



WEST LOTHIAN COUNCIL
Civic Government (Scotland) Act, 1982
Street Trader Operator's Licence - New Application

<p>APPLICATION under Section 39 of the Civic Government (Scotland) Act, 1982 for the GRANT of a:</p> <p style="text-align: center; font-size: 1.2em;">STREET TRADER OPERATOR'S LICENCE</p> <p>Information supplied on this form will be held on computer and applicants are advised that in processing this application background checks will be made which may include reference to personal data held on computer.</p>	For official use only																												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Date application received</td> <td style="width: 20%;"></td> <td style="width: 30%;">Fee paid</td> <td style="width: 20%;"></td> </tr> <tr> <td>Date acknowledgement sent</td> <td></td> <td>Receipt no.</td> <td></td> </tr> <tr> <td>Date to Police</td> <td></td> <td>Deadline for consideration</td> <td></td> </tr> <tr> <td>Environmental Health</td> <td></td> <td>Deadline for decision</td> <td></td> </tr> <tr> <td>Trading Standards</td> <td></td> <td>Date to Committee</td> <td></td> </tr> <tr> <td>Highways</td> <td></td> <td>Decision</td> <td></td> </tr> <tr> <td>Planning</td> <td></td> <td>Date application determined</td> <td></td> </tr> </table>	Date application received		Fee paid		Date acknowledgement sent		Receipt no.		Date to Police		Deadline for consideration		Environmental Health		Deadline for decision		Trading Standards		Date to Committee		Highways		Decision		Planning		Date application determined	
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(Please use block letters to complete this form).

Question 1 Personal Details (Note: for application made as company or partnership please provide full details of Company/Partnership, full address of principle or registered office, contact number, names, address and dates of birth for all Directors/Partners or other persons responsible for the management of the business, on a separate sheet of paper. In addition the full name, address, and date of birth of the employee or agent who is to be responsible for the day to day management of the business).

Surname		Middle name(s)		Forename	
Title: Mr/Mrs/ Miss/Ms		Age		Date of birth	
Maiden name				Telephone or contact number	
Home address					
Post code					
Business/Trade name					
Business telephone or contact number (if any)					

<p>Do you propose to trade from a particular location or locations ? If answer is YES, please state location , submit location plan together with landowners consent.</p> <p style="margin-top: 20px;">Please note that if required Planning Permission should be applied for (refer to Section 3 of attached notes)</p>	Yes / No
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It is strongly advised that you read the notes before you complete this form. All appropriate documentation must accompany your application.

Specify type of goods i.e. ice cream, hot and cold food etc. (if any) in which it is proposed to trade	
Where it is proposed to trade in foodstuffs, state the address of the premises at which the goods will be stored when <u>NOT</u> being offered for sale.	

Question 2 Where it is proposed to trade from a vehicle, or moveable stall, state the type and registration number of the vehicle or give the type of structure and dimensions of moveable stall to be used in connection with the activity,	
State the address of the premises at which the above is continually kept.	
Specify the period for which a licence is required. (See Note 2)	
State the particular days of the week, and the hours of each day when it is proposed to act as a street trader. The maximum hours you can have is between the hours of 6am – 1am the following day	

Question 3 Do you propose to carry on the day to day management of the business for which this application applies? (If <u>No</u> please give employee's details below) <i>Please note that any employee(s) will require a separate licence.</i>	Yes / No
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Full name of employee		Date of birth	
Full address of employee			
Post code			

Question 4 Has any person named in question 1 been convicted of any crime or offence?	Yes / No
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If answer is YES please provide details below; continue on separate sheet if necessary.

Name	Date	Court	Offence	Sentence

Subject to the Rehabilitation of Offenders Act, 1974, ALL crimes and offences MUST be declared.

Has any person named in question 1 previously held or does hold a Street Trader's licence			Yes / No
If yes which Authority granted the licence?		What is it's reference number	
	When was it granted?	When does it expire?	
Has any person named in question 1 previously been refused a Street Trader's licence?			Yes / No
If yes which Authority refused the licence?		When was it refused?	
DECLARATION by Applicant			
<p>** (A) I/We declare that the vehicle/kiosk/moveable stall shall be presented to the Head of Environmental Health of the Council for inspection with a view to compliance with the relevant food hygiene legislation, or, Waste Management (Note: You are strongly advised to contact Environmental Health for advice on the current standard required to meet the relevant food hygiene legislation or waste disposal).</p>			
<p>** (B) I/We declare that the vehicle/kiosk/moveable stall shall be presented to the Head of Environmental Health of the Council for inspection with a view to compliance with the Civic Government (Scotland) Act, 1982, and the Ice Cream (Scotland) Regulations 1948.</p>			
<p>(C) I/We declare that the particulars given by me on this form are correct to the best of my knowledge and belief. (See note 4)</p>			
I enclose *Cheque / Postal Order / Cash to the value of			In payment of application fee.
Date:		Signature of Applicant:	
Where Applicant is Company or Partnership			
Signature of agent:		Position of applicant in Company / Partnership	
Address of agent			

NOTES

** Delete (A) where the activity does not consist of or include food business (*See note 1*) within the meaning of regulations under Sections 13 and 56 of the Food and Drugs (Scotland) Act 1956 involving the use of a vehicle, kiosk or moveable stall. Delete (B) where the activity does not consist of or include the sale of ice cream.

1. In terms of Section 39 of the Civic Government (Scotland) Act, 1982, a street trader's licence is required where a person, whether on his/her own account or as an employee, proposes to engage in the activity of street trading. This means that not only a street trader needs a licence as an employer but also each individual person who is employed in the street trading as well. Individuals engaging in the activity of street trading should complete Question 1. ***Persons trading as a company or partnership will be required to ensure that each employee is licensed in his/her own right.***

Section 39 defines “**street trading**” as doing any of the following things in a public place.

- a) Hawking, Selling, or Offering or Exposing for sale any article;
- b) Offering to carry out or carrying out for money or money's worth any service.

“**Public place**” means any place (whether a thoroughfare or not) to which the public have unrestricted access and includes:

- a) The doorways or entrances of premises abutting on any such place; and
- b) Any common passage, close, court, stair, garden or yard pertinent to any tenement or group of separately owned houses.

Section 39 also provides that a street trader's licence will not be required for:

- a) The sale of newspapers only;
- b) The sale of milk by or on behalf of a person registered under Section 7 of the Milk and Dairies (Scotland) Act, 1914;
- c) The sale of coal, coke or any solid fuel derived from coal or of which coal or coke is the constituent;
- d) Any activity in respect of which a certificate under the Pedlars Act 1871 has been granted;

(A Pedlar is any person who travels and trades on foot, carrying to sell or exposing for sale any goods or procuring orders for goods immediately to be delivered or selling or offering for sale a skill in handicraft).

- e) Any activity in respect of which a licence is required under the Civic Government (Scotland) Act, 1982, apart from Section 39 of that Act dealing with street trader's licences; or
- f) Organising or participating in a public charitable collection within the meaning of Sub-Section (16) of Section 119 of the above Act in accordance with permission granted under that Section.

In addition, a street trader's licence is not required by roundsperson making pre-arranged deliveries. A “**Pre-arranged Delivery**” is where only goods, which have been ordered by customers, are delivered by the roundsperson. Other than those who are exempt in terms of Section 39 of the Civic Government (Scotland) Act, 1982, who sells goods to the public and who is not carrying out pre-arranged deliveries does require a street trader's licence.

In terms of the Food and Drugs (Scotland) Act, 1956, **Food** is defined to include drink, chewing gum and other products of a like nature and use, and articles and substances used in the preparation of food and drink or of such products, but does not include:

- a) Water, live animals, or birds;
- b) Fodder or feedingstuffs for animals, birds or fish;
- c) Articles or substances used only as drugs.

“Business” is defined to include the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried out by a public or local authority.

2. 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. ***The applicant must specify the particular period for which the licence is required.***
3. (a) Where the applicant intends to trade from a vehicle, kiosk or moveable stall from a fixed location, other than the carriageway of any road, the written consent of the owner of the site is required.

It should be noted that where an applicant intends to trade from a vehicle, kiosk or moveable stall from a fixed location ***planning permission will be required.*** Applicants are advised to seek further information with regard to planning permission from the **Development Control Section, County Buildings, High Street, Linlithgow, EH49 7EZ, telephone number (01506) 775200.**

4. 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 material particular shall be guilty of an offence and liable, on summary conviction to a fine not exceeding £500.
5. This application form, when completed, should be returned, together with the appropriate licence fee as detailed below either by mail to The Licensing Section, West Lothian Council, West Lothian House, Almondvale Boulevard, Livingston, EH54 6QG or in person at West Lothian Connected, Unit 16A Almondvale Centre, Livingston, EH54 6NB. The payment counter at West Lothian Connected is open for receipt of applications between 8.30 am – 4.30 pm Monday, Tuesday and Thursday, between 10.00 am and 4.30 pm on Wednesday and between 8.30 am – 3.30 pm Friday and between 9.30 am – 2.00pm on Saturday.

Street Trading Operator trading in foodstuffs from One (1) Vehicle, Kiosk or Moveable stall

£79 – One year licence.

£56 – Temporary licence, (up to six weeks).

Plus £79 for each additional vehicle, kiosk or moveable stall covered by a single application.

Street Trading Operator not trading from a Vehicle, Kiosk or Moveable stall, or trading from a Vehicle, Kiosk or Moveable stall but not in foodstuffs

£67 – One year Licence

£56 – Temporary licence (up to six weeks).

Street Trading Employee

£39 – One year licence

£28 – Temporary licence (up to six weeks).

6. The application form should be lodged with Licensing Services **not less** that 28 days before it is proposed to act as a street trader.



West Lothian Council
Licensing
Service Standards

“West Lothian Council is committed to providing the people of West Lothian with services which are reliable, courteous and effective.”

Applying for Licences under the Civic Government (Scotland) Act, 1982, and for other Miscellaneous Licensing Schemes

Description of our Service:	Processing applications for licences for the activities listed below. Separate licences are required for each of the following activities: Tattooing and Skin Piercing Street Traders Wheeled Bin Cleaners Window Cleaners Late hours Catering establishments Public Entertainment Public Fireworks Displays Market Operators Indoor Sports Entertainment Second hand dealers – general goods Second hand dealers – motor vehicles Metal dealers Itinerant Metal dealers Fruit machines (but not in hotels or public houses) Prize Bingo Amusement Arcades Cinemas Theatres Track betting Game and venison dealers Civil Marriages Sex Shops
Our Customers Are:	All those who wish to apply for licences for the above.
Our Business Address is:	Licensing Service Legal Services West Lothian House Almondvale Boulevard Livingston EH54 6QG Telephone: 01506 777229/777230/777187 E-mail address – LicensingApplicationForms@westlothian.gov.uk
Business Hours:	Monday to Thursday 8.30 am – 5.00 pm Friday 8.30 am – 4.00 pm
Application Lodging Hours and Address:	Monday, Tuesday and Thursday 8.30 am - 4.30 pm Wednesday 10.00 am - 4.30 pm Friday 8.30 am - 3.30 pm Saturday 9.30 am – 2.00 pm Application forms should be completed and submitted either by mail to The Licensing Section, West Lothian Council, West Lothian House, Almondvale Boulevard, Livingston or in person at West Lothian Connected, Unit 16A Almondvale Centre, Livingston.

We Will:

Provide all documents and assistance needed to make an application, including information about procedures and fees.

Provide a receipt for your application fee, either immediately if the application is made in person, or within 3 working days if the application is made by post.

Provide an acknowledgement advising that your application has been received.

Invite comments on your application, where required, from other Council services and outside agencies, such as the Police, within 1 working day of the date of acknowledgement that your application has been received.

Contact you within 3 working days if any problems come to light with your application.

Issue your licence within 4 weeks of its being lodged with the Council provided it presents no problems.

Inform you of any objection(s) to your application and of the date, time and place of the Licensing Committee meeting where your application will be considered. We will give you at least 7 days notice and explain your rights to attend or to be represented at the meeting. We will also give you a copy of any objection(s) received in connection with your application. Note: Licensing Sub-Committee meetings are normally held every 6 weeks.

Issue your licence/permission within 3 working days of its approval.

Inform you in writing within 5 working days of the decision being made if your application is refused, giving the reasons for refusal.

Making A Complaint

If you wish to make a complaint or a comment about the service, please write to:

Chief Solicitor,
Legal Services,
West Lothian Council
West Lothian House,
Almondvale Boulevard
Livingston.
EH54 6QG

Your complaint will be recorded and investigated. You will be advised of the outcome of the complaint.

Customer Feedback

The Licensing Service is committed to providing a client focussed quality service to you, the client. In order to help us to improve our service and standards it would be appreciated if you would complete the attached questionnaire and return to:

Licensing Services (Misc)
Free Post
West Lothian Council
West Lothian House
Almondvale Boulevard
Livingston
EH54 0BR

**Legal Services
West Lothian Council – Civic & Misc. Licensing
Client Feedback**

Q1 Did the Licensing Service provide you with the right information at the right time? (e.g. application forms, guidance notes, etc.)

A1 Yes No

Q2 How clear was the written material provided by the Licensing Service. (e.g. guidance notes, application forms)?

A2 Excellent Very Good Average
Poor Very Poor

Q3 Would you find it helpful to receive such material by electronic means (i.e. E-mail or available from the Council's Web Site) ?

A3 Yes No

Aspects of Service

Thinking in general about any recent contact you may have had with Licensing Services, please say how much you agree or disagree with the following statements about aspects of the service.

Q4 The telephone was answered promptly:

A4 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q5 The Licensing Service Office was easy to get to:

A5 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q6 The replies to my letters/faxes/E-mail were prompt:

A6 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q7 The staff were courteous:

A7 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q8 The process of applying for a licence was clearly explained to me:

A8 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q9 I got all the information I needed at the right time:

A9 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q10 The application form was easy to understand:

A10 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q11 The advice I received was helpful:

A11 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q12 The guidance notes were easy to follow:

A12 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q13 The response to my queries was prompt:

A13 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q14 It would have been helpful to have more information available electronically:

A14 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q15 The Licensing Service communicates well with its customers:

A15 Strongly agree Agree Disagree
Strongly disagree Not applicable

Q16 Overall, I am happy with the service provided by the Licensing Service:

A16 Strongly agree Agree Disagree
Strongly disagree Not applicable

Have you any comments or suggestions about how the service provided by the Licensing Service could be improved?

Comments/Suggestions