

Standard Conditions for Street Trader (Principal)

Glossary

The following words and expressions used throughout these conditions shall have the meaning ascribed to them:-

“The Licence” is the street trader’s licence to which these conditions apply

“The Licence Holder” is the individual, partnership or body corporate who holds the licence

“Trade” - carrying out the activity of street trading as defined in section 39 of the Civic Government (Scotland) Act 1982;

“Business unit” - the kiosk, stall, vehicle, trailer or other premises from which the activity of street trading is carried out;

“Mobile business unit” - any business unit that trades at more than one location;

“Employee Street Trader’s Licence” - a licence issued by Aberdeenshire Council under section 39 of the Civic Government (Scotland) Act 1982 that allows the holder to carry out the activity of street trading as an employee of a person who holds a street trader’s licence. A person who holds an employee street trader licence cannot trade in their own right but only in a business unit in respect of which there exists a street trader’s licence.

Hours and Location

- 1** The Licence Holder shall only be permitted to trade in the business unit described in the Licence and at the location or locations and during the hours and days specified in the Licence. The beginning or ending of British Summer Time is to be disregarded for the purpose of determining the time at which the period of licensing hours ends and, accordingly, the period ends at the time it would have ended had British Summer Time not begun or ended.
- 2** If the Licence is granted in respect of a mobile business unit then the following will apply:-
 - (a) Trading must not take place at any one location for more than 30 minutes during the permitted trading hours and must be moved to another location no less than 100metres away and shall not return within four hours. Multiple consecutive short stops shall be permitted if the cumulative time spent in any 100m length of road does not exceed 30 minutes in any 4 ½ hour period.

- (b) The business unit must be positioned so that any customers being served or waiting to be served do not interfere in any way with the free movement of vehicular traffic and/or pedestrians.
 - (c) Any business units trading in the public road must not have any wheel on the footway or verge and must be sited such that customers stand only on the footway while being served or waiting to be served.
 - (d) The business unit shall not trade from the carriageway on any road where the speed limit is greater than 30mph.
 - (e) The business unit must not trade within 20m of a road junction, pedestrian crossing or the site of a school crossing patrol.
- 3** Except as otherwise directed or permitted by the licensing authority, the business unit shall not trade within 50 metres of any establishment or premises in which are sold or offered for sale any goods or articles or services of the same or similar class and description as those to be sold or offered for sale by him/her.

Administrative

- 4** Where applicable the Licence Holder shall:-
- (a) At all times whilst trading wear in a conspicuous position the identification badge issued to him/her by the licensing authority;
 - (b) Exhibit his/her identification badge to any police officer, Licensing Standards Officer or customer who asks to see it. In the event of the loss of the badge or if it should be defaced or becomes illegible the Licence Holder must notify the Licensing Authority within two working days so as to obtain a new badge. The cost of replacing the badge will be met by the Licence Holder.
 - (c) Exhibit his/her or her licence to any police officer or Licensing Standards Officer.
 - (d) Not in any way alter, erase or deface the Licence.
- 5** The Licence cannot be transferred to any other person and the Licence Holder shall not permit any other person to use the Licence. The Licence Holder shall allow free access to the business unit to any police officer, fire officer or Licensing Standards officer.
- 6** The Licence Holder shall ensure that any person who is employed by him/her or assists him/her in the business unit holds a current Employee Street Trader's Licence issued by Aberdeenshire Council. The Licence Holder shall be responsible for ensuring that any persons employed in street trading at the business unit are familiar with the terms of the Licence and comply with its

conditions at all times irrespective of whether or not the Licence Holder is present.

Health and Safety

- 7 Where the Licence is in respect of a business unit which will offer goods or articles for human consumption the Licence Holder will hold a Certificate of Compliance which confirms that it meets with the Scottish Mobile Traders National Food Hygiene Standard issued under section 39 of the Civic Government (Scotland) Act 1982. The Licence Holder shall ensure that all street trading carried out at the business unit complies with the requirements of the Mobile Traders Food Hygiene National Standard.
- 8 The Licence Holder shall ensure that all street trading that is carried out from the business unit complies with the Guidance issued by the Health and Safety Guidance for Mobile Traders issued by the Health and Safety Co-ordinating Group of the Royal Environmental Health Institute of Scotland (approved 2017). (A copy of the Guidance is available on request from the Licensing Team at Aberdeenshire Council).
- 9 Individual cigarettes or cigars shall not be sold to any person.

Amenity and Behaviour

- 10 Without prejudice to any other conditions of the licence the Licence Holder shall take effective steps to ensure that the use of the business unit for the purposes of street trading does not detract from the amenity of the area in which it is located, and in particular that no nuisance is caused by noise, vibration, smell, or fumes from the premises or for any other reason.
- 11 Where the Licence is in respect of a static business unit then the Licence Holder shall ensure that an adequate number of litter bins are provided at all time for the deposit of litter by patrons and that said bins are emptied regularly, and that pavements in the immediate vicinity of the premises are kept clear of litter.

Insurance

- 12 The Licence Holder shall maintain a public liability insurance policy to the satisfaction of the Licencing Authority and shall exhibit said policy and renewal receipts on demand to any person.