

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONDITIONS APPLICABLE TO A STREET TRADER'S LICENCE

1. DEFINITIONS:

- a) "Head of Legal and Democratic Services" means Head of Legal and Democratic Services and/or his/her authorised representative;
- b) "Corporate Director" means the Corporate Director, Corporate Governance, Aberdeen City Council or his/her authorised representative;
- c) "the Council" means Aberdeen City Council and/or an authorised officer of that Council;
- d) "the licence holder" means the person named in the licence;
- e) "Licensing Authority" means the Licensing Committee of Aberdeen City Council;
- f) "relevant person" means a police officer or authorised officer of the Council;
- g) "stance" means any vehicle, kiosk or moveable stall not entered in the valuation roll to which the licence relates; and
- h) "street trading" shall have the same meaning ascribed to it by subsection 39(2) of the Civic Government (Scotland) Act 1982.

CONDITIONS

- 2. Subject to paragraph 16 of Aberdeen City Council's Employment of Children Byelaws (made 18 October 2001) which provide that a child aged fourteen (14) years or over may engage in street trading in certain circumstances, the holder of a street trader's licence shall not be less than sixteen (16) years of age.
- 3. A licence holder shall at all times, whilst engaged in the work of street trading, have with them the licence and identity badge issued to them by the Council. Upon reasonable request by a relevant person, the licence holder shall produce their licence and/or identity badge to that relevant person.
- 4. The licence holder shall display both licence and identity badge on the stance and/or on the licence holder's outer person in a place that shall be both visible and conveniently read by members of the public.

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5. The licence holder shall not at any time lend to or allow any other person to use their licence, and/or identity badge.
6. The licence holder shall not in any way alter, erase or deface their licence and/or identity badge. Where said licence/identity badge becomes illegible for any reason, the licence holder shall apply to the Council as soon as is reasonably practicable for a replacement.
7. The licence holder's identity badge shall remain the property of the Council at all times. Within seven days of the occurrence of any of the following, the licence holder shall return said identity badge to the Licensing Authority:
 - a) If the licence holder ceases to act for any reason for the unexpired period of their licence;
 - b) the licence is suspended by the Council ;
 - c) the licence expires and no application for renewal of said licence is made; or
 - d) any other reason upon reasonable request by the Licensing Authority.
8. The stance from which a licence holder trades shall be positioned in a place whereby no danger shall or be likely to arise to any member of the public at any time.
9. The stance from which a street trader hawks, sells or offers or exposes for sale their goods shall be of a form that can be removed within a reasonable timeframe if so required upon reasonable request by a relevant person.
10. The licence holder shall trade only from the stance specified in the licence.
11. The licence holder shall provide a bin or other suitable receptacle for the deposit of litter. Said bin/receptacle shall be placed within a reasonable distance from the stance in a place that is easily accessible by members of the public.
12. The licence holder shall carry out their street trading activity in a public place in a manner that does not at any time cause any type of obstruction, nuisance or annoyance to any member of the public or affect their safety in any way.
13. The licence holder shall operate only on the days and hours of operation as specified in the licence. On the terminal hour of trading, where it is reasonable and practical to do so, the stance shall be dismantled and removed by the licence holder.
14. The licence holder shall, if so required during trading hours and upon the terminal hour each day, ensure the collection and removal of any litter found in a public place within a fifteen (15) metre radius of their stance.

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15. The licence holder shall comply with any reasonable instruction given by a relevant person in relation to his/her street trading activity.
16. The licence holder shall exercise their trade only within the area(s) specified in their licence.
17. The licence holder shall not commence their street trading activity until all necessary consents have been applied for and obtained from the Council and/or any other relevant body.
18. Where applicable, the licence holder shall comply at all times with the provisions of the Code of Practice on Noises from Ice-Cream Van Chimes etc, 1982, issued under Section 71 of the Control of Pollution Act 1974.
19. Where a licence is granted in respect of food in terms of section 39(4) of the Act, then, prior to subsequent renewal of that licence, the licence holder shall ensure that the stance to which the licence relates is inspected by an authorised person(s) from the Council's Environmental Services. Any recommendation(s)/direction(s) made subsequent to that inspection shall be implemented by the licence holder within the specified time frame.
20. Where applicable, a licence holder shall ensure that any STT (Street Trader) number allocated to their stance by the Council's Environmental Services is painted on said stance in a position that can be conveniently and easily read by members of the public and shall be no less than five (5) centimetres both in height and breadth.
21. Subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metre radius of the outer boundary of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose.
22. If, throughout the duration of the licence, a licence holder is convicted of any offence, they shall, within fourteen days of said conviction, notify the Licensing Authority in writing of that conviction.

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