



**West Lothian
Council**

Form amended August 2019

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 39 APPLICATION
FOR THE GRANT/ RENEWAL*
STREET TRADER'S LICENCE NON-FOOD (PLATE HOLDER)
(STREET TRADER FORM No 2) *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 – Personal 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) Do you propose to trade from a particular location or locations? (see note 2(a) of the attached notes)	yes/no*
(c) If answer is yes, please state location, submit location plan together with landowners consent (see note 2(b) of the attached guidance notes).	
(d) Specify the types of goods/service in which you propose to trade.	
(e) State the address and postcode of the premises at which the goods will be stored when not being offered for sale.	
(f) Please state the type and registration number of the vehicle you propose to trade from.	
(g) If the vehicle is a kiosk or moveable stall please give details of the type of structure and dimensions and enclose a photograph of the structure.	
(h) State the address including the postcode of the premises at which the vehicle/structure is kept whilst not at a fixed location (see note 2(c) of the attached guidance notes)	
(i) Specify the period for which a licence is required (see note 2(d) of the attached guidance notes).	
(j) State the particular days of the week, and hours of the day when it is proposed to trade as a street trader (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?			yes/no*
If answer is yes please provide details below; continue on separate sheet if necessary.			
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)

☐

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 by applicant	
	Print name of applicant	

If the application is being signed by an agent on behalf of the individual please sign and complete the 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-FOOD) PLATE HOLDER (ST form No.2)

IMPORTANT – PLEASE READ BEFORE MAKING YOUR APPLICATION:

You should only complete this application form if:

- you do not intend to trade in food; and
- you are responsible for obtaining a licence plate for a vehicle, kiosk or moveable stall.

If you are a wheel bin cleaner you should complete ST form No.4.

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.

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.

NOTE: 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. In practice it is recommended that all applications to trade at particular events be submitted at least 3 months before the event. 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.

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.

Please note that we have changed our application forms and you can no longer apply in the name of a partnership or company. The reason for this is that the law provides that street trader's licences should be issued to individuals involved in street trading. If you are the owner of a vehicle, kiosk or moveable stall but you do not engage in the activity of street trading yourself, you are not required to hold a street trader's licence. However, if other licensed street traders are trading from your vehicle, kiosk or moveable stall, you will require to nominate one of those traders as responsible for including the vehicle, kiosk or moveable stall in his application form and obtaining a licence plate. The nominated trader should complete ST form No.2.

If you are an employer who is engaged in the activity of street trading with employees, please note that each of your employees will require to hold a street trader's licence in their own name. They should complete ST form No.3. Your employees will be asked to give details of the plate number of the vehicle they intend to trade from in order that it can be checked that the vehicle has a current licence plate.

Question 2 – details of trading

Question 2(a): you must specify in your application whether you intend to trade from a fixed location or locations and, if so, what that location is or what those locations are. Please see condition 26 of the council's standard conditions for street trader's licences. The council considers a street trader to be trading from a fixed location if they trade from a particular location for more than 20 minutes at any one time.

Please note that by law you may also require to hold planning permission and the rules for that are different. Applicants are advised to seek further information with regard to planning permission from the Development Management section. Please contact the council's contact centre on (01506) 280000 to be transferred to the relevant section.

You should ensure that at all times you are compliant with all legislation and the terms of your consent to occupy the land. If you are in any doubt as to your position, you should take advice from a solicitor.

Question 2(b): if you are applying for a temporary street trader's licence to trade at a gala day event on land which is being leased from the council for that event, there is no need to provide evidence of landowner's consent. If otherwise and you intend to trade from a fixed location or locations, you must hold the written consent of the landowner or the council where trading on a public road or footpath entitling you to do so. Please see condition 26 of the council's standard conditions for street trader's licences.

If the fixed location you intend to trade from is on council owned land, you will require to obtain written consent in the appropriate form from the council's Property Management & Development Unit. If the location or locations you intend to trade from is on a public road or footpath, you will require to obtain written consent in the appropriate form from the council's Roads and Transportation Services section. Please contact the council's contact centre on (01506) 280000 to be transferred to the relevant section.

You should submit a copy of the written consent you hold with your application. If you are unable to submit written consent with your application you should state the reasons for this in your application and your application will be processed but your licence will not be issued until a copy of the relevant written consent has been received. You must submit a layout plan with your application which need not be to scale but must clearly show the location of the site in relation to at least one named road and the area to be covered by the licence (outlined in red).

You should ensure that at all times you are compliant with all legislation and the terms of your consent to occupy the land. If you are in any doubt as to your position, you should take advice from a solicitor.

Question 2(c): please note that condition 25 of the council's standard conditions for street trader's licences states that the licence holder shall not leave any trailer or kiosk parked on a public road overnight.

Question 2(d): 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. Exact dates are needed if applying for a temporary licence. The name of the event is not sufficient.

Question 2(e): 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 6 am to 1 am 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.

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
- landowner written consent (if applicable)
- layout plan (if applicable)
- certificate of compliance
- photograph of structure if applicable

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 your 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. Alternatively it can be lodged at Livingston CIS. 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 is complete. 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.