

NORTH LANARKSHIRE COUNCIL

SCHEDULE OF CONDITIONS APPLICABLE TO STREET TRADER'S LICENCE

1. On a licence being granted or renewed, an applicant shall be furnished by the Licensing Authority with a badge. In the event of the badge being damaged while in possession, or lost, a replacement badge may be issued on the production of the appropriate passport style photographs and the payment of the replacement fee.
2. A street trader shall not employ or appoint for the purposes of street trading within the Licensing Authority area any person who does not hold a street trader's licence.
3. A street trader, when acting as such, shall wear the badge issued by the Licensing Authority and said badge shall be displayed conspicuously on his/her outer garments with the lettered side outermost, so that the whole lettering and photograph shall be distinctly visible, and must, when required, permit any person to inspect the same and to note the writing thereon. The licence holder shall be bound to renew his/her badge on being notified by the Licensing Authority that the badge is considered to be defaced or illegible, failing which the licence may be suspended at the sole discretion of the Licensing Authority.
4. In the event of the suspension by the Licensing Authority, surrender or revocation of his/her licence, the street trader shall forthwith return the badge to the Licensing Authority.
5. A street trader while street trading shall always have with him/her his/her licence, which he/she shall keep at all times clean and legible and shall exhibit on demand to any Consumer Protection Officer or Inspector of Weights and Measures, and Environmental Health Officer, and Police Officer or such other officer as may be described by the Licensing Authority in the licence from time to time on production by that Officer, Inspector, Police Officer (when not in uniform), or other officer of his/her badge of office or written evidence of his/her appointment to that office and shall allow such Officer, Inspector, Police or other officer to note the particulars on such licence.
6. A street trader shall not lend or allow any other person to use his/her licence or badge.
7. A street trader shall not, in any way, alter erase or deface his/her licence or badge and shall, when reasonably required, produce it for examination by an authorised officer of the Council.
8. The street trader when undertaking street trading including food business, shall provide and maintain in proper working order equipment necessary for the proper cleaning and sterilising of all utensils and vessels used in connection therewith and comply at all times with the requirements of Sections 16 and 26 of the Food Safety Act, 1990 and any amendments thereto, and where 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 street trader shall not store such goods or articles in any dwellinghouse or other place or vehicle until the said dwellinghouse or place or vehicle has been approved in writing by the Council for that purpose.
9. Every street trader shall collect and remove any paper, garbage or other refuse which may be produced or may accumulate in the course of trading and shall not place or deposit the same or allow the same to be placed or deposited or to fall on any street, foot-pavement or footway or an adjoining property. Without prejudice to the foregoing generality, every street trader trading from a particular location for a period exceeding five minutes shall place in the public place a litter bin or other receptacle for the deposit of paper, garbage or other refuse by customers.
10. When the vehicle is sited on the publicly maintained road it must not be positioned permanently or connected to mains services.
11. Road gullies must not be used for drainage purposes.

12. A street trader who has charge of any mechanically propelled vehicle, any beast of burden or any vehicle including any carriages, lorry, cart, wagon, truck, van, float or barrow, shall not cause or allow the same to stand on or within a distance of 20 metres from any pelican or pedestrian crossing. The street trader shall ensure that at all times the said vehicle, kiosk or moveable stall can be speedily and easily removed, ensure that the said vehicle, kiosk or moveable stall is in a safe, serviceable and clean condition, and not trade at any location considered unsuitable by the Licensing Authority provided that prior written notice has been served upon the street trader.
13. The vehicle must not contravene any traffic management measures (ie yellow lines etc) or obscure road signs.
14. The location of the vehicle should be such that no on-street parking is encouraged.
15. The vehicle must not stand on the footway.
16. The vehicle must be sited such that customers do not stand on the carriageway while being served. Further to this, the footway/carriageway capacity should not be significantly reduced
17. Every street trader shall, at all times when street trading, keep himself/herself and his/her 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 to the satisfaction of the Director of Environmental Services. On written notice, signed by the Director of Environmental Services himself or by an Environmental Health Officer authorised by the Council to sign such notices in terms thereof, being given to any street trader that he/she has become unsuitable in respect of the unsatisfactory condition of his/her clothing or person, or that the vehicle or receptacle is unsuitable, such street trader shall immediately cease to act as a street trader until he/she remedies the cause of complaint to the satisfaction of the Director of Environmental Services or until the said notice is withdrawn; and such notices shall be recorded in a register, kept for the purpose and available during normal office hours for public inspection and shall be reported to the Licensing Authority for information as soon as may be.
18. Notwithstanding the terms and conditions contained in his/her licence, every person engaged or employed in street trading within the North Lanarkshire area shall comply with any order or instruction given by any Police Officer in uniform for the prevention of obstruction or annoyance to the public or to the occupiers of any premises or in connection with any emergency or disturbance or on any occasion when such officer, in his/her discretion, may consider it necessary in the public interest to give such order or instruction.
19. Except as otherwise directed by the Licensing Authority as aforesaid, no street trader shall engage in street trading within 100 metres of any establishment or premises in which are sold or offered for sale any goods or articles or service of the same or similar class and description as those to be sold or offered for sale by the street trader. The Licensing Authority, in their sole discretion, and on application direct that the terms hereof shall not apply to a particular street trader in a particular street or locality or area and such direction shall not be effective until it is endorsed by the appropriate officer of the Licensing Authority on the licence.
20. The street trader if not trading from a static site shall not be permitted to wait at one location for more than 10 minutes if not serving.
21. A street trader shall not be entitled to trade from private land or a private roadway without having received the prior consent of the owner or owners of the land or roadway in question. Further, the consent of North Lanarkshire Council, as Planning Authority, should be sought if required. In particular, trading within the confines of the Industrial Estate known as Strathclyde Business Park, Bellshill is strictly prohibited.
22. While the licence is in force and the vehicle is being used for street trading it must have a sign displayed upon it which clearly and legibly, in letters not less than one inch high, states the licence holder's name and address, the licence number and the words "Licensed as a street trader by North Lanarkshire Council".

23. The street trader making use of a vehicle, kiosk or moveable stall shall, on receiving the requisite notice in writing from the Licensing Authority, present his/her vehicle, kiosk or moveable stall for inspection as to its continued suitability at such time and places as may be reasonably required by the Licensing Authority.
24. The street trader shall not at any time use for the purpose of advertising his/her presence, trade or business any loudspeaker, horn, whistle or other device as to give reasonable cause for annoyance to persons in the vicinity; and shall not between the hours of seven in the evening and noon the next day use, for the purpose of advertising his/her presence, trade or business, any loudspeaker, horn, whistle or other device.
25. There must be no associated advertising or directional signing erected within the curtilage of the publicly maintained road without the approval of the relevant Planning and Roads Authority.
26. A street trader who ceases to act as such for the unexpired period of this licence or whose licence shall have been suspended by the Licensing Authority or shall have expired shall, within seven days thereafter, deliver his/her licence and badge to the Licensing Authority and shall be in contravention hereof if he/she shall fail to deliver both or either his/her licence and/or badge within said period of seven days.
27. A street trader shall within 28 days of a criminal conviction or offence being recorded against him/her, intimate details of the conviction/offence to the Council's Head of Legal and Democratic Solutions.