



Form amended August 2019

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 39 APPLICATION
FOR THE GRANT/ RENEWAL*
OF STREET TRADER'S LICENCE (non plate holder)
(STREET TRADER FORM No3) *DELETE AS APPROPRIATE

IT IS STRONGLY ADVISED THAT YOU READ THE GUIDANCE NOTES BEFORE COMPLETING THIS APPLICATION AS INCOMPLETE APPLICATIONS OR APPLICATIONS SUBMITTED ON THE WRONG FORM WILL NOT BE ACCEPTED AND WILL BE RETURNED BY SECOND CLASS POST DELAYING YOUR APPLICATION. IF YOU PROVIDE AN EMAIL ADDRESS BELOW THIS WILL ALLOW US TO CONTACT YOU QUICKER REGARDING YOUR APPLICATION.

FOR OFFICIAL USE ONLY

Date of receipt of application		Deadline for initial decision	
Fee paid		Deadline for final decision	
Receipt no.		Date to committee	
Acknowledgement		Decision	
Date to Police Scotland		Date of determination	

Question 1 – Applicant's details

First name	Middle name(s)	Surname
Age	Date of birth	Place of birth
Previous name(s)	National Insurance Number	
Length of time resident in the UK	Nationality	
Permanent address	Previous address	
Post code	Post code	
Time resident at this address	E-mail address	
Telephone number	Mobile number	

Question 2 – Details of trading

(a) Do you trade under a different name from that given at Question 1? If yes, what name will you be trading under?	Yes/no
(b) Specify the period for which a licence is required (see note 2(a) of the attached guidance notes)	
(c) If the licence applied for is a temporary licence please state what dates you intend to trade (see note 2(b) of the attached guidance notes)	
(d) State the particular days of the week, and hours of the day when you propose to trade as a street trader (see note 2(c) of the attached guidance notes)	
(e) Specify the types of items which you propose to sell (see note 2(d) of the attached guidance notes)	
(f) If applicable, please give details of the plate number of the vehicle, kiosk or moveable stall which you intend to work from (see note 2(e) of the attached guidance notes)	

Question 3– Type of licence

Is this a renewal application?	yes/no
If yes, what is the licence number and renewal date?	
Have you ever applied for and been refused a licence by any council?	yes/no
If yes, which council refused the licence?	
When was it refused?	
Have you ever held a licence which was suspended or revoked?	yes/no
If yes, which council/court suspended or revoked the licence?	

Question 4 – Further details

Have you ever been convicted of any crime or offence? If answer is yes please provide details on the next page; continue on separate sheet if necessary.			yes/no*
Date	Court	Offence	Sentence

*SUBJECT TO THE REHABILITATION OF OFFENDERS ACT 1974, ALL UNSPENT CRIMES AND OFFENCES MUST BE DECLARED (SEE NOTE 4 OF THE ATTACHED GUIDANCE NOTES).

Please tick the box to confirm that you have attached a passport size photograph (see checklist on guidance notes)	<input type="checkbox"/>
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Question 5 - Declaration by applicant

I declare that the information given by me on this form is correct to the best of my knowledge and belief.

Date	Signature of applicant	
	Print name of applicant	

If the application is being signed by an agent on behalf of the applicant please sign and complete boxes below

Date	Signature of agent	
	Print name of agent	
	Address of agent	

Privacy Statement – Data Protection

All personal information that you supply will be used to process your application in accordance with data protection law and the Civic Government (Scotland) Act 1982. In terms of the 1982 Act we are required to share this information with the following bodies:-

- Police Scotland; and where the licensed activity takes place within premises,
- the Scottish Fire and Rescue Service or other enforcing authority under Part 3 of the Fire (Scotland) Act 2005

We are required by law to protect the public funds we administer. Therefore in line with the National Fraud Initiative (NFI) we may also share your information with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

Some of the information provided by you on this form will be held on a register which is available for inspection by members of the public.

Further information about how we handle your personal information, including how long we retain the information, information about the NFI and how you can complain about our handling of your information, is available in our Privacy Notice which can be found on the Licensing Team's webpage <https://www.westlothian.gov.uk/licensing>. A copy of our Privacy Notice is available on request by contacting the Licensing Team, email: licensing@westlothian.gov.uk, telephone: 01506 281632.

GUIDANCE NOTE FOR APPLICATIONS FOR THE GRANT OR RENEWAL OF A STREET TRADER'S LICENCE (NON-PLATE HOLDER) (ST form No.3)

IMPORTANT – PLEASE READ BEFORE MAKING YOUR APPLICATION:

You should only complete this application form if either:

1. you will be engaging in street trading from someone else's vehicle, kiosk or moveable stall.
For example:
 - as an employee, colleague or agent of a trader who operates from a vehicle, kiosk or moveable stall; or
2. you will be trading without the use of a vehicle, kiosk or moveable stall.

The council has standard conditions for street trader's licences. These can be found on the council's website at:

<http://www.westlothian.gov.uk/article/2460/Street-Traders-Licence>

Please refer to these before submitting your application.

Question 1 – applicant details

Please answer question 1 by including all of your relevant personal details. Providing your email address will ensure that we are able to contact you quickly if there are any issues arising from your application.

Question 2 – details of trading

Question 2(a): a licence will normally be granted for a period of 1 year, unless the activity is to be pursued only for a short period, in which case a temporary licence will be granted for a period of up to six weeks.

Question 2(b): exact dates of the events when you wish to be licensed to trade are needed if applying for a temporary licence. The name of the event is not sufficient.

Question 2(c): it is council policy that the maximum trading hours which will be approved will be between 6am and 1am the following day. Applications to trade outwith the hours of 6am to 1am will require to be referred to the Licensing Committee. The days and/ or times when you are permitted to trade will be stated on your licence and will form a condition of your licence. Please also note that, if you intend to trade in food after 11pm, you will also require to ensure that you hold or are covered by a Late Hours Catering licence.

Question 2(d): please list the main types of items you wish to sell e.g. food, novelty goods, household good etc. By law “food” is defined widely and includes everything we know as food and also chewing gum and water. Applicants wishing to check whether something they intend to sell is classed as food for the purposes of the law should refer to the Food Safety Act 1990 and take legal advice from a solicitor, if required.

Question 2(e): you only need to provide a plate number if you will be trading from someone else’s vehicle, kiosk or moveable stall. If you will be trading without the use of a vehicle, kiosk or moveable stall, please answer N/A.

By law if you are applying for a street trader’s licence and the activity you are seeking a licence for consists of or includes:

- food business within the meaning of Section 1(3) of the Food Safety Act 1990 (see above); and
- involves the use of a vehicle, kiosk or moveable stall,

the council must refuse your application unless the vehicle, kiosk or moveable stall you will be trading from has a certificate of compliance from the Food Authority (for the purposes of Section 5 of the Food Safety Act 1990) stating that it complies with the requirements of any relevant regulations made under Section 16 of the Food Safety Act 1990.

In processing your application we will cross check the plate number for the vehicle, kiosk or moveable stall you have provided in your application to ensure that it has a current licence plate. If it does not, your application will be treated as incomplete and will be returned to you.

If you intend to trade from a vehicle, kiosk or moveable stall which does not have a current licence plate, you or someone else will require to apply for a street trader’s licence for a plate holder using the appropriate form – either ST Form No. 1 for trade in food from a vehicle, kiosk or moveable stall or ST Form No. 2 for trade in non-food from a vehicle, kiosk or moveable stall.

Question 3 – type of licence

If your application is for renewal of an existing licence, please state the licence number and renewal date of your existing licence in the appropriate box.

Question 4 – previous convictions

Convictions which are spent in terms of the Rehabilitation of Offenders Act 1974 do not require to be disclosed in your application. Should you be in any doubt as to whether a conviction you have is spent, you should seek legal advice before completing this form. Should you be in any doubt as to the details of your convictions, these are available on payment of a fee from any police station.

Question 5 – declaration section

Any person who in or in connection with the making of this application makes any statement which they know 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 £2500.

In terms of the Civic Government (Scotland) Act 1982, for the purposes of this application the person signing the form is responsible for its contents. If the application is signed by an agent on your behalf full details of that agent must be provided.

Checklist for submission of form

- fee
- Identity documents
- you must include a passport size photograph of yourself with your application which is used to produce an ID badge. Please tick the box to confirm that this is enclosed.

Please note that if you do not provide all of the required items with your application, your application will be returned to you as incomplete by second class post which will delay your application.

How to submit your application

This depends on whether your application is for a new street trader's licence (including a temporary licence) or is for renewal of an existing street trader's licence.

Temporary applications: all applications for temporary licences must be submitted a minimum of 35 days in advance of the event in order to allow the relevant advisors sufficient time to carry out all the necessary checks in relation to the application. It is council policy that such applications will not be processed if they are not received at least 35 days in advance of the event. If you are applying for a temporary street trader's licence your application must be submitted in person to Livingston CIS, Arrochar House, Almondvale Boulevard, Livingston along with the required fee and either the applicant's photocard driving licence or passport and proof of current home address i.e. recent utility bill. Livingston CIS staff will copy the evidence of identity and immediately return the documentation.

Applications for new licences: if you are applying for a new street trader's licence your application must be submitted in person to Livingston CIS, Arrochar House, Almondvale Boulevard, Livingston along with the required fee and

- your photocard driving licence or
- passport and proof of your current home address i.e. recent utility bill.

The address given in the application form must match the ID documentation. Livingston CIS staff will copy the evidence of identity and immediately return the documentation.

Renewal applications: if your application is for renewal of an existing licence and is submitted prior to the expiry of your existing licence, your application form can be posted direct to The Licensing Team, Legal Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF along with a cheque/postal order with the required fee and proof of your current home address. Applications with payments enclosed cannot be handed in to the Civic Centre.

Details of the council's current fees for applications for street trader's licences can be found on the council's website:

<http://www.westlothian.gov.uk/article/2460/Street-Traders-Licence>

Processing of applications

Once your application is complete it will be processed. You will receive an acknowledgement once your application is complete. We will then contact you once vetting has been completed. Most applications are determined within 60 days but applications which require to be referred to the Licensing Committee for a decision will take longer to be determined. In the event of an application being refused or withdrawn after being processed, no refund of the application fee paid will be made.

Contact

To contact the Licensing Team please:

email licensing@westlothian.gov.uk

or

call 01506 281632

If we are unable to answer your call please leave a message with your name and number and we will call you back. Please note we cannot provide advice as to whether a street trader's licence is required in your individual circumstances. If you require such advice you should take legal advice from a solicitor or advice centre.