERE GOODS WILL BE STORED WHILE NOT TRADING** |  | | |
| **UNIT USED FOR TRADING**  **(PLEASE TICK WHICH APPLIES)**  **IF VEHICLE PROVIDE ADDITIONAL DETAIL** | **VEHICLE/TRAILER**  **rEGISTRATION nUMBER**  **CHASSIS NUMBER**  **mAKE AND MODEL** | |  |
| **MOVEABLE STALL** | |  |
| **KIOSK/CART** | |  |
| **OTHER RECEPTACLE** | |  |
| **section 7 (to be completed by all applicants)** | | | |
|  | | | |
| 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 not exceeding £2,500.  I declare that the particulars given by me are correct to the best of my knowledge and belief.  This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.  For further information, see [www.north-ayrshire.gov.uk/council/access-to-information/national-fraud-initiative.aspx](http://www.north-ayrshire.gov.uk/council/access-to-information/national-fraud-initiative.aspx) or contact Senior Manager, Legal Services, Cunninghame House, Irvine KA12 8EE, Tel No. 01294-324305. | | | |
| **DATE -** | | **SIGNATURE -** | |

**All individuals named within this application are required to complete and submit a Schedule of Convictions (if no convictions declare ‘None’ on the form)**

**CHECKLIST FOR SUBMITTING APPLICATION**

1. One passport sized photographs (FOR EACH PERSON NAMED ON FORM)
2. Layout plan (if applicable)
3. Certificate of Compliance if certified by another local authority

**North Ayrshire Council, Licensing Office, Cunninghame House, Irvine KA12 8EE (Tel: 01294 324305)**

[**www.north-ayrshire.gov.uk**](http://www.north-ayrshire.gov.uk)

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**Personal Declaration Form 1**

**(All licences except Drivers and Landlords)**

Use this form if the Application is about anything except:

- Taxi Driver's Licence

- Private Hire Car Driver's Licence

- Landlord Registration

If the Application is about any of these, use Form 2 instead. Use Form 1 if the Application is about a vehicle - a "Taxi Licence" or "Private Hire Car Licence" (sometimes called "Operator's Licences").

|  |  |
| --- | --- |
| Name |  |
| Address  (including postcode) |  |
| Date of Birth |  |
| Place of Birth |  |

**We need to know about the criminal record of anyone applying for a Licence, or a Joint Holder, or part of a licensed business, or managing a licensed business, so they all need to fill in a Personal Declaration Form, but before you fill in the form you should read this note about 'Rehabilitation of Offenders'.**

'Rehabilitation of Offenders'

This is the rule is that after a period of time some convictions (not all) are 'spent' or 'protected'. This means:

- these convictions do not have to be declared to the Council on this form, and

- the Council will probably not look at these convictions.

However, the rules have a lot of exceptions and are complicated. The main exception is that there are different rules for:

1. Drivers of Taxis or Private Hire Cars, and Landlords

2. Everyone else (this includes Operators of Taxis or Private Hire Cars)

Because there are different rules, the Council has different Declaration Forms. You should use the Form which applies to the Licence you want.

There is a summary of the rules below.

How to fill in this form

**Apart from the 'Rehabilitation of Offenders' rules, you must tell us about everything.**

|  |
| --- |
| *If you're wanting a "Taxi Driver's Licence", you can't just report motoring offences.* |

Please complete this form, and sign it.

|  |  |
| --- | --- |
| **Apart from the 'Rehabilitation of Offenders' rules, do you have any of these penalties?**  - Convictions  - Fixed Penalties  - 'Fiscal Fines'  - Immigration Penalties | |
| I have none of these (write 'none') |  |
| I have listed the penalties below |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Date** | **Court** | **Crime/Offence** | **Disposal** |
|  |  |  |  |
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Your Licence Application, and this form, will be sent to the Police. Even if a conviction is 'Spent' or 'Protected' - so that you don't have to disclose it - the Police can still tell the Licensing Committee about it, and the Committee can decide whether or not justice cannot be done without looking at that conviction.

|  |
| --- |
| Notices |
| 1. The information you give us in this form and in the Licence Application will be kept by us for as long the Licence is in force (including any time where it is temporarily suspended). |
| 2. We follow National Fraud Initiative guidelines to protect against fraud. For more information see:  https://www.north-ayrshire.gov.uk/council/access-to-information/national-fraud-initiative.aspx |
| 3. Data Protection Fair Processing Notice - We will use any information given to us by or about anyone mentioned in this Application when it is necessary for the operation of the Licensing system authorised by Law. For more information, see the Council's "Fair Processing Notice". |

I certify that this information is true and complete, and I understand that I may be prosecuted and my Licence refused, revoked or suspended if it is not.

|  |  |
| --- | --- |
| Name in BLOCK CAPITALS |  |
| Signed |  |
| Date |  |

Summary of 'Spent Conviction' Rules

This is only a summary. The legislation here is particularly complicated and we cannot give detailed advice tailored for your particular circumstances. You should take independent legal advice.

The legislation includes

1. Rehabilitation of Offenders Act 1974.

2. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, No. 50.

3. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015, No. 329.

4. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2016 No. 91.

5. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment (No. 2) Order 2016 No. 147.

6. The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2018 No. 51.

All the legislation is freely available on the Government website www.legislation.gov.uk

***The main 'Spent Conviction' rules setting the 'Rehabilitation Period' (RP) are in the Section 5 of the 1974 Act (Tables A and B). This table summarises them - references in [...] are to section numbers. The rules also include Schedule A1 and Schedule B1 in the 2013, 2015 and 2016 Orders.***

|  |  |
| --- | --- |
| **Sentence** | **RP** |
| Absolute Discharge | 6 months [5(3)(a)] (regardless of age of offender; regardless of Court procedure: [4(1)] ) |
| Road Traffic Act  Endorsement & Disqualification | 5 years - [5(2)], final entry in Table A (halved if under 18 at conviction) |
| Admonition | 5 years - [5(2)], final entry in Table A (halved if under 18 at conviction) |
| Probation | 5 years if aged 18 or over on conviction, (but see [5(4A)] as it may be up to 2.5 years if under age 18) |
| Fine | 5 years - [5(2)] Table A (halved if under 18 at conviction) |
| Good Behaviour  Deferred Sentence  (typically 6 or 12 months) | [5(4)] RP is the longer of:  (a) one year  (b) the end of the deferral. |
| Hospital Order under Mental Health (Scotland) Act | [5(7)] RP is the longer of  (a) 5 years  (b) two years after end of Order |
|  | |
| **Children's Hearing**  *This only applies to cases about crimes. Other reasons for a child being on a Supervision Requirement (for example, being the victim of neglect) do not count as 'convictions'* | |
| Discharge | 6 months [5(3)(b)] |
| Supervision Requirement | [5(5)(f)] RP is the longer of  (a) one year from 'conviction' or  (b) the period until the S/R ends: |
|  | |
| **Youth Detention:** |  |
| up to 6 months | 3 years - [5(2)] Table B |
| over 6 but under 30 months | 5 years - [5(2)] Table B |
| Borstal (any period) | 7 years - [5(2)] Table B |
| over 30 months (or life) | never becomes 'spent' - [5(1)] |
|  |  |
| **Adult Imprisonment:** |  |
| up to 6 months | 7 years - [5(2)] Table A (halved if under 18 at conviction) |
| over 6 but under 30 months | 10 years - [5(2)] Table A (halved if under 18 at conviction) |
| over 30 months (or life) | never becomes 'spent' - [5(1)] (regardless of age of offender) |

**BLANK SHEET FOR ADDITIONAL INFORMATION**

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**STATIC STREET TRADER OPERATOR’S LICENCE**

**NOTICE FOR DISPLAY**

**NOTICE IS HEREBY GIVEN**  that application has been made on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to **North Ayrshire**

*(date of application)*

**Council** for a licence for a **Street Trader Operator’s Licence** in respect of the static site at

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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This application has been made by

\*NAME /COMPANY NAME/PARTNERSHIP\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*ADDRESS/REGISTERED OFFICE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DAY TO DAY MANAGER *(if appropriate)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***\*****delete as applicable*

Any objections and representations in relation to the application may be made to the **Licensing Department, North Ayrshire Council, Cunninghame House, Irvine KA12 8EE,** generally within **21 days** of the date noted above. Objections and representations must contain information which is required by the Act namely:-

1. Any objection or representation relating to an application for the grant or renewal of a Licence shall be considered by the licensing authority if, but only if, the objection or representation is:-
2. in writing
3. specifies the grounds of the objection or, as the case may be, the nature of the representation
4. specifies the name and address of the person making the objection or representation
5. is signed by him or on his behalf and
6. was made to the licensing authority within 21 days of which is the later date, or as the case may be , latest of the following dates:-
7. where public notice of the application was given on the Council website, the date when first given
8. where North Ayrshire Council has ordered the applicant to display the Notice again from a specified date, that date
9. in any other case, the date when the application was made to the licensing authority
10. Notwithstanding the dates set out in paragraph 1 (e) above, it shall be competent for a licensing authority to consider an objection or representation received by them before they take a final decision on the application to which it relates if they are satisfied that there is sufficient reason why it was not made in the time required.
11. An objection or representation shall be made for the purposes of paragraph 1 above if it is delivered by hand within the time specified to the licensing authority or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**STREET TRADER OPERATOR’S LICENCE (STATIC SITE)**

**CERTIFICATE OF COMPLIANCE**

I/We

*(Name and Address as specified in application)*

applicant(s) for a **Street Trader Operator’s Licence**, hereby certify that a Notice has been posted at or near the site at

*(exact site location as specified in application)*

FROM

TO

containing such information as is required by Paragraph 2(3) of Schedule 1 to the above Act.

\* Where the said Notice was removed, obscured or defaced during the above mentioned period I/we took reasonable steps for its protection and replacement as follows (give details and circumstances including the dates on which replacement notices were displayed)

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*\*Delete if not applicable*

**INFORMATION NOTES – STREET TRADING LICENCE APPLICATIONS**

The purpose of these notes is to give some guidance to anyone applying for a Street Trader (Operator) Licence in North Ayrshire. The relevant Licensing Authority are:

**North Ayrshire Council (NAC), Licensing Department, Cunninghame House, Irvine KA12 8EE**

**Tel - 01294 324305, E-mail – licensing@north-ayrshire.gov.uk**

Street Trading is dealt with under theCivic Government (Scotland) Act 1982, in particularSection 39 and Schedule 1 of the Act. These notes provide some guidance on how applications are dealt with and the policies of North Ayrshire Council. They are not intended to give any interpretation of the law or guidance on what your own business requirements may be. If in doubt, applicants are advised to seek their own independent legal advice.

**WHAT IS A STREET TRADER (OPERATOR) LICENCE?**

You need a licence as a street trader if you are “hawking, selling or offering or exposing for sale any article or offering to carry out or carrying out for money or money’s worth any service” to any person in a public place. This includes doing any of those things from a vehicle, in or from a kiosk or a moveable stall which is not in the valuation roll. There is an exception where trading is in conjunction with or as part of a retail business being carried on in premises abutting the public place.

**EXEMPTIONS**

There are some exceptions to the general requirement for a licence, including a person selling newspapers, milk deliveries (provided they are registered under the appropriate legislation) and the sale of coal.

On the 16 August 2017, NAC Licensing Committee agreed a further exemption to allow for Street Trading without a Street Trader’s Licence, where **both** of the following apply:

1. The vehicle, kiosk or moveable stall is operated within land covered by a Public Entertainment Licence; and
2. The operator of the vehicle, kiosk, or moveable stall is the holder of that Licence or travels from place to place with that holder.

This exemption is consistent with the Civic Government (Scotland) Act 1982, Section 39(3)(e).

**OPERATOR AND EMPLOYEE LICENCES**

NAC Licensing Authority uses 2 different types of application form in relation to Street Trading, an application for a Street Trader (Operator) Licence, and an application for a Street Trader Employee Licence.

**Operator:** On the 16 August 2017, NAC Licensing Committee approved changes which meant that in addition to the existing **static** and **itinerant** street trading options, traders can now apply for a Street Trader (Operator) licence to trade at temporary **events** in North Ayrshire such as fetes, galas and other similar organised events, with the permission of the event organiser.

For these purposes, a qualifying event is one which is held on land which is either covered by a "Public Entertainment Licence" or a "Market Operator's Licence" under the Civic Government (Scotland) Act 1982, or is exempt from holding either Licence.

Traders can apply to be licensed for events only, or for static or itinerant trading with the option of also trading at events. Please refer to Section 4 of the application form for more detail on the different trading options.

**Employee:** Everyone who works on a vehicle, kiosk, moveable stall or other type of unit, serving the public, must have a licence. The licence granted to the operator allows that person or persons to work on the vehicle but every other person / employee who serves the public must also have their own licence. Whether this includes the driver of the vehicle is a matter for the operator of the vehicle. If the driver does not hold a licence and, for any reason, becomes involved in dealing with the public at the vehicle then the driver will be guilty of a criminal offence and so will the operator. This would also place the relevant operator’s licence at risk.

**STATIC STREET TRADING**

Refer to Section 4 of the application form. If trading proposals include an intention to operate for longer than 20 minutes at a specific site or sites (outwith trading at events) then an applicant should establish ownership of the site and permission of the landowner or relevant Roads Authority should be sought. A location plan must be provided in relation to each specific static site being applied for.

Where the application is for a full (not temporary) licence, an applicant must **display a Notice** at or near each static site included in the application. The Notice, completed with the information required by legislation (set out in Paragraphs 2 and 3 of Schedule 1 of the Civic Government (Scotland) Act 1982) must be displayed for 21 days from the date the application is submitted to the Licensing Office.

There may be checks made to ensure that a Notice is being displayed where it can be read by the public. If the Notice is removed, defaced or obscured during the 21 day period you must replace it.

After the 21 day period has expired you must complete a Certificate of Compliance and return it to the Licensing Office as soon as possible. Completion of this form is your declaration that you have competently displayed the Notice for the 21 day period. If the Certificate of Compliance is not completed correctly and returned timeously then this will delay the processing of the application.

The Notice for Display requirement also applies to the renewal of licences containing a static site(s), not just to the original application.

Applicants who propose to trade on a static basis at a specific site or sites should must ensure they receive from the Licensing Office template Notice for Display and Certificate of Compliance documents.

Planning Permission is normally required if trading from the same location for more than 28 days in any calendar year.

NAC Planning, Asset Management (Estates) and Roads Departments will be informed of all Street Trading Licence applications. Applicants should contact the relevant Departments directly with enquiries regarding Planning permission and site ownership and permission to occupy. If the Council is not the landowner or relevant Roads Authority then it is the responsibility of the applicant to establish who is.

Contact details for the Council Departments are as follows:

NAC Planning – Telephone (01294) 324319, E mail – [eplanning@north-ayrshire.gov.uk](mailto:eplanning@north-ayrshire.gov.uk)

NAC Asset Management – Telephone (01294) 324888, E mail – [landandproperty@north-ayrshire.gov.uk](mailto:landandproperty@north-ayrshire.gov.uk)

NAC Roads Department – Telephone (01294) 310000, E mail – [contactus@north-ayrshire.gov.uk](mailto:contactus@north-ayrshire.gov.uk)

**STREET TRADING: FOOD**

The application form asks whether your business involves dealing in food. This is because the Licensing Authority is not allowed to grant you a licence if you are dealing in food until they receive a Certificate confirming that the vehicle / unit, and your operational procedures comply with **Food Safety legislation.** When your application is received it is passed to the Environmental Health Section to carry out an inspection of the vehicle / unit and you will then be contacted by an Environmental Health Officer to arrange a time for that inspection to be carried out. If you fail to cooperate with this inspection then your application cannot proceed any further.

An inspection may not be required if your vehicle or unit has already been inspected and certified by another Local Authority. If a Certificate has been issued to you by another Local Authority then it should be provided with your application.

NAC Environmental Health Department can be contacted as follows:

Telephone – (01294) 324339, E mail – [environmentalhealth@north-ayrshire.gov.uk](mailto:environmentalhealth@north-ayrshire.gov.uk)

**STREET TRADING: OTHER GOODS**

Street trading can cover a very wide range of goods apart from food. Some of these goods do not require any additional documentation but if you are in any doubt please contact the Licensing Office and Environmental Health. As an example, an applicant for the grant or renewal of a licence to clean wheelie bins may require confirmation from S.E.P.A. and the Water Authority that the process they propose to use meets with their requirements.

**AGE LIMITATION**

A Street Trader’s Licence cannot be granted to a person under the age of 17 years. It may be possible to obtain exemption from this rule. Please refer to **North Ayrshire Council Bye-Laws Governing the Employment of Children 1999** made under the Children and Young Person’s (Scotland) Act 1937.

**PROCESSING YOUR APPLICATION**

When an application is received it is first checked to make sure all the necessary information has been submitted together with the fee and the necessary photographs. If the application has been correctly submitted it will be sent for consultation to Police Scotland, Scottish Fire & Rescue, and NAC Environmental Health Department and other required processes will be commenced. Applications for an Operator’s Licence are also sent to NAC Planning, Estates and Roads Departments for their information. Although there are only 3 Consultees, any department, organisation or person is entitled to make an objection or representation in relation to any application.

When all of the consultation reports, and other submissions (if applicable) have been received then an assessment will be carried out as to whether an application can be granted by an Authorised Officer of the Council or if it requires to go to the Licensing Committee for consideration.

Please note, on average it takes a minimum of 6 to 8 weeks to process a full (3 year) licence application although it may take longer, especially if any adverse issues arise and it requires to go to Committee. Applications for temporary licences can be processed within a shorter timescale.

**DURATION OF LICENCE**

When a licence has been granted it is normally for a period of 3 years, unless the Licensing Committee has restricted the duration of grant for any reason or purpose. Temporary licences can last for any period up to a maximum of 6 weeks.

The Licensing Office will send out a reminder to the Licence Holder about 6 weeks before the licence is due to expire. If an application for renewal is **submitted before the expiry date** of the current licence then the Licence Holder can continue to operate whilst the renewal application is processed and determined.

Street Trader (Operator) licences are granted and issued with Standard Conditions, which comprise 3 parts:

Part A – Apply to all Street Traders

Part B – Apply to Street Traders who are supplying or selling food

Part C – Apply to itinerant Street Traders

The Standard Conditions are available to view on the Council’s website or a copy can be requested by contacting the Licensing Office.

**NAC permits Street Trading between the hours of 5.00am and 11.00pm.**

If any issues arise within the period of a licence, the Licensing Authority has the power to suspend the licence or to vary the standard conditions under which it operates. If consideration is being given to either of these courses of action then the Licence Holder will be given notice of the reason and an opportunity to address the Licensing Committee before any decision is taken.

**IDENTIFICATION BADGES**

In addition to their licence every Licence Holder is given an identity badge which must be worn whilst they are operating or in employment as a street trader. It is therefore essential that an application is accompanied by **2 passport size photographs** so that this badge can be produced.

**Fees**

**Fees are non-refundable if you decide to withdraw the application or if the licence is refused. Please contact the Licensing Office for confirmation of fees.**