



General Street Trader Licence Conditions

Civic Government (Scotland) Act 1982

1. The applicant for a licence shall deposit with the Licensing Authority the appropriate fee. The licence shall last for a period of three years from the date of issue.
2. The licence holder shall at all times while engaged in street trading have in their possession the badge issued by the Council, shall wear the said badge so as to be displayed conspicuously on his/her clothing so that it shall be clearly visible and shall exhibit the badge on demand to any customer, Police Officer, Environmental Health Officer or any authorised officer of the Council.
3. The licence holder shall at all times whilst engaged in street trading have in his/her possession a licence issued by the Licensing Authority and shall be required to exhibit his/her licence on demand. The licence holder shall not in any way alter his/her licence and shall when required produce it for examination by the Environmental Health Manager or any Police Officer.
4. Where any goods intended for sale by the licence holder are for human consumption the premises, stationary structure, stall or vehicle where the goods are stored and/or from where the goods are to be sold shall not be used for such sale until the premises, stationary structure, stall or vehicle, including any equipment used therewith, has been approved by the Environmental Health Manager and a certificate which states that the premises, stationary structure, stall or vehicle including any equipment used therewith complies with the Specified Community provisions listed in Schedule 2 of the Food Hygiene (Scotland) Regulations 2006. Replacement vehicles and premises must be approved by the Environmental Health Manager as provided for above before they are used in connection with street trading.
5. Where the licence holder sells from a stationary structure or stall the said structure shall be of a form which can be speedily and easily removed.
6. The licence holder shall at all times when exercising his/her trade keep and maintain any premises, stationary structure, stall or vehicle or equipment used for the purpose of street trading in a clean and proper condition to the satisfaction of the Environmental Health Manager and shall conduct his/her business in such a manner as to cause the least possible disturbance and annoyance to the public and occupiers of any premises. The licence holder shall comply with any order or instruction given by any Police Officer in the interests of law, good order or public safety.
7. The licence holder shall collect and remove any litter or other refuse which may be produced or may accumulate in the course of trading and shall not allow such litter or other refuse to be deposited on any footpath, street or any adjoining property. Where the licence holder intends to trade or trades at any location for a period exceeding thirty minutes he/she shall place at the location a suitable receptacle for the deposit of litter by customers.
8. Except as otherwise directed by the Licensing Authority the licence holder shall not engage in street trading outwith the hours of 7am to 11pm. The Licensing Authority may in their sole discretion and on application direct that the terms thereof shall not apply to a licence holder in a particular street or locality or area or at any specified time but such a direction shall not be effective until it is endorsed on the licence.

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9. On written notice by the Environmental Health Manager being given to the licence holder that he/she has become unsuitable in respect of the unsatisfactory condition of his/her clothing or person or that the premises, stationary structure, stall, vehicle or equipment is unsuitable or that the business is not being conducted in accordance with these conditions the licence holder shall be required to immediately cease trading until the cause of complaint is remedied to the satisfaction of the Environmental Health Manager and the said notice is withdrawn. Any such notice requiring cessation of trading shall be reported to the Licensing Authority at the earliest opportunity.
 10. If the licence holder wishes to cease trading for the unexpired period of the licence or the licence is suspended by the Licensing Authority or if the licence has expired he shall within three days thereafter deliver the licence to the Environmental Health Manager.
 11. The granting of a licence shall not relieve the licence holder of the responsibility to comply with all statutory provisions and to obtain (if necessary) and comply with all other approvals required from The Moray Council or any other appropriate authority.
 12. The licence holder shall ensure that at the cessation of business each day that any receptacles provided for the deposit of litter by patrons are emptied and that the area in the immediate vicinity of the trading location is left in a clean and tidy condition and clear of litter.
 13. The licence holder shall collect and remove any paper, garbage or other waste including waste water, fats and oils, produced or used by his/her business and shall arrange for the disposal of such waste in an acceptable manner, complying with the Environmental Protection Act 1990 and the Sewerage (Scotland) Act 1968. Waste water shall not be disposed of into a surface water drain. Fats and oils shall not be disposed of into the sewerage system or a surface water drain.
 14. A licence holder who intends to operate loud speakers, van chimes etc shall comply with all relevant legislation, including Section 62 of the Control of Pollution Act 1974 as read with the Code of Practice on Noise from Ice Cream Van Chimes, etc 1982, the Environmental Protection Act 1990 and the Noise and Statutory Nuisance Act 1993.
 15. A street trader shall carry out operations in such a way as to cause no inconvenience, interference or general nuisance to the public. A street trader shall not obstruct or otherwise interfere with the free use of footways, footpaths or roadways.
 16. The licence holder shall exercise his/her trade in such a manner and in such a place so as not to cause a nuisance to adjacent properties and shall conduct his/her business in such a manner as to cause the least possible disturbance and annoyance to the public and occupiers of any premises. The licence holder shall also exercise his/her trade in such a manner as not to cause a nuisance from odour or smell arising from any business.
 17. If the licence holder intends to trade in a trunk road lay by he/she is required to obtain permission from Transport Scotland before commencing trading.
 18. The licence holder shall require to comply with the general provisions of the Health and Safety at Work etc Act 1974, any regulations made thereunder and where necessary any work in relation to any gas installation must have been checked by a registered Gas Safe Engineer.
 19. Street traders who operate as food takeaway premises or provide ready to eat food in vehicles/trailer shall not trade within 100 metres of the perimeter of school premises whilst they are being used as such unless with prior agreement with the Head Teacher of the school.

INTERPRETATION

1. In the foregoing conditions the Licensing Authority shall be the Council for the District of Moray but the said Council have agreed that all powers exercisable under the Civic Government (Scotland) Act in respect of street trading be exercised on their behalf by the Licensing Committee of the Council.
2. In the foregoing Conditions all powers exercisable by the Environmental Health Manager shall be exercisable by his Depute and all other members of his staff authorised by him for that purpose.