

Section 39 of the Civic Government (Scotland) Act 1982
West Lothian Council
Street trader's licence conditions

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General conditions applicable to all street traders' licences

1. The licence holder is licensed to trade as a street trader during the hours specified on their licence, if applicable.
2. The licence holder shall be a minimum of 16 years of age.
3. The licence holder, unless otherwise directed by the council as hereinafter provided, shall not engage in street trading within 100 metres of any establishment or premises in which are sold or offered for sale any article or service of the same or similar class and description as those to be sold or offered for sale by the licence holder. The licence holder shall not trade within 200 metres of school premises while they are being used as such. The council may, in their sole discretion and on application, direct that the terms of this condition shall not apply to a particular licence holder in a particular street or location, and such a direction shall not be effective until it is endorsed upon the licence by the council.
4. The licence holder shall:

comply with all legislation governing the control of noise and noise nuisance;
and shall not:

at any time use for the purpose of advertising their presence, trade or business any loudspeaker, horn, whistle, amplified music or other device as to give reasonable cause for annoyance to persons in the vicinity;

between the hours of seven in the evening and nine in the morning of the next day use for the purposes of advertising their presence, trade or business any loudspeaker, horn, whistle, amplified music or other device.
5. The licence holder shall not sell or offer for sale goods which are contrary to the terms of consumer protection legislation or any other legislation regarding the sale of dangerous or hazardous goods.
6. The licence holder shall at all times while engaged in street trading have with them their licence and identity card, shall wear the said identity card displayed conspicuously on their outer garment so that it shall be clearly visible and shall exhibit the said identity card on demand to any customer, police officer, council Licensing Standards Officer, officer of the council's Environmental Health and Trading Standards Service or any authorised officer of the council.
7. The licence holder shall keep their person and their clothing in a clean condition, shall conduct themselves in a professional, considerate and orderly manner and shall not do anything in the course of acting as a street trader which is a breach of any legislation.
8. The licence holder shall keep and maintain any vehicle or receptacle used for the purpose of street trading in a clean and proper condition to the satisfaction of the council's Environmental Health and Trading Standards Service.

9. The licence holder shall at all times while engaged in street trading and at any other reasonable time permit any authorised officer of the council, police officer, council Licensing Standards Officer or officer of the council's Environmental Health and Trading Standards Service to inspect any vehicle or receptacle used by the licence holder for the purposes of street trading.
10. The licence holder shall comply with any order or instruction given by any police officer or council officer for the prevention of obstruction or annoyance to the public or in connection with any emergency or disturbance or on any occasion when such a police officer or council officer in their discretion may consider it necessary in the public interest to give such order or instruction.
11. The licence holder shall not lend or allow any other person to use the (a) licence, (b) identity card or (c) vehicle identification plate, if applicable.
12. The licence holder shall not in any way alter, erase or deface the (a) licence, (b) identity card or (c) vehicle identification plate, if applicable. Vehicle identification plates remain the property of the council at all times and must be returned to the council as and when required by these conditions.
13. The licence holder shall not employ or appoint any person engaged in the activity of street trading on their behalf within the council's local authority area unless that person holds a street trader's licence.
14. The licence holder:

on changing their or address; or

in the event of any other change to the information set out in the application form for their licence;

shall (i) notify such change to the council's Chief Solicitor and (ii) make an application for a new licence and identity badge if required within 7 days of the change.
15. Where a holder of a licence is:

charged with any offence relating to misuse of drugs, violence or sexual impropriety;
or

convicted of any crime or offence by any court;

the licence holder shall notify the council's Chief Solicitor within 14 days of the above being intimated to them.
16. If the licence holder loses their licence, identity card or any other document issued to them by the council in connection with their street trader's licence, the licence holder shall notify such loss immediately to the council's Chief Solicitor and shall obtain a replacement of the relevant item from the Chief Solicitor on payment of the appropriate fee.
17. In the event of either (a) the revocation or (b) the suspension of the licence held by the licence holder, the licence holder shall deliver his or her identity card and licence to the council's Chief Solicitor within 7 days of the date of the coming into effect of the decision to revoke or suspend the licence.

18. In the event of the licence holder ceasing to be engaged in the activity of street trading, they shall forthwith give notice of that in writing to the council's Chief Solicitor and return his or her licence and identity card to the Chief Solicitor.

Conditions which apply to street trader's licence holders engaged in street trading from a vehicle, kiosk or moveable stall

19. The licence holder shall:

collect and remove any paper, litter or other refuse which may be produced by them or their customers during the course of their street trading and shall not place or deposit the same or allow the same to be placed or deposited or to fall on any public place or adjoining property; and

in the event of the licence holder trading at a particular location for a period exceeding five minutes, shall place in close proximity to their vehicle, kiosk or moveable stall a litter bin or other receptacle for the deposit of paper, litter or other refuse by customers produced through their custom with the licence holder and shall make reasonable efforts to ensure that the said litter bin or other receptacle is used by customers for this purpose.
20. The licence holder shall display their licence on their vehicle, kiosk or moveable stall in a location that is clearly externally visible.
21. The licence holder shall at all times when engaged in street trading display the identification plate affixed to their vehicle, kiosk or moveable stall in a location that is clearly externally visible.
22. The licence holder shall on receiving notice in writing from the council present the vehicle, kiosk or moveable stall annually for inspection and at any such other time and place as may reasonably be required by the council. The licence holder shall comply with the requirements of any council officer who inspects their vehicle, kiosk or moveable stall to ensure that at all times while it is in use for street trading waste is transported and disposed of in a manner to their satisfaction.
23. The licence holder shall not trade at any location considered unsuitable by the council, provided that prior written notice has been served by the council upon the licence holder.
24. The licence holder shall ensure that the vehicle, kiosk or moveable stall can be speedily and easily removed and that it all times it is in a clean, safe and serviceable condition.
25. The licence holder shall not leave any trailer or kiosk parked on a public road overnight.

Conditions which apply to street trader's licence holders engaged in street trading including trade from a fixed location or locations

26. The licence holder shall at all times while trading from a fixed location or locations hold the written consent of the landowner or the council where trading on a public road or footpath entitling them to do so and shall produce said written consent on demand to any police officer, council Licensing Standards Officer, officer of the council's Environmental Health and Trading Standards Service or any authorised

officer of the council, if required. For the purposes of this condition the council considers that licence holders are trading from a fixed location if they trade from a particular location for more than 20 minutes at any one time. A licence holder who trades from a fixed location or locations shall also comply with Planning legislation, as required. A licence holder who trades at a location for less than 20 minutes shall not return to that location or within 100 metres of it for a period of 4 hours from the time when they vacated it.

Street trading including food business

27. The licence holder shall:

provide and maintain in proper working order equipment necessary for the proper cleaning and sterilising of all utensils and vessels in connection therewith and comply at all times with the requirements of the Food Hygiene (Scotland) Regulations and/ or any national hygiene conditions which are in force at any given time;

store and prepare, as appropriate, goods to be used in connection with the food business only in premises approved by the Council's Environmental Health and Trading Standards Service; and

remove and dispose effectively any waste foodstuffs produced by them in the course of their street trading.

Street trading including food business from a vehicle, kiosk or moveable stall

28. The licence holder shall at all times hold a current certificate of compliance in terms of the Food Hygiene (Scotland) Regulations 2006 as amended, replaced or updated from time to time, shall provide a copy of any new and updated certificate to the council within 7 days of obtaining it and shall produce said certificate on demand to any police officer, council Licensing Standards Officer, officer of the council's Environmental Health and Trading Standards Service or any authorised officer of the council, if required. No food waste shall be discharged into a road gully or watercourse, either directly or indirectly.

Street traders holding a street trader's licence for the activity of wheeled bin cleansing

29. The licence holder is licensed to trade in wheeled bin cleansing and no other activity or commodities.

30. In addition to the officers referred to in conditions 6, 9 and 10 above and 40 below, the licence holder shall also comply with those conditions in respect of any officer of Scottish Water and the Scottish Environmental Protection Agency.

31. The waste generated from the wheeled bin cleansing process shall be screened to separate and remove solid material and grease from liquid water. Thereafter any liquid water must be discharged directly into a nominated discharge point as approved in writing and subject to any conditions which may be imposed by Scottish Water. Any solid waste must be disposed of at a site which is licensed by the Scottish Environmental Protection Agency for the disposal of such material.

32. Any chemicals and cleaning products involved or used in the cleaning process must be approved of in advance by the council, as Environmental Health Authority and by Scottish Water. Such chemicals and cleaning products must be used in accordance with the product manufacturer's recommended dilution and other instructions.
33. No waste shall be discharged into a road gully, either directly or indirectly. The licence holder shall segregate waste for recycling in accordance with the council's Waste Strategy.
34. The occupier of the premises where disposal of waste water is taking place will be required to apply for formal consent from Scottish Water under the Sewerage (Scotland) Act 1968 (as amended).
35. The licence holder shall comply with all conditions or guidance issued by Scottish Water or by the council in respect of wheeled bin cleansing and associated waste water discharges to sewers.
36. The licence holder is required to furnish the council's Chief Solicitor, prior to the grant of a licence and on each anniversary of such grant, during the currency of the licence, the following documents:
 - a certified copy of a valid and current certificate of registration issued by the Scottish Environment Protection Agency authorising the carrying of waste;
 - copies of any agreement with Scottish Water to dispose of waste and details of agreed locations for disposal of liquid waste.
37. The licence holder shall indemnify the council and all householders, tenants, businesses and the like affected by the licence holder's operations for any damage or destruction, howsoever caused to all property owned by the council, householders, tenants, businesses and the like as a result of the licence holder's operations.
38. During any spell of cold weather any damp or wet patches on the ground, footway, footpath or roadway remaining after the completion of any wheeled bin cleaning operation shall be immediately treated in order to prevent the formation of ice.
39. The licence holder shall carry out all operations in relation to wheeled bin cleaning in such a way as to cause no inconvenience, interference or general nuisance to the public. Without prejudice to the foregoing generality, the licence holder shall not obstruct or otherwise interfere with the free and unfettered use of footways, footpaths or roadways.
40. The licence holder shall at all times comply with directions, instructions or requests made by officers of the council in relation to the cleaning of wheeled bins and any practices carried on by the licence holder.