



**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR THE GRANT OR RENEWAL OF A STREET TRADERS LICENCE**

PLEASE READ GUIDANCE NOTES SUPPLIED BEFORE COMPLETING FORMS

A. PERSONAL DETAILS

Full Name

Home Address

.....

.....

Post Code

Tel. No Mobile.....

Email

Date of Birth Age.....

Place of Birth

Are you Self-employed? YES / NO

If No, you must complete Section B

B. BUSINESS DETAILS

Full Name of Business

Address of Registered
or Principal Office

.....

.....

Post Code

Tel. No

Email

C. LICENCE DETAILS

Tick one box only

Grant

Renewal

If Renewal – Current Licence Number

If not a Renewal:

Have you previously been licensed to operate as a Street Trader in this area or any other area in the UK? YES / NO

If Yes Area

Dates and duration of licence

Reason no longer licensed

If not a Renewal

Have you previously been refused a licence to operate as a Street Trader in this area or any other area of the UK? YES / NO

If Yes Area

Reason for refusal(s)

Date(s) of Refusal

D. TRADING DETAILS

If you propose to trade from a particular location please state where. Please detail all locations where trading is to be undertaken in excess of 1 hour

.....
.....

If the location is not on the carriageway of any street are you the owner of the site(s)? YES / NO

If not a letter of consent must accompany this application and any necessary planning approval must be obtained and produced.

State the nature of goods/Services in which it is proposed to trade

.....
.....

State the address of the premises at which the goods will be stored when not offered for sale
.....
.....Post Code.....

State all vehicles, makes, models & registration numbers to be used in connection with street trading
Make.....
Model.....
Reg No.

If a kiosk, moveable stall or any other type of structure is to be used in connection with street trading describe & give such details as dimensions/ chassis number/manufacturer

If you are an existing street trader and have a current Certificate of Compliance under the Food Hygiene (Scotland) Regulations 2006, please include a copy with this application.

E. INSURANCE DETAILS

Specify the public liability insurance you have in force, giving details of the insurance company and the amount of cover.
.....
.....

Note: Please enclose, with the application, the insurance certificate or other proof of insurance cover.

F. CRIMINAL CONVICTIONS

Have you ever been convicted of any crime or offence? YES / NO
If YES, please give details

See guidance note for reference to "Spent Convictions"

G. RESIDENCE OUTSIDE THE UK

Since being born have you lived outside the UK for a continuous period of 12 months or more? YES / NO
If you have answered YES please provide details of all the countries in which you have lived. Please continue on a separate sheet if required.

Country of Residence.....FromTo.....
Country of Residence.....FromTo.....
Country of Residence.....FromTo.....
Country of Residence.....FromTo.....

For each country you have lived in the last 10 years you are required to provide a Criminal Record Check. Please refer to the guidance for further details of the documentation you are required to provide.

Declaration

I declare that the particulars given by me on this form are true and I hereby make application to Moray Council for the grant or renewal of the licence applied for.

Signature of applicantDate

or

Signature of Agent on behalf of applicantDate

Agents Address
.....

NB. It is an offence for any person to make any statement which he knows to be false in this application or in connection with making of this application

Data Protection - The Moray Council / Licensing Board is the data controller for this process. Information about you on this form will be used to process your licensing application. In processing your application, the information may be shared between Council departments, other agencies and the public where necessary and/or in accordance with statute. The Council / Board has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you. For full terms please visit [Licensing Privacy Statement](#). For full Data Protection policy, information and rights please see www.moray.gov.uk/dataprotection .



GUIDANCE NOTES for STREET TRADERS LICENCES

Civic Government (Scotland) Act 1982

Disclaimer

These notes have been prepared as an outline of the licensing provisions in connection with street trading introduced by the Civic Government (Scotland) Act 1982. Whilst every effort has been made to ensure accuracy, these notes are for general guidance only and do not constitute legal advice. It is the responsibility of applicants and licence holders to ensure that they comply with the provisions of the Act, any statutory instruments made thereunder, the conditions outlined in the schedule attached to your licence and any policy/guidance notes issued by the Council.

INTRODUCTION

A licence is required for each **individual** (including employees) engaged in trading.

You must not be disqualified from holding a licence, and you must be fit to be the holder of the licence.

The vehicle you use in order to carry out the work must be suitable for that purpose.

You must not have applied for the same licence within the last year, unless there has been a material change in your circumstances since your last application.

A street trading licence is not required for:

- the sale of newspapers only
- the sale of milk by or on behalf of a person registered under the Food Safety Act 1990
- the sale of coal or fuel derived from coal or coke
- any activity for which a certificate under the Pedlar's Act 1871 has been granted
- any activity for which a more specific licence is required
- organising or participating in a public charitable collection, which has been granted permission under subsection (16) of section 119 of the Civic Government (Scotland) Act 1982

THE APPLICATION FORM

The application is split into 6 sections

- A. Personal Details
- B. Business Details
- C. Licence Details
- D. Trading Details
- E. Criminal Convictions
- F. Residence Outside the UK

You must answer all of the questions as fully as you can as failure to do so may result in your application being returned to you. Your application will not be processed until you have provided all the necessary information.

A. PERSONAL DETAILS

It is essential that your full details are supplied on the application form so that necessary Police checks can be undertaken swiftly and so your application can be progressed as quickly as possible.

B. BUSINESS DETAILS

You require to complete this section if you are employed by a company. Please include the details of any Partners, Directors responsible for the management of the business.

C. LICENCE DETAILS

A Street Trader's Licence generally lasts for a maximum of 3 years although the Licensing Authority have the discretion to grant it for a shorter period. Once it expires you can apply to renew it for a further 3 years.

- **Grant of a Licence (3 years)** – If you have never held a Street Trader's Licence before or you do not currently have such a licence you need to apply for the Grant of a licence.
- **Renewal of Licence (3 years)** – If you currently hold a Street Trader's licence which has not expired but is due to expire then you need to apply for a Renewal of the licence. The old licence remains in force until the renewal is granted, but only if application is made before the expiry date.

If you are applying for the grant of a licence you are asked questions on the form as to whether you have previously held a licence in the United Kingdom or whether you have been refused such a licence previously. Please note it is very important that you complete these questions fully.

D. TRADING DETAILS

You are required to supply the area(s) you proposed to trade, supplying any consents required. The goods or services you intend to trade. The location where the goods will be stored while not offered for sale. The details of any vehicle(s), trailer(s) or kiosk(s) involved in street trading and where the vehicle(s), trailer(s) or kiosk(s) will be kept.

E. CRIMINAL CONVICTIONS

This section asks whether you have **ever** been convicted of **any** crime or offence. Please note that this includes any fixed penalties or driving convictions.

Although you are not required to disclose any convictions which are “spent” in terms of the Rehabilitation of Offenders Act 1974, the Police may raise an objection on the basis of any spent convictions you may have and the licensing authority may thereafter decide to consider these if they are determined to be relevant to your application.

If you think a conviction is spent you should seek independent legal advice. Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction may be reported to the Procurator Fiscal with a view to prosecution.

F. RESIDENCE OUTSIDE THE UK

If you are making an application you, or anyone named in the application must provide evidence of your criminal history:

- **If you were born in the UK** but have lived in any other country within the ten years prior to your application for a continuous period of twelve months or more you must provide a Criminal Record Check for all those countries for the relevant period(s)
- **If you were born outwith the UK** you must provide a Criminal Record Check from your country of origin for the time of residence there IF it was in the last ten years, unless you left that country without reaching the criminal age of responsibility. You must also provide a Criminal Record Check from any other country in which you have resided for a continuous period of twelve months or more in the ten years prior to application.

In all cases, the Criminal Record Checks provided must

- have been obtained within the six months immediately prior to submitting your application; and
- be translated into English; and
- be verified by the relevant UK-based Embassy or High Commission

Process for obtaining Criminal Record Checks -

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Note: The certificate must be produced before the licence can be granted. Whilst it is desirable for the applicant to produce the certificate with the application, it is not a strict requirement. This is so any applicant having difficulties will not be disadvantaged by delays to processing the application. At the applicants choosing, the application can be accepted as valid without the convictions evidence but the evidence should be provided as soon as possible. In this way the convictions evidence will be a check rather than a validation. Applicant should still note, however, that the licence cannot be granted without the evidence having being produced. Therefore if the application is approaching the 9 month time limit without the evidence being produced, the application may be refused for failure to comply with administrative provisions.

If you are experiencing difficulties in obtaining a certificate then please contact the licensing team to discuss your options. It may be possible to accept alternative evidence, for example: evidence of checks having been carried out by another government body; affidavits; or character references.

In cases where it is not possible to provide any satisfactory evidence, the application will be referred to the Licensing Committee for a decision. Therefore the application may be delayed pending the outcome of a hearing.

GENERAL INFORMATION

You require to **sign** and **date** the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is a criminal offence to make a false declaration for which you can be prosecuted and fined up to £2,500.

Once you have completed the application form please submit it to:

Head of Legal and Democratic Services
Moray Council
High Street
Elgin
IV30 1BX

If you have any queries please e-mail licensing@moray.gov.uk or contact us on 01343 563027.