

**PERTH AND KINROSS COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT, 1982
STREET TRADER'S LICENCE
CONDITIONS**

1. The licence has been granted for three years or such shorter period as determined by the Council and is valid to the date shown on the licence.
2. A street trader while trading must always wear the licence including photograph conspicuously on his/her outer garment. The licence shall be made available for inspection on request by any member of the public or authorised official of the Council or Officer of Police Scotland or other body.
3. A street trader shall not alter, erase or deface his licence in any way or allow it to be used by anybody other than the licence holder. A duplicate licence will be issued as necessary on payment of £10.
4. Street trading shall not be permitted between 1am and 6am.
5. Street trading shall not be permitted in the City Centre of Perth, being the area delineated by the black line as shown on the attached plan.
6. A street trader shall not trade within 100 metres of a shop whose main goods or services for sale are of the same or a similar class as those offered by the street trader.
7. A street trader shall not trade from any one location for more than one hour and shall move at least 100 metres away and shall not return to the previous location within one hour. This shall not apply to traders who have the permission of the organisers to trade at local shows or events.
8. A street trader trading in foods or goods for human consumption shall:
 - a) ensure that the vehicle/stall in use is kept clean and is of such construction and is maintained in such order, repair and condition to allow it to be effectively cleaned. No such vehicle shall be used as a sleeping place.
 - b) provide and maintain in proper working order equipment necessary for the proper cleaning and sterilising of all utensils and vessels used in connection therewith and comply with any regulations made under Sections 13 and 56 of the Food and Drugs (Scotland) Act, 1956; all to the satisfaction of the Director of The Environment Service.
 - c) present the vehicle/stall to the Director of The Environment Service for an annual inspection and display the Certificate of Compliance issued in a conspicuous place with the vehicle/stall.
 - d) display on the vehicle/stall in conspicuous and legible characters the name and address of the person carrying on the business and the address where the vehicle/stall is normally kept when not in use, if different from above.

9. A street trader when using a vehicle/stall shall:
 - a) not cause the vehicle/stall to stand on or within a distance of sixteen metres from any pelican or pedestrian crossing.
 - b) comply with the Road Traffic Act, 1972 and other current regulations and relevant legislation.
 - c) ensure that the vehicle/stall is causing no obstruction and can be speedily and easily removed.
10. All food displayed for sale shall be labelled in compliance with Food Labelling Regulations.
11. No food shall be sold from a vehicle while the vehicle's engine is switched on or idling, and the vehicle's doors shall be kept closed while the vehicle is in motion.
12. Food and other goods stored in connection with the business shall only be stored in premises or other places approved by the Director of The Environment Service.
13. A Street Trader shall not use a loud speaker (e.g. chimes, bells, vehicle horn etc.) from a vehicle at any time for the purpose of advertising any entertainment, trade or business.

The only exception to the above requirement is where the loud speaker is fixed to a vehicle used for the conveyance of a perishable commodity for human consumption (e.g. ice cream, etc.), and, in such" circumstances where the operation of a loudspeaker is permitted, the following restrictions shall apply:-

- (a) The loud speaker should only be operated to inform members of the public that the commodity is on sale from the vehicle
- (b) The loud speaker shall not be operated:-
 - i. so as to give reasonable cause for annoyance to persons in the vicinity
 - ii. before 12 noon or after 7 p.m.
 - iii. for longer than four seconds at a time.
 - iv. more often than once every three minutes.
 - v. when the vehicle is stationery.
 - vi. except on approach to a selling point.
 - vii. when in sight of another vehicle which is trading.
 - viii. when within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship).
 - ix. more often than once every two hours on the same length of street.
 - x. louder than 80 decibels (dB(A)) at 7.5 metres from the vehicle.
14. A street trader shall remove any paper, or other refuse which may collect as a result of trading and shall not allow any paper etc. to be deposited or to fall on any street or adjoining property. Where a trader trades at a particular location for more than 15 minutes he shall place a litter bin or other receptacle beside his vehicle/stall for the deposit of paper, etc. by his customers.

15. On written notice being served by an Environmental Health Officer on a street trader that his/her clothing or persons unclean or unsuitable or that the vehicle/stall is unclean or unsuitable, such street trader shall immediately cease street trading until the complaint is dealt with to the satisfaction of the Environmental Health Officer.
16. A street trader shall not employ or appoint for the purpose of street trading within the district any person who does not hold a street trader's licence. No person under 17 years shall engage or be employed in street trading. A street trader shall keep available for inspection a register showing the names and addresses of all street traders in the district employed by him.
17. Notwithstanding the above and any other conditions annexed a street trader while trading shall comply with any order or instruction given by an Officer of Police Scotland.
 - a) or the prevention of obstruction or annoyance to the public or to the occupiers of any premises, or
 - b) in connection with any emergency or disturbance, or
 - c) on any occasion when an Officer at his discretion may consider it necessary in the public interest to give such order or instruction
18. A street trader shall notify the Council of any material change of circumstances affecting him/her or any other person or company named on the licence or affecting the activity to which his licence relates.

A street trader who ceases to act as such for the unexpired period of the licence or whose licence has been suspended by the Council or has expired shall, within 7 days, return the licence to the Head of Legal Services.

NOTES

1. A street trader's licence is not required to trade on trunk or principal roads not covered by a 30 m.p.h. or 40 m.p.h. speed restriction or on all land within 15 metres of such roads. However, the permission of Perth and Kinross Council, as roads authority, is required to trade in such areas.
2. The Council may, at any time, vary the terms of a licence on any grounds which they consider reasonable. Notice will be given to the licence holder at least seven days before any proposed variation is considered. The licence holder will be given an opportunity to be heard by the Committee before any variation is made. A licence holder may, at any time, apply for variation of any of the conditions.
3. The Council may order suspension of a licence if in their opinion:
 - (a) the holder is no longer a fit and proper person to be the holder of such a licence, whether because of conviction for offences which have taken place since the grant or renewal of the licence or for any other good reason.
 - (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person other than the licence holder, who would have been refused the grant or renewal of a licence.
 - (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety.
 - (d) a condition of the licence has been contravened.
4. The Council will issue renewal notices to the last known address of the licence holder but it will be the duty of the street trader to ensure that an application for renewal is made whether or not a renewal notice has been received.
5. It is an offence to contravene any condition attached to a street trader's licence.

Lisa Simpson
Head of Legal Services
Council Building
2 High Street
Perth
PH1 5PH

AREA OF PERTH CITY CENTRE IN WHICH
STREET TRADING NOT PERMITTED UNDER
CONDITION 5 OF THE LICENCE AS DELINEATED
BY BLACK LINE

