

Civic Government (Scotland) Act 1982

**APPLICATION FOR GRANT/RENEWAL OF A
STREET TRADER LICENCE**

Please read the attached guidance notes before completing this form

Question 1 or 2, and all other questions must be answered. Please use block capitals.

1. To be completed if applicant is a private individual

Full name (including previous name)		
Trading as		
Home address Post code		
Telephone number E-mail address		
Age, date and place of birth	Age	Date of birth
	Place of birth	
Is applicant to carry out the day to day management of the street trading? If not, give full name, address and date of birth of any manager Telephone number Email address	YES	NO – give details

2. To be completed if applicant is not a private individual (eg company or partnership)

Full name of company		
Trading as		
Address and postcode of principal or registered office		
Telephone number and email address		
Names, private addresses and dates of birth of directors, partners or other persons responsible for its management		
Name, address and telephone number of manager		
Age, date and place of birth of manager	Age	Date of Birth
	Place of Birth	

Date Rec'd	Fee Paid	Date to Police, Fire, EHO, Planning, Trading Standards, Transport	Reply	Objectors	Granted/Refused	

For office use only

<p>3. (a) Do you currently hold a licence or permit for street trading?</p> <p>(b) Have you ever applied for and been refused a licence/permit for street trading or had a street traders licence suspended?</p>	<p>YES – give details</p> <p>YES – give details</p>	<p>NO</p> <p>NO</p>
<p>4.(a) State locality in which you propose to trade</p> <p>(i) Do you propose to trade from particular location(s) only?</p> <p>(ii) If YES, Please identify location(s) by reference to street names or a sketch map if necessary</p> <p>(b) If you propose to trade from any location which is not on the carriageway of any street, are you the owner of the site(s)?</p> <p>If not, a letter of consent from the owner of every such site must accompany this application</p>	<p>YES</p> <p>YES</p>	<p>NO</p> <p>NO</p>
<p>5.</p> <p>(a) Specify the proposed days and hours of opening</p> <p>(b) Specify period of the licence (maximum 3 years)</p>		
<p>6. Nature of goods/services in which you propose to trade</p>		
<p>7. Address of premises at which the goods will be stored when not being offered for sale</p>		
<p>8. State type and registration number of any vehicle or give details of any stall, kiosk or other structure to be used for street trading.</p>		

9. Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in 1 or 2 above been convicted of any crime or offence?

YES / NO If YES give details below

Date	Court	Offence	Sentence
Continue on a separate page if necessary			

10. Declaration.

A. * I declare that I am/We declare that we are complying with Paragraph 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982 regulating the display of a site notice for a period of 21 days from today, at or near the premises so that it can be conveniently read by the public.

B. * I declare that I am/We declare that we are unable to display a notice of this application at or near the premises because no access is available. The following action was taken to try to gain access:

but was unsuccessful.

Or

C. * I/We declare that the application is for a temporary licence and therefore there is no requirement to display a site notice.

D. I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.

*** Delete A, B or C as appropriate**

I/ We declare that the particulars given on this form are correct to the best of my knowledge and belief.

I/ We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by this Authority for the purpose of Licensing and that information may be disclosed to the police and other relevant parties for vetting and background enquiries whilst processing this application.

I/We understand that this authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information see <https://www.scotborders.gov.uk/nationalfraudinitiative> on the Council website or contact the Fraud Hotline on 01835 826825

Signature of Applicant:

Date:

Signature of Agent (if applicable):

Date:

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
STREET TRADER LICENSING

NOTES FOR APPLICANTS

1. Please complete the form in typescript or black ink for ease of photocopying.
2. Each application should be accompanied by the fee payable of £276 or £106 for a temporary licence application together with 4 passport sized photographs showing a true likeness of the applicant.
3. Employees or Agents acting as a street trader each require individual licences.
4. Applications from persons aged under 17 will only be considered in cases where the applicants:
 - (a) are to be employed in street trading by their parents; and
 - (b) in that event, the employing street trader will be bound to ensure that all relevant legislation and local bye-laws relating to the employment of children are complied with.
5.
 - (a) If the proposed trading includes food business, this application shall suffice as an application for a Certificate of Compliance with any relevant regulations made under Section 16 and 17 of the Food Safety Act 1990 in respect of any vehicle, kiosk or mobile stall to be used.
 - (b) Where you propose to trade in goods or articles of a perishable nature or which are intended for human consumption, and these goods or articles are to be stored in premises outwith the Scottish Borders when not being offered for sale, you must apply for and meet the cost of obtaining a certificate of approval from the Environmental Health Authority for the area in which the goods or articles are to be stored and exhibit or deliver this to the Scottish Borders Council before your licence application can be considered.
6. If your street trading is to be carried on wholly or mainly in premises, (the definition of which includes land), unless your application is for a temporary licence for up to 6 weeks, you must display a site notice, at or near the premises, in a place where this can be conveniently read by the public, for a period of 21 days beginning with the date when you submit this application to the Council. Please use the attached style of notice.

At the end of the 21 day period, the attached certificate must be completed and returned to the Council.

7. 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 Transport Department, The Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ.
8. Section 39 of the Civic Government (Scotland) Act 1982 states as follows:
 - (1) Subject to subsection (3) below, a licence, to be known as a "street trader licence", shall be required for street trading by a person, whether on his own account or as an employee.

- (2) In this section “ street trading” means 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’s worth any service,

To any person in the public place and includes doing any of these things there in or from a vehicle or in or from a kiosk or moveable stall not entered in the valuation roll except where it is done in conjunction with or as part of a retail business being carried on in premises abutting the public place.

- (3) A street trader licence shall 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 a constituent;
 - (d) any activity in respect of which a certificate under the Pedlars Act 1871 has been granted;
 - (e) any activity in respect of which a licence is required under this Act apart from this section; or
 - (f) organising or participating in a public charitable collection within the meaning of subsection (16) of section 119 of this Act in accordance with permission granted under that section.
- (4) Where an application for a street trader licence is made in respect of an activity which:
- (a) consists of or includes food business within the meaning of regulations made under sections 13 and 56 of the Food and Drugs (Scotland) Act 1956; and
 - (b) involves the use of a vehicle, kiosk or moveable stall,

The licensing authority shall, without prejudice to paragraph 5(3) of Schedule 1 to this Act, refuse the application unless there is produced to them a certificate by the islands or district council stating that the vehicle, kiosk or moveable stall complies with the requirements of any relevant regulations made under sections 13 and 56 of the Food and Drugs (Scotland) Act 1956.

9. If it is intended to use a public park or open space, consent will be required from the local authority (PLACEBookings@scotborders.gov.uk), as well as compliance with the terms and conditions of use

10. Please send the completed form, application fee and other documents to:

The Licensing Unit
Regulatory Services - Legal and Licensing
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA
Telephone: 01835 826662; e-mail liquorandlicensing@scotborders.gov.uk

not less than 3 months before the proposed commencement date of the licence.



CIVIC GOVERNMENT (SCOTLAND) ACT 1982
SITE NOTICE

NOTICE IS HEREBY GIVEN that application has been made on:*
to SCOTTISH BORDERS COUNCIL for a STREET TRADER LICENCE
in respect of premises at:*
Name and address of applicant:*
Proposed type of business:*
Proposed business hours:*

Any objections and representations in relation to the application may be made to the Licensing Unit, Regulatory Services - Legal and Licensing, Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA within **28 DAYS** of the above mentioned date.

Objections and representations must be made in accordance with the following provisions:

Any objection or representation relating to an application for the grant or renewal of a licence shall be entertained by the licensing authority if, but only if, the objection or representation:

- (a) is in writing;
- (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;
- (c) specifies the name and address of the person making it and is signed by him or on his behalf;
- (d) was made to them within 28 days of the above mentioned date of application.

An objection or representation shall be considered to have been made to Scottish Borders Council within the period referred if it is delivered by hand or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

Applicant's Signature:*

Date:*

This site notice must be displayed for a period of 21 days from the date the application was lodged with Scottish Borders Council at or near the premises in a position clearly visible to the public.

Where the application is made by a company or partnership, full names and addresses of all directors or partners must be detailed in an annexed list.

CONFIRMATION OF DISPLAY OF SITE NOTICE
(to be returned to SBC following the 21 day display period)

I (full name of applicant)*

Confirm the site notice has been displayed as prescribed above for a period of not less than 21 days

Signed:*

Date:*

* REQUIRES TO BE COMPLETED IN FULL

Civic Government Licensing

PRIVACY NOTICE – STREET TRADER LICENCES

What information do we need?

Scottish Borders Council will act as the ‘Data Controller’ for the personal data you provide to us. The Data Protection Officer, who is responsible for ensuring personal data is managed in accordance with data protection legislation, can be contacted as follows:

Address: Data Protection Officer, Information Management, Scottish Borders Council, Newtown St Boswells TD6 0SA.

Email: dataprotection@scotborders.gov.uk

Telephone: 0300 100 1800

The information we collect from you will include details such as your name, address, e-mail address, telephone number, date and place of birth.

For the purposes of this specific service, the personal data we require includes special category information about you (also known as ‘sensitive personal data’) specifically details of any previous criminal convictions, and previous licence information.

Why do we need this information?

Your information is being collected to allow Scottish Borders Council to administer the process of applying for a Street Trader Licence under the Civic Government (Scotland) Act 1982.

We need to know the personal data requested on the application form in order to provide this service to you. If you do not provide this information then we will be unable to process your request for a licence. We will not collect any personal data from you that is not needed for this purpose.

The lawful basis for collecting your information in these circumstances is:

Compliance with legal obligation:

Scottish Borders Council is required to collect your information in order to carry out the function of providing licences in relation to the Civic Government (Scotland) Act 1982, which is a statutory function of a local authority.

Where we collect special category data this processing is necessary for reasons of substantial public interest for aims that are proportionate and which contain appropriate safeguarding measures.

What will we do with your information?

We will use your information to process your application for a Street Trader Licence. This will involve sharing your information as shown below.

Type of licence	Who your information will be share with
Street Trader	Police Scotland, Scottish Fire and Rescue Service, SBC’s Environmental Health, Trading Standards, Planning, Estates and Roads Departments and Amey Highways

Applications where valid objections or representations are made will be considered at meetings of the Civic Government Licensing Committee, which are open to the public however some business may be held in private. We are also required to publish information in licensing registers, which will include your name, business address and type of licence. No special category data is included in the register.

When you do not provide information directly to us, we may receive it from other relevant organisations including other Council services, other Local Authorities or Police Scotland.

You should also be aware that your data will be stored on servers located within the United Kingdom. We will take all reasonable steps to ensure that your data is kept secure and more information on how we do this can be provided by contacting the Data Protection Officer.

How long will we keep your information?

We will keep your information for the length of time specified within our document retention schedules, and after this period it will be destroyed under secure arrangements. More information on our retention policy and procedure can be obtained from the Data Protection Officer if required.

Automated Decision Making

No automated decision making will take place.

Your Rights

You have the right to request access to any personal data held about you by the Council. You can also request that we restrict the use of your information or even object to any further processing. You can do this by contacting the Data Protection Officer using the contact details provided above. We will respond to your request within thirty calendar days.

For more information on your rights please visit our website <http://www.scotborders.gov.uk/DPYourRights> or if you would like a hard copy of this information, please contact us using the contact details provided above.

If you are unhappy with the way the Council has processed your personal data please contact the Council's Data Protection Officer. If after raising your concerns with the Data Protection Officer you remain dissatisfied you have the right to complain to the Information Commissioner's Office.

Information Commissioner's Office

The ICO is the UK's independent body set up to uphold information rights.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113
[Email: casework@ico.org.uk](mailto:casework@ico.org.uk)

The Information Commissioner's Office – Scotland
45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0303 123 1115
[Email: Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)