

**STREET TRADER
CONDITIONS**

1. While street trading, the licensee shall always:
 - (a) wear in a position seen clearly by the public the identification card issued by the licensing authority, including the licensee's name, a recent photograph showing his true likeness and the date on which the licence expires; and
 - (b) have with him his licence which he shall keep at all times clean and legible and shall exhibit on demand to any constable and to any authorised officer of the licensing authority or of the fire authority and shall allow such persons to note the particulars on such licence.
2. The Licensee shall not lend or allow any other person to use his licence.
3. The Licensee shall not in any way alter, erase or deface his licence.
4. Where the goods or articles sold or which are offered for sale by any person engaged or employed in street trading are of a perishable nature, or are intended for human consumption, the licensee:
 - (a) shall not store such goods or articles in any dwellinghouse or other place or vehicle until the said dwellinghouse or other place or vehicle has been approved for that purpose by an authorised officer of the licensing authority, or where said store is situated outwith the area of the licensing authority, by an authorised Environmental Health Officer of the local authority for the area in which said store is located. In this latter case the Licensee shall meet the cost of obtaining a certificate of approval from the appropriate Environmental Health authority and shall exhibit or deliver the same to the licensing authority.
 - (b) shall at all times when street trading keep himself and his clothing clean and keep and maintain any moveable structure, vehicle or receptacle used for the purpose of street trading in a clean and proper condition, all to the satisfaction of the licensing authority. On written notice, signed by an authorised officer of the licensing authority, being given to the Licensee that he has become unsuitable in respect of the unsatisfactory condition of his clothing or person, or that the vehicle or receptacle is unsuitable, the Licensee shall immediately cease to act as a street trader until he remedies the cause of complaint to the satisfaction of the licensing authority or until the said notice is withdrawn.
5. A Licensee who has charge of any animal, vehicle, caravan, trailer, cart, barrow or the like shall not cause or allow the same to stop in any street for a longer total period than is permitted in terms of any waiting or parking regulations affecting said stopping place or places.
6. Where the licence allows the Licensee to sell from a stationary structure in any specified place in any street, the said structure shall be of a form which can be speedily and easily removed. Where trading from a mobile caravan, and where required to do so by the licensing authority, the licensee shall ensure that the mobile caravan is attached to a towing vehicle at all times when on any road as defined in the Roads (Scotland) Act 1984.

7. The Licensee shall not carry on business in any public place in such a manner as to cause an obstruction and shall immediately move his stall or vehicle or other business equipment when requested to do so by a constable or by any authorised officer of the licensing authority, the fire authority or the water and sewerage authority.
8. The Licensee shall comply with all instructions and recommendations which he may receive from any constable or from any authorised officer of the licensing authority or of the fire authority.
9. The licensee shall collect and remove any paper, garbage or refuse which may be produced or may accumulate in the course of his business and shall not place or deposit the same or allow the same to be placed or deposited or to fall in any public place or on an adjoining property.
10. The Licensee shall not sell or offer or expose for sale, goods or articles of an objectionable or indecent character.
11. The Licensee shall at all times carry on business in such a manner as not to cause, or not to allow to be caused any nuisance, danger or annoyance to the public.
12. A Licensee 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.
13. Where appropriate, the Licensee and any vehicle, caravan, trailer, cart, barrow, stance or stall or the like operated by him must comply with the relevant provisions of the Food Safety Act 1990.
14. The Licensee shall comply with the relevant provisions of the Health and Safety at Work, Etc. Act 1974.
15. The Licensee shall not employ any child under school leaving age to assist in the operation of the business, except where the licensee is the parent of the child concerned. In this event, the licensee shall comply with all relevant legislation and local bye-laws relating to the employment of children.
16. Where the Licensee trades from a vehicle, caravan, trailer, cart, barrow or the like he shall present the same for inspection and approval by or on behalf of the licensing authority on an annual basis, on such dates, at such times and in such locations as may be specified by an authorised officer of the licensing authority. When such a Licensee proposes to change his business vehicle, caravan, trailer, cart, barrow or the like he shall apply for a variation of his licence conditions to that effect and shall present the replacement for inspection and approval as above, prior to commencing operations from the replacement.
17. The Licensee shall not operate in any car park, lay-by, public park, grass area or open space belonging to or maintained by a local authority without the prior written permission of the said local authority. The licensee shall not operate in any trunk road lay-by without the prior written consent of the Roads Directorate, Scottish Office Industry Department.

18. If trading from a mechanically propelled vehicle, the Licensee shall attach to the windscreen of that vehicle, in a position where it can be easily read from outside the vehicle, such disc or similar article as may be issued by the licensing authority, indicating the name of the Licensee and of any other street trader licensed to trade from said vehicle, the registration mark of said vehicle, the date of issue of the licence and such other information as the licensing authority may deem appropriate; and the Licensee shall not alter, erase or deface said disc or similar article.
19. Persons assisting in the operation of the business shall be deemed to be employed, notwithstanding that they receive no reward for their labours.
20. Where the licensee carries on business from a stall or fixed stance such stall or stance shall not be located within a 100 metre radius of any shop or business premises in which are sold goods or articles of the same description as, or similar description to, those sold by the licensee.
21. The licensee shall effect and maintain a public liability insurance policy with a reputable insurance company all to the satisfaction of the licensing authority and shall exhibit on demand the policy and renewal receipts to the licensing authority.
22. In these general and special conditions:
 - (i) 'fire authority' means the Lothian and Borders Fire and Rescue Service;
 - (ii) 'water and sewerage authority' means the East of Scotland Water Authority;
 - (iii) '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.
 - (iv) The masculine includes the feminine and the singular includes the plural, and
 - (v) Any reference to statutes or statutory instruments shall be deemed to include references to any bye-laws, regulations or codes of practice made thereunder and to any amendments made from time to time thereto.