

Street Trader Licence

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.

Exemptions

The following types of activity are specifically exempt and anyone carrying on such a business will NOT therefore 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.

Legal Requirements

Your proposed trading location must be more than 100 metres away from a shop selling similar goods as specified in the standard conditions attached to a Street Trader's Licence. The Council also has a policy that no trader shall trade any 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 3pm to 5pm Mondays to Fridays inclusive during school terms determined by the Education Authority from time to time. 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 individual involved in the activity.

Applications

The form requires to be completed online via MyAccount at https://myaccount.renfrewshire.gov.uk/service/Apply_for_a_Street_Traders_Licence

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 of the licence. Failure to lodge the renewal before the expiry date of the current licence will result in the licence lapsing.

Checks on Entitlement to Work

- For all applicants, evidence must be produced of entitlement to work in the United Kingdom, whether applying for a new licence or to renew an existing one. British citizens require to provide their current passport with the application. If an applicant does not have a current passport, then other documents must be provided as an alternative form of evidence. Information on alternative forms of evidence can be found on the Government website detailed below.
- For an EU national, the applicant's passport must be provided with the application.

- If neither a British citizen nor an EU national, the applicant's passport and residence permit confirming an entitlement to work in the UK must be provided.
- Original documents, if required, will be requested at a later date.
- The application may also be passed to the UK Border Agency in relation to any issues arising on the applicant's entitlement to work in the United Kingdom.

Please see www.gov.uk for a full list of alternative documents that prove an individual's right to work in the UK.

Checks on Previous Convictions

For applicants seeking a new licence, and who were born or have been resident outside the UK for 6 months or more, there must be produced with the application form documentation in relation to criminal record checks.

Applicants need to provide:

- If the applicant was born outwith the United Kingdom, a criminal record check must be provided from his or her country of origin. Applicants must also provide a criminal record check from any other country in which they have been resident for six months or more.
- If the applicant was born in the United Kingdom, but has lived in any other country or countries for six months or more, they must provide a criminal record check from those countries.
- In all cases, the criminal record checks provided must have been obtained within the six months prior to submitting the application and must be verified by the relevant UK based Embassy/High Commission where obtained from authorities outwith the United Kingdom.

Your application will not be accepted unless you can exhibit each of the above listed documents as appropriate.

Application Fees

Payment is due at the time your application has been accepted. 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.

Prior Refusal

If you have applied for and been refused an application for a street trader licence by Renfrewshire Council then, unless there has been a material change in circumstances, you cannot apply for the same kind of licence within one year of the date of refusal.

Location Plan (fixed location)

If you are applying for a street trader licence in respect of a **fixed stance** (ie the one location) you are required to provide a detailed 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 (eg an ice cream van doing rounds 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 Police Scotland, Scottish Fire & Rescue and various Council departments. They will carry out their own investigations and inspections and report back to the licensing office.

The legislation allows for consideration of the application within three months and a decision within nine 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 the Regulatory Functions Board meeting. You will be called to a hearing before the Board and given the opportunity of addressing the Board.

Compliance Certificate

Where your application is to sell food, and involves the use of a vehicle, kiosk or moveable stall, the application must be accompanied by a certificate stating that it complies with relevant food safety standards. Unless the application is made by a registered food business (in which case the certificate should be provided by the local authority who registered it, the certificate may be provided by Renfrewshire Council's Community Resources or , where an application for a street trader's licence has been made to another local authority, from the food safety team of that Council.

You can contact Community Resources by email at es@renfrewshire.gov.uk if you need any advice.

Other Permissions

You should note that if your licence is granted by the Council, any other permissions required from the Council, (eg planning permission, food registration, street occupation or ownership of the land/road require to be applied for separately. You should contact the relevant Council services to find out what else is required.

The following email addresses may be useful to you:-

dc@renfrewshire.gov.uk (Planning; bs@renfrewshire.gov.uk (Building Standards; es@renfrewshire.gov.uk (Food Regulation; pt@renfrewshire.gov.uk (Roads

If the road is not adopted by the Council you are require to submit with your application a letter of consent from the land owner giving you permission to occupy the land to which your licence application relates, (fixed stance application only).

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 (within 28 days of the Board's decision) 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 is (within 28 days of the Board's decision) entitled to appeal to the Sheriff also.

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

Conditions of 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.

Any Further Questions

Should you have a query that is not covered in these guidance notes please feel free to contact the Civic Licensing Standards Officers by email at enforcement.licensing@renfrewshire.gov.uk for further information. and advice.

Contact Details

Tel: 0300 300 0300

Email: customerservice.licensing@renfrewshire.gov.uk

Website: www.renfrewshire.gov.uk

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.

