



## CUSTOMER SERVICES – LEGAL AND REGULATORY SUPPORT

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### SCHEDULE OF CONDITIONS - STREET TRADER

##### General Conditions

1. On being granted a Licence, the Applicant shall be furnished by the Licensing Authority with a badge. Should the badge be lost or rendered illegible, the Licensing Authority must be notified within 7 days and a replacement badge must be obtained from the Licensing Authority upon payment of the appropriate fee, failing which the Licence shall be suspended.
2. The Licence Holder, whilst street trading, shall always have with them their Licence which they shall keep at all times clean and legible and shall exhibit on demand to any Trading Standards Officer, any authorised officer of the Licensing Authority or any Police Officer, on production by that person of their badge of office or written evidence of his/her appointment to that office and shall allow such person to note the particulars on such Licence.
3. The Licence Holder, whilst street trading, shall wear the badge furnished in accordance with Condition 1, displayed conspicuously on his/her outer garment with the lettered side outermost, so that the whole writing thereon shall be distinctly visible and legible and must, when required, permit any person to inspect same and to note the writing thereon.
4. The Licence Holder shall not lend or allow any other person to use their Licence or Badge.
5. The Licence Holder shall not in any way alter, erase or deface the Licence and shall, when reasonably required, produce it for examination by the Licensing Authority. Where said Licence or Identity Badge becomes illegible for any reason, the Licence Holder shall apply to the Licensing Authority as soon as is reasonably practicable for a replacement.
6. Notwithstanding the terms and conditions contained in the Licence, every person engaged or employed in street trading within the licensing area 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/her discretion may consider it necessary in the public interest to give such order or instruction.
7. The Licence Holder shall on all occasions, when carrying on the licensed activity, behave in a proper and civil manner, and shall not carry on the business in such a way as to cause a nuisance or annoyance to any person.
8. The Licence Holder shall at all times conduct the licensed activity and position any vehicle used in connection with the licensed activity in such a manner that no danger is likely to arise to any other person.

9. The Licence Holder shall comply with all statutory provisions relating to noise and in particular with the provisions of Section 62 of the Control of Pollution Act 1974 relating to the use of loudspeakers in the street.

#### **Perishable Goods**

10. 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 place or vehicle until the said place or vehicle has been approved by the Head of Legal and Regulatory Support for that purpose.

#### **Vehicles and Stalls**

11. A Licence Holder 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, bus stop or taxi rank.
12. Where the Licence allows the Licence 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. 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 Head of Legal and Regulatory Support and shall comply at all times with the requirements of the Food Safety Act 1990, the Food Safety (General Food Hygiene) Regulations 1995 and all other associated regulations.
13. The Licence Holder shall at all times when street trading keep themselves and their clothing clean and keep and maintain any moveable structure, vehicle or receptacle used for the purpose of street trading in a clean and proper condition to the satisfaction of the Head of Legal and Regulatory Support. On written notice, signed by an Environmental Health Officer authorised by the Licensing Authority to sign such notices in terms hereof, being given to any Licence Holder, stating that they have become unsuitable in respect of the unsatisfactory condition of their clothes or person, or that the vehicle or receptacle is unsuitable, such Licence Holder shall immediately cease to act as a street trader until he/she remedies the cause of complaint to the satisfaction of the Head of Legal and Regulatory Support or until the said notice is withdrawn; and such notices shall be recorded in a register kept for that purpose and available during normal office hours for public inspection and shall be reported to the Licensing Authority for information as soon as may be practicable.
14. The Licence Holder shall carry out their operations in such a way as to cause no inconvenience, interference or general nuisance to the public. The Licence Holder shall not obstruct or otherwise interfere with the free use of footways, footpaths or roadways.

#### **Litter and Commercial Waste**

15. The Licence Holder shall comply with the instructions of the Licensing Authority's Roads and Amenity Services in relation to the collection and removal of 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 generality, every Street Trader trading at a particular location shall place in a public place a litter bin or other receptacle for the deposit of paper, garbage or other refuse by customers.
16. The Licence Holder shall ensure that they have, prior to trading in terms of the Licence, arranged and signed an agreement for the collection of commercial waste. The Licence Holder shall either

submit a copy of the agreement with their Application or do so within 14 days of receipt of a Licence. The Renewal of a Licence Application must be accompanied by a copy of the agreement.

17. A mobile Street Trader shall not trade in any one location for longer than 30 minutes before moving to another location, not less than 200 metres away and shall not return to a previous location within the same calendar day. If a Licence Holder requires to trade in any one location for a duration which is longer than 30 minutes, they must ensure they have obtained the necessary planning permission and have sought and obtained exemption from the provisions of this Condition from the Licensing Authority. This Condition shall not apply to mobile Street Traders who are operating in an area which has been defined as an 'Economically Fragile Area' in terms of Argyll and Bute Council's Local Development Plan, adopted in March 2015 (a copy of the map detailing said Economically Fragile Areas is attached as Appendix 1 to these conditions).

### **Planning Consent**

18. The Licence Holder must ensure that they have obtained the relevant planning consent and all other necessary consents for trading as such in the Areas of Trade specified in the Licence and must adhere to all relevant legislation.

### **Change of Circumstances**

19. A Street Trader who ceases to act as such for the unexpired period of the Licence or whose Licence has been suspended by the Licensing Authority or has expired shall, within 3 days thereafter, deliver their Licence and Badge to the Head of Legal and Regulatory Support, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
20. The Licence Holder shall, within 7 working days, notify the Licensing Authority of any change in circumstances (i.e. change of personal address, no longer operating, etc.) or any other change of circumstances relevant to or affecting the Licence. Anyone in doubt as to what constitutes a change of circumstances should contact the office of the Head of Legal and Regulatory Support for guidance.

