

# Shetland Islands Council



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If calling please ask for  
**Leisel Malcolmson**  
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Date: 6 January 2020

Dear Sir/Madam

You are invited to the following meeting:

**Licensing Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Monday 13 January 2020 at 10am**

Apologies for absence should be notified to Leisel Malcolmson at the above number.

Yours faithfully

Executive Manager – Governance and Law

Chair: I Scott  
Vice-Chair: G Smith

## **AGENDA**

- (a) Hold circular calling the meeting as read.
- (b) Apologies
- (c) Declarations of Interest – Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest and include some information on the nature of the interest. Advice may be sought from Officers prior to the meeting taking place.

(d) Confirm the minutes of the meeting held on 16 December 2019 (attached).

**Item**

1. Street Traders Licences – Review of Standard Licence Conditions  
*ES-01-20*



## **MINUTE**

## **B-PUBLIC**

### **Licensing Committee**

**Council Chamber, Town Hall, Lerwick**

**Monday 16 December 2019 at 10.30 am**

#### **Present:**

M Bell	A Cooper
S Flaws	C Hughson
S Leask	I Scott
C Smith	G Smith

#### **Apologies:**

None

#### **In Attendance (Officers):**

R Barton, Transport Planning and Projects Officer  
D Manson, Licensing Standards Officer  
D Robertson, Team Leader - Environmental Health  
P Sutherland, Solicitor  
P Wishart, Solicitor  
L Malcolmson, Committee Officer

#### **Also:**

A Duncan  
E Macdonald

#### **Chair**

Mr I Scott, Chair of the Committee, presided.

#### **Circular**

The circular calling the meeting was held as read.

#### **Declarations of Interest**

Mr Leask declared an interest in item 2 "Street Trader Licence Refusal: Decision of Appeal", as a Member of Living Lerwick.

*(Mr Leask left the Chamber)*

13/19

#### **Minutes**

The minutes of the Licensing Committee held on 11 November 2019, having been circulated, were confirmed on the motion of Mr G Smith, seconded by Mr Scott.

14/19

**Street Trader Licence Refusal: Decision of Appeal**

The Committee considered a report by the Team Leader – Legal (GL-22-19-F) that presented the decision of Lerwick Sheriff Court concerning an appeal against refusal of a street trader licence.

The Solicitor (P Wishart) introduced the report and read out paragraphs 80 and 81 of the Sheriff's decision attached as an appendix to the report. He advised that the Committee were asked to note the report and appendix.

In responding to questions, the Solicitor advised that the review of the street trader policy conditions would be presented to the January 2020 meeting of the Committee, and reconsideration of the decision would be presented to the Committee's February 2020 meeting.

Concern was expressed in regard to the sequencing of these items and it was suggested that the review of the street trader policy conditions be conducted following reconsideration of the decision. During further discussion it was agreed the Chair, Vice-Chair and the Legal Team would give this point further consideration following this meeting.

Mr Scott moved that the Committee noted the report, seconded by Mr G Smith.

**Decision:**

The Committee NOTED the content of the report and appendix.

**On the motion of Mr Scott, seconded by Mr G Smith, the Committee resolved in terms of subsection 4 of Section 50A of the Local Government (Scotland) Act 1973 to exclude the public from this meeting during consideration of the following agenda item on the grounds that it is likely that, if the public were present, there would be disclosure of exempt information as defined in paragraph 6 of Part I of Schedule 7A to the said Act.**

*(The media, Licensing Standards Officer, Team Leader – Environmental Health, Mr Duncan, Mrs Macdonald and Mr Wishart, Solicitor, left the meeting)*

*(Mr Leask returned to the Chamber)*

15/19

**Taxi, Private Hire Car and Booking Office Licence Application**

The Committee considered a report by the Transport Policy and Projects Officer seeking a decision on one application for a Taxi Drivers' Licence that could not be granted by Officers under delegated authority as there had been adverse representations from Police Scotland.

The Committee were advised that the applicant was not present.

The Committee decided to admit for consideration observations from the Police concerning the previous conviction of the applicant. Copies of the Police observations were then circulated to Members.

**Decision:**

The Committee RESOLVED to defer consideration of the application until the next meeting of the Committee to allow the applicant the opportunity to attend.

The meeting concluded at 11am.

CHAIR





<b>Meeting(s):</b>	<b>Licensing Committee</b>	<b>13 January 2020</b>
<b>Report Title:</b>	<b>Street Traders Licences –Review of Standard Licence Conditions</b>	
<b>Reference Number:</b>	<b>ES-01-20-F</b>	
<b>Author / Job Title:</b>	<b>David Robertson / Team Leader – Environmental Health</b>	

## 1.0 Decisions / Action required:

- 1.1 That the Licensing Committee NOTE that following a review, by the Environmental Health Service, the findings are that no change be made to the street trader licensing conditions.

## 2.0 High Level Summary:

- 2.1 At a meeting of the Licensing Committee on 24 June 2019, (Min. Ref. 08/19), it was requested that a review of street trader licensing conditions be carried out.
- 2.2 The review has been conducted by Environmental Health Services and it is concluded the conditions are in line with other Local Authority areas, in terms of the regulation of street trading.
- 2.3 The background, methodology and results from the review are detailed in Section 4 below.

## 3.0 Corporate Priorities and Joint Working:

- 3.1 The licensing function helps to make Shetland a safe place to live with strong, resilient, supportive communities and helps maintain sustainable economic growth, which are objectives in the Single Outcome Agreement in the Community Plan.

## 4.0 Key Issues:

### Background

- 4.1 The provisions for the licensing of street traders is outlined in Section 39 and Schedule 1 of the Civic Government (Scotland) Act 1982. The purpose of the Act is to make provision in Scotland for the licensing and regulation of certain activities, for the preservation of public order and safety and for the prevention of crime.
- 4.2 Clearly, street trading has been viewed for some time as an activity requiring regulation. Attractive, well managed street trading and markets can add to the vibrancy of an area adding interest, character and function to shopping streets and other town areas. They can be a draw for tourists and can bring a wider variety of stalls, commodities and cultures. Licensed street trading activities can also assist in the prevention of illegal street trading by displacing undesirable criminal activity

and hawking. However, if poorly managed, street trading and markets can have a negative effect on an area leading to obstruction to pedestrians, a visually unappealing and untidy street scene, sale of poor quality goods which do not meet local needs and an increase in complaints to the Licensing Authority. There is therefore a need for a common set of rules or conditions that would apply to all street traders and market operators. Shetland Islands Councils' standard licensing conditions are presented in Appendix A.

- 4.3 An officially agreed set or template of standard licensing conditions for street trading has never been published for use by local authorities in Scotland. Their development has mostly been historical in nature and particular to each local authority's needs having been developed over time. However, due to the common problems each local authority has encountered with street trading and through the levelling effects of inter-authority consultation and benchmarking since the provisions came into place, most sets of conditions encountered during this review looked remarkably similar. Some examples of these can be found as background documents in the links below.

#### Review

- 4.4 The review considered if the conditions had a legitimate licensing purpose. Standard licence conditions for street traders were obtained from other local authorities in Scotland that provided useful comparisons.
- 4.5 A particular purpose of this review was to target specifically the standard condition as it relates to separation distances between proposed sites of street trading and the nearest business selling similar goods or services. Appendix B is a summary of the equivalent conditions used by other local authorities in Scotland.
- 4.6 This review of the Standard Licence Conditions as they currently stand concludes that they are in line with conditions in other Local Authority areas.

#### **5.0 Exempt and/or confidential information:**

5.1 NONE.

#### **6.0 Implications :**

<b>6.1 Service Users, Patients and Communities:</b>	None
<b>6.2 Human Resources and Organisational Development:</b>	None
<b>6.3 Equality, Diversity and Human Rights:</b>	None



<b>6.4 Legal:</b>	<p>Section 2 of the Civic Government (Scotland) Act 1982 states: For the administration of licensing in relation to the activities in connection with which licences are required under <a href="#">Part II</a> of this Act there shall be a licensing authority for the area of each local authority.</p> <p>Section 39, in Part II, of the Act tells us that subject to certain exceptions: “a licence, to be known as a “street trader's licence”, shall be required for street trading by a person, whether on his own account or as an employee. (2) In this section “<i>street trading</i>” 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 or 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.</p> <p>Under Section 5 of Schedule 1 of the Act where an application for the grant or renewal of a licence has been made to a licensing authority they shall, in accordance with this paragraph-  (a) grant or renew the licence unconditionally ;  (b) grant or renew the licence subject to conditions : or  (c) refuse to grant or renew the licence.</p> <p>The conditions referred to in sub-paragraph (b) above shall be such reasonable conditions as the licensing authority think fit and, without prejudice to that generality, may include conditions restricting the validity of a licence to an area or areas specified in the licence.</p> <p>Under Section 10 of Schedule 1 to the Civic Government (Scotland) Act 1982 a licensing authority may, at any time, vary the terms of a licence on any grounds they think fit.</p>
<b>6.5 Finance:</b>	None
<b>6.6 Assets and Property:</b>	None
<b>6.7 ICT and new technologies:</b>	None
<b>6.8 Environmental:</b>	None.
<b>6.9 Risk Management:</b>	Any applicant can appeal a decision of the Licensing Committee to the Sheriff.
<b>6.10 Policy and Delegated Authority:</b>	Section Two of the Council’s Scheme of Administration and Delegation at 2.5.1 states: “Subject to the provisions of this Scheme, and the delegation to any officer, the Committee is authorised to discharge the powers and duties of the Council in

	<p>accordance with the Licensing Scheme of Delegations attached as Appendix 2 to this Scheme.</p> <p>Appendix 2 gives authority to the authorised officer under the Scheme to inter alia determine applications under the Civic Government (Scotland) Act 1982 and states: "Where the authorised officer receives an objection or adverse representation to a proposal under the above legislation and conditions cannot address the issue(s) raised; or the proposal is recommended for refusal for reasons other than a clear technical failure to comply with legislative requirements, the matter will be referred to the Licensing Committee for determination."</p>	
<b>6.11 Previously considered by:</b>	None	

**Contact Details:**

David Robertson, Team Leader – Environmental Health,  
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**Appendices:**

Appendix A – SIC Standard Licensing Conditions

Appendix B – Summary of Local Authority conditions relating to street trader distance restrictions.

**Background Documents:**

Examples of Standard Licensing Conditions from other Local Authorities.

<https://www.east-ayrshire.gov.uk/Resources/PDF/L/LicensingStreetTraderConditions.pdf>

<https://www.inverclyde.gov.uk/law-and-licensing/licensing/taxi-and-civic-licensing/civic-licensing/street-trader>

<https://www.orkney.gov.uk/Files/Law-and-Licensing/Licences/Street-Traders/Street-Trader-Conditions.pdf>

<https://www.aberdeencity.gov.uk/sites/default/files/2018-04/Street%20Trader%20Licence%20Conditions.pdf>

END



**Shetland Islands Council**  
**Civic Government (Scotland) Act 1982 Section 39**

## **STREET TRADERS LICENCE - NOTES FOR GUIDANCE**

These notes have been written to help you with the licensing application form and to draw your attention to some other things you may have to do in connection with your application. If you need any more help please contact Environmental Health on 01595 745250 or [ehadmin@shetland.gov.uk](mailto:ehadmin@shetland.gov.uk) or come along Old Anderson High School, Lovers Loan, Lerwick, Shetland.

The Civic Government (Scotland) Act 1982 ("the Act") introduced compulsory licensing of certain activities and also the option to licence other activities.

### **Who is a Street Trader**

The Act defines 'street trading' as doing any of the following things in a public place:

- (a) Hawking, selling or offering or exposing for sale any article; and
- (b) Offering to carry out or carrying out for money or money's worth any service:

to any person in the public place and it includes doing any of these things 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 the premises abutting the public place.

### **A Street Trader's Licence is not required**

- (a) For the sale of newspapers only, milk, coal, coke or solid fuel;
- (b) Any activity in respect of which a certificate under the Pedlar's Act 1971 has been granted; or
- (c) Organising a public charitable collection as defined in Section 119 of the Act.

Please note that if a street trader operates a business which includes meals and refreshment's supplied during the day and also between 11pm and 5am then they need both a street trader's licence and a late hours catering licence.

### **Certificate of Compliance requirements for food businesses – Also see Annex 1 attached**

If the proposed trading includes a food business and involves a vehicle, kiosk, trailer or moveable stall you must hold a Certificate of Compliance in terms of The Food Safety Act 1990. Complete the details on page 3 of the application. There is an additional fee for this. A Certificate of Compliance will not be issued unless the mobile food unit complies with the Food Hygiene National Standards.

### **How long is the licence for?**

A full licence is granted for 3 years.

### **What is the fee?**

A list of the fees is enclosed with the application. The fee is non-refundable and must be paid along with the application form. Please do not send cash. Cheques and postal orders should be made payable to: "Shetland Islands Council". Card payments can be made at the Environmental Health Office.

### **Who will be consulted?**

All applications will be submitted to the Scottish Fire and Rescue Service, Police Scotland and other relevant council services.

### **What conditions will be applied to my licence**

The premises will be required to comply with the Standard Licence Conditions and Mobile Traders Food Hygiene National Standards attached and these will form part of the Licence being granted. The Council may also add specific conditions. This will include the times and days of the week you will be permitted to operate.

### **Photographic Identification – Persons & Vehicle/Stall**

Two passport size photographs must be supplied. They should be recognisable and there should be no hats /head covering or glasses worn. The photograph will be used to produce the identification badge for individuals working as a Street Trader & must be worn as part of the licence conditions.

You must attach a photograph of the vehicle showing all markings /identification, etc. or emailed to [ehadmin@shetland.gov.uk](mailto:ehadmin@shetland.gov.uk), If the unit is altered (i.e. new logo added) then updated photos must be provided.

## STANDARD LICENCE CONDITIONS

### LICENCE & BADGE

- 1 The Trader shall be permitted to trade only on the specified days and at the specified times. All orders must be completed and the mobile food unit be closed by the specified time on the licence.
- 2 The Trader shall display their licence at all times in such a position that it can be clearly seen by members of the public.
- 3 The Trader shall keep their licence at all times clean and legible, and shall exhibit it on demand to any authorised officer of the Council or Police Officer.
- 4 The Trader while street trading shall wear the means of identification issued to them by the Council displayed conspicuously on their outer garment with the lettered side outermost so that the whole writing thereon shall be distinctly visible, and shall exhibit said means of identification to any authorised officer of the Council or Police Officer on request. The means of identification shall include the Trader's name, photograph and licence number and the date on which the licence expires.
- 5 The Trader shall not in any way alter, erase or deface their licence or means of identification and shall when reasonably required, produce them for examination by any authorised officer of the Council or Police Officer.
- 6 The Trader shall not lend or allow any other person to use their licence or means of identification.
- 7 If the Trader changes their address they shall, within fourteen days thereafter, give notice thereof to the Council and produce their licence to the Environmental Health Office, who shall endorse thereon the particulars of such change of address.
- 8 If the Trader ceases to act as a street trader or if their licence has expired the Trader shall, within seven days thereafter, give notice thereof to the Council and deliver their licence and means of identification to the Environmental Health Office at which time the licence shall be deemed to have been surrendered in terms of Paragraph 13(1) of Schedule 1 to the Civic Government (Scotland) Act 1982.

### VEHICLE OR STALL

- 9 The Trader who uses a vehicle or stall for the purposes of street trading shall not trade from the vehicle or stall until it has been approved by the Council and if selling food it has received a Certificate of Compliance issued by the Council. For mobile food units, the National Standards are attached detailing the requirements (Annex 1 at Page 4).
- 10 The Trader shall store or keep all goods to be used in connection with their trading only in the premises, vehicle or stall approved by the Council for that purpose.
- 11 A vehicle or stall used by the Trader shall have displayed clearly on it the name and address of the owner of the vehicle or stall.
- 12 The Trader when using a vehicle or stall while engaged in street trading shall:
  - (a) not cause any obstruction on any road or footway;
  - (b) ensure that the vehicle or stall does not stand for trade within a distance of 20 metres from any pedestrian crossing or roundabout;
  - (c) at all times conduct their business and maintain and position their vehicle or stall in such a manner that no danger is likely to arise to any person;
  - (d) ensure at all times that the vehicle or stall can be easily removed; and
  - (e) ensure that the vehicle and its position causes no risk to Health & Safety of the public.
- 13 Where the licence has been granted in relation to a specific vehicle the licence holder shall not modify or replace the said vehicle without previously having notified the Environmental Health Office in writing and having received the appropriate Certificate of Compliance with Food Safety.
- 14 The Trader shall when reasonably required present their vehicle or stall for inspection by any authorised officer of the Council.

## **LITTER & NOISE**

- 15 The Trader shall at all times keep themselves and their clothing clean and maintain any vehicle or stall used for the purpose of street trading in a clean and proper condition to the satisfaction of any authorised officer of the Council.
- 16 The 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 road, footpath or footway or an adjoining property within a fifty metre radius of their vehicle or stall, to the satisfaction of the Environmental Health Office.
- 17 The Trader shall provide, while engaged in street trading in one location for a period exceeding 30 minutes, a litter bin in a public place adjacent to their vehicle or stall for the deposit of paper, garbage, or other refuse by their customers, and empty and service their bin, to the satisfaction of the Environmental Health Office.
- 18 The Trader shall provide in their vehicle or stall a container for waste material of a type approved by the Council.
- 19 The Trader shall ensure that their trading is conducted in such a manner as it does not give rise to nuisance or disturbance from fumes, smell, noise or any other cause to local residents or members of the public.

## **SALE OF FOOD**

- 20 The Trader, who uses their vehicle or stall to conduct a food business within the meaning of the Regulations made under the Food Safety Act 1990, shall:
  - (a) store goods to be used in connection with the food business only in premises or a vehicle approved by the Council; and
  - (b) provide and maintain in good working order equipment for the effective washing and rinsing of all equipment, utensils and vessels approved by the Council in accordance with the National Standards.
- 21 The Trader licensed to sell food shall comply at all times with the requirements of Regulations made under the Food Safety Act 1990. The street trader shall not sell food unless specifically licensed to do so, and shall sell only those classes of foods as approved by the Council and as detailed in their licence.

## **GENERAL**

- 22 The trader must not trade from this vehicle/stall on a site for more than 28 days in total in any calendar year without planning permission from the Planning Authority. Please contact the planning department on (01595) 744293.
- 23 Except as otherwise directed by the Council, the Trader shall not engage in street trading within 50 metres of any establishment or premises in which the same or similar class and description are sold or offered for sale. The Council may, direct that the terms shall not apply to the Trader in a particular road or locality or area, (e.g. Continental Market) and such a direction shall not be effective until it is endorsed by the Executive Manager of Environmental Services on the licence.
- 24 Any requirements of the Scottish Fire and Rescue Service shall be complied with and adhered to during the duration of their licence.
- 25 The Trader shall ensure that at their premises all means of escape remain clear and free from obstruction at all times. This includes fire exit doors inside and outside buildings and thoroughfares. Firefighting equipment in the premises should not be obstructed or covered over.
- 26 The Trader shall comply with any reasonable order or instruction given by a Police Officer or authorised officer of the Council:
  - (a) for the prevention of obstruction or annoyance to the public or to the occupiers of any premises;
  - (b) in connection with any emergency or disturbance; or
  - (c) on any occasion when such Officer in their discretion may consider it necessary in the public interest to give such order or instruction.

## Introduction

This document only relates to mobile food units where the operation of such requires a Street Trader's Licence under the Civic Government (Scotland Act) 1982 (as amended).

For the purposes of this document, the term "mobile traders" includes mobile premises, kiosks, stalls, vehicles, trailers and other such premises. All such categories shall be referred to within this document as "mobile food units".

## Structural and operational requirements

These standards cover only structural requirements for Mobile Food Units. The text represents structural aspects which shall be considered as core requirements for the assessment for a Certificate of Compliance. Operational matters which can only be assessed during normal trading are not included within this standard.

## Notification of the Food Authority [Registration]

The food business operator must ensure that the Food Authority in which the mobile food unit is normally based (even when not trading) is notified of the existence of that food business. The information duly requested must be provided by the food business operator in order to enable relevant details to be entered on the register of food premises held by the Food Authority.

Any other premises used for preparation of food which is to be sold from a mobile food unit must be registered as such by the Food Authority within which it is located.

## Street Trader's Licence

In order for a person to obtain a Street Trader's Licence under Section 39 of the Civic Government (Scotland) Act 1982, the mobile food unit operated by that person must be subject of a valid Certificate of Compliance from a Food Authority.

A copy of the current street traders licence must be displayed on the mobile food unit and any identification badge worn as required.

## Certificate of Compliance

In order to obtain a Certificate of Compliance under Section 39 of the Civic Government (Scotland) Act 1982, the mobile food unit must be inspected by the Food Authority which has registered that food business/mobile food unit.

If the trader/unit is not registered in Scotland, the inspection and issue of a Certificate of Compliance must be undertaken by the Scottish Food Authority in which the application for a Street Trading Licence is made, or another authority to which an application for a street trader's licence in respect of this activity is or has been made.

## Period of validity

Any Certificate of Compliance so granted will be valid for a period of 3 years.

Inspection for a Certificate of Compliance and issue of certificate does not preclude the subsequent inspection of the mobile food unit by any Food Authority while the unit is trading within its jurisdiction.

MOBILE TRADERS FOOD HYGIENE NATIONAL STANDARD	
GENERAL FOOD HYGIENE REQUIREMENTS	
<b>1.0</b>	<b>WATER SUPPLY</b>
	<p><b>Legal References:</b></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(c)(d)(e)&amp;(f)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VII, (1)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VII, (4)</i></p>
<b>1.1</b>	<b>General</b>
1.1.1	Mobile food units must be provided with an adequate, piped supply of hot and cold water or warm water at a suitably controlled temperature.
1.1.2	All water supplied to hand, equipment and food washing facilities must be potable water.
1.1.3	<p>Potable water must be used:</p> <ul style="list-style-type: none"> <li>• for cleaning food;</li> <li>• for cleaning surfaces which may come into contact with food;</li> <li>• for cleaning hands;</li> <li>• for using as an ingredient in food and drinks;</li> <li>• for cooking of food;</li> <li>• any other operations where there is a risk of contaminating foodstuffs</li> </ul>
1.1.4	Ideally, mains water or a suitably treated private supply should be used. Where there is no direct connection to a suitable supply, containers may be used. This water must be potable.
1.1.5	A “piped supply” includes the use of a tap mechanism that delivers hot and cold water independently or provides warm water via a mixer tap that is manually (or sensor) controlled. The practice of using jugs etc to transfer water to sinks or wash basins is not acceptable.
1.1.6	The supply must be from a tap or taps at adequate pressure and temperature
1.1.7	The supply must provide a sufficient volume of water, by capacity or means, for the trading hours.
1.1.8	<p>Containers used for holding water and any associated pipework must be:</p> <ul style="list-style-type: none"> <li>• made of food grade materials and be enclosed;</li> <li>• capable of being cleaned and disinfected;</li> <li>• readily identifiable as being for water use only and visibly different from any containers used for receipt and storage of waste water;</li> <li>• of sufficient capacity to store enough water for the business’ potable water needs</li> </ul>
<b>1.2</b>	<b>Hot water</b>
1.2.1	The pipe work must be affixed and deliver the water supply directly to all sinks. The practice of using jugs etc. to transfer water to a sink(s) is not acceptable.
1.2.2	Where services are readily available, a constant piped supply or an instantaneous water heater (gas/electric) can be used. Alternatively, insulated containers for hot water storage would be acceptable provided they are of suitable capacity and capable of storing the water at an adequate temperature and deliver water to the sink(s) via fixed pipework.
<b>1.3</b>	<b>Ice</b>
1.3.1	Utensils must be made from durable materials that will not present a foreign body hazard.
<b>2.0</b>	<b>WASH BASINS</b>
	<p><b>Legal References:</b></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(a)</i></p>



<b>2.1</b>	<b>Wash Basin Provision</b>
2.1.1	All units must be provided with an adequate number of wash basins designated for the purpose of maintaining personal hygiene.
2.1.2	The wash basin must be located in an accessible position and available for use.
2.1.3	A suitable and sufficient supply of liquid soap and single-use paper towels for hand-drying must be provided.
2.1.4	The wash basin must be provided with an adequate, piped supply of hot and cold water or warm water at a suitably controlled temperature in order to facilitate hand washing under running water.
2.1.5	Waste water from the wash basin must be piped to a suitable closed container which is readily identifiable as being designated for that purpose. For example, it could be clearly marked 'Waste Water'. (See Section 7 – Waste)
<b>3.0</b>	<b>SINKS</b>
	<b>Legal References:</b> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(c)</i>
<b>3.1</b>	<b>Sink Provision</b>
3.1.1	Sinks must be located in an accessible position.
3.1.2	The requirement for sinks is in addition to wash basins. The provision of a sink or sinks is for the washing of food and the cleaning and disinfecting of work tools and equipment and is not for the washing of hands.
3.1.3	Sinks must be of sufficient size to accommodate all equipment that requires to be washed during trading.
3.1.4	The minimum provision for sinks in each Unit Category is as listed in 3.1.5 below. Categories 1 and 2 are defined below.
3.1.5	<ul style="list-style-type: none"> <li><b>Category 1 Unit</b> - No sink required</li> <li><b>Category 2 Unit</b> – Minimum of 1 Sink Required</li> </ul> <p>A sink will <b>not</b> be required in a Category 2 Unit in the following circumstances:</p> <ul style="list-style-type: none"> <li>Where food is only served and not prepared (where “prepared” means processed by washing, cooking, reheating or assembling etc, so as to be ready to serve or eat with little or no further preparation); and</li> <li>Where there is an adequate provision of multiple/duplicate items of equipment, e.g. knives, spoons, tongs etc; and</li> <li>Where adequate alternative arrangements have been made for the cleaning and disinfection of non-replaceable food contact surfaces in the event of spillage or other contamination.</li> </ul>
3.1.6	Where no sink is provided and ready-to-eat food is sold, e.g. fruit, signage is required to advise customers that such items must be washed prior to consumption.
<b>4.0</b>	<b>STRUCTURE AND EQUIPMENT</b>
	<b>Legal References:</b> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(b)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter V(1)(a)(c&amp;d)</i>
<b>4.1</b>	<b>Equipment Standard – Installation and Maintenance</b>
4.1.1	Food equipment, work surfaces and fittings must be constructed using smooth surfaces that allow effective cleaning/disinfection.
4.1.2	All internal surfaces must be constructed and/or finished with washable materials.
4.1.3	Food equipment, work surfaces and fittings must be installed so that they allow access for cleaning or they must be capable of being moved or dismantled to allow such access.



4.1.4	Walls immediately behind and adjacent to food preparation surfaces and equipment must be capable of being cleaned and, in high risk food areas, disinfected.
4.1.5	Tables, work surfaces, food display cabinets, counters, equipment, utensils and display containers must be in good repair in order to be easy to clean and must be kept clean and maintained in good condition at all times. Surfaces coming into direct contact with food or are in such close proximity that they could contaminate the food if dirty must be capable of being disinfected and should be duly disinfected as appropriate.
<b>5.0</b>	<b>PROTECTING FOOD FROM CONTAMINATION</b>
	<p><b>Legal References:</b></p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(f)&amp;(h)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter V, (1)(b)&amp;(c)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter X</p>
<b>5.1</b>	<b>Layout/Structure</b>
5.1.1	The unit must be large enough for the type of operation carried out. In particular, there must be sufficient space to prevent contamination of foods to facilitate adequate cross contamination prevention procedures.
<b>5.2</b>	<b>Food Protection</b>
5.2.1	Layout, facilities and equipment must be capable of protecting food from any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.
5.2.2	All wrappings, containers etc. in contact with food must be made of food grade material.
<b>6.0</b>	<b>PEST CONTROL</b>
	<p><b>Legal References:</b></p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(h)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (4)</p>
<b>6.1</b>	<b>Exclusion of Pests</b>
6.1.1	Mobile food units must be designed to prevent the access of pests.
<b>7.0</b>	<b>WASTE</b>
	<p><b>Legal References:</b></p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(f)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VI (1-4)</p>
<b>7.1</b>	<b>Waste - General</b>
7.1.1	A suitable receptacle must be provided for the storage of waste materials on the unit.
<b>7.2</b>	<b>Waste – Receptacles and Containers</b>
7.2.1	The internal and external surfaces of non-disposable waste containers must be washable and in good repair.
<b>7.3</b>	<b>Liquid Waste/Drainage</b>
7.3.1	Where liquid waste cannot be linked directly to the mains drainage system, holding containers may be used. These containers must be readily identifiable so that their intended use is understood and that they are visibly different from potable water containers.

7.3.2	Waste water must be collected in a readily identifiable sealed container. It must not be discharged directly onto the unit's stance or surrounding area. It must be disposed of to a suitable drainage system at the end of each trading day. This excludes the disposal down surface water drains.
<b>8.0</b>	<b>TEMPERATURE CONTROL</b>
	<p><b>Legal References:</b></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(g)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (5)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (6)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (7)</i></p>
8.1	<b>Temperature Control – Facilities and Equipment</b>
8.1.1	Mobile food units must be provided with suitable and adequate temperature controlled storage facilities for perishable and frozen foodstuffs.
8.1.2	Where temperature controlled storage facilities are used, suitable means of monitoring temperatures must be provided.
<b>9.0</b>	<b>VENTILATION</b>
	<p><b>Legal References:</b> <i>None</i></p> <p><i>Note – No specific provision for the provision or adequacy of ventilation exists in relation to mobile vehicles from a food safety perspective.</i></p>
9.1	Every mobile food unit must be provided with sufficient ventilation, not including the open service hatch of the unit.
9.2	Ventilation openings and mechanisms must be washable and be designed to prevent the entry of dust and all pests.
<b>10.0</b>	<b>LIGHTING</b>
	<b>Legal References:</b> <i>None</i>
10.1	Vehicles must be provided with sufficient natural lighting and suitably protected artificial lighting to allow for the hygienic preparation and service of food and the effective cleaning of the vehicle.

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Council	50m Rule in conditions	Specific Rule
Aberdeen City	No	<a href="https://www.aberdeencity.gov.uk/sites/default/files/2018-04/Street%20Trader%20Licence%20Conditions.pdf">https://www.aberdeencity.gov.uk/sites/default/files/2018-04/Street%20Trader%20Licence%20Conditions.pdf</a>
Aberdeenshire	Yes 50m	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.
Angus Council	Yes 100m	Street trading must not take place within 100 metres of a shop or 50 metres from another street trader whose main goods or services for sale are of the same or a similar class as those offered by the street trader.
Argyll & Bute	No	30 mins or planning perm. <a href="https://www.argyll-bute.gov.uk/sites/default/files/conditions_-_street_traders_licence.pdf">https://www.argyll-bute.gov.uk/sites/default/files/conditions_-_street_traders_licence.pdf</a>
Clackmannanshire		Request by email as not on website
Dumfries & Galloway	No	<a href="https://www.dumgal.gov.uk/media/17922/Licensing-Conditions-Street-Trader/doc/Street_Trader_conditions.doc?m=635929451628670000">https://www.dumgal.gov.uk/media/17922/Licensing-Conditions-Street-Trader/doc/Street_Trader_conditions.doc?m=635929451628670000</a>
Dundee	No	Word doc saved
East Ayrshire	Yes 50m	<a href="https://www.east-ayrshire.gov.uk/Resources/PDF/L/LicensingStreetTraderConditions.pdf">https://www.east-ayrshire.gov.uk/Resources/PDF/L/LicensingStreetTraderConditions.pdf</a>
East Dunbartonshire	No	Word Doc saved
East Lothian	Yes 150m	The licence holder must not at any time trade within 150 metres of any shop, whether it is open or not at the time, or any other Street Trader, that sell goods, articles or services of similar description to those sold or offered by the licence holder unless written permission has been applied for and been granted by the Council with respect to named events and locations. Word doc saved
East Renfrewshire	Yes 250m	The proposed stand must be no closer than 250 metres to a shop selling the same goods as the trader. <a href="https://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=8867&amp;p=0">https://www.eastrenfrewshire.gov.uk/CHttpHandler.ashx?id=8867&amp;p=0</a>
Edinburgh	No-zones set	<a href="http://www.edinburgh.gov.uk/downloads/20023/licences_and_permitsThe">http://www.edinburgh.gov.uk/downloads/20023/licences_and_permitsThe</a>
Falkirk	No 500m from schools	<a href="https://www.falkirk.gov.uk/services/law-licensing/licensing/businesses/docs/street-trader/guidance/Street%20Trader%20Conditions.pdf?v=201906271131">https://www.falkirk.gov.uk/services/law-licensing/licensing/businesses/docs/street-trader/guidance/Street%20Trader%20Conditions.pdf?v=201906271131</a>
Fife	Yes 50 metres	<a href="https://online.fifedirect.org.uk/publications/index.cfm?fuseaction=publication.pop&amp;pubid=D83274FC-C73E-1C3F-0DC0EBC0D8A3FF19">https://online.fifedirect.org.uk/publications/index.cfm?fuseaction=publication.pop&amp;pubid=D83274FC-C73E-1C3F-0DC0EBC0D8A3FF19</a>
Glasgow City	Yes 150m	Except as otherwise directed by the Licensing Authority, no street trader shall engage in street trading within 150 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 the street trader. <a href="https://www.glasgow.gov.uk/article/17527/Street-Traders-Licence">https://www.glasgow.gov.uk/article/17527/Street-Traders-Licence</a>

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Highland	No	Exceptions of Inverness, Lochaber and Nairn Town centre defined areas. (Mapped areas)
Inverclyde	Yes 150 metres	<a href="https://www.inverclyde.gov.uk/law-and-licensing/licensing/taxi-and-civic-licensing/civic-licensing/street-trader">https://www.inverclyde.gov.uk/law-and-licensing/licensing/taxi-and-civic-licensing/civic-licensing/street-trader</a> PDF saved
Mid Lothian	Yes – 183m (200 yards)	The Licensee shall not occupy a stance within 200 yards of any shop or business premises in which are sold goods or articles of the same description as those sold by the Licensee. Word doc saved
Moray	No	100m from School only
North Ayrshire	Yes 50m	<a href="https://www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/Licensing/street-trading-conditions.pdf">https://www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/Licensing/street-trading-conditions.pdf</a>
North Lanarkshire	Yes 100m	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.
Orkney	Yes 100m	The licence holder shall trade no closer than 100 metres to a shop selling the same goods as the street trader. <a href="https://www.orkney.gov.uk/Files/Law-and-Licensing/Licences/Street-Traders/Street-Trader-Conditions.pdf">https://www.orkney.gov.uk/Files/Law-and-Licensing/Licences/Street-Traders/Street-Trader-Conditions.pdf</a>
Perth and Kinross Council	Yes 100m	A street trader shall not trade within 100 metres of a shop whose main goods or services for sale are of the same or a similar class as those offered by the street trader.
Renfrewshire	Yes 100m	The street trader shall trade no closer than 100 metres to a shop selling the same goods as the street trader.
Scottish Borders	Yes 100m	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.
Shetland	Yes 50m	
South Ayrshire	Yes 50m	Except as otherwise directed by the Council as aforementioned, no street trader shall engage in street trading 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 the street trader. The Council may 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 a direction shall not be effective until it is endorsed by the Head of Legal and Administration on the licence. Document saved
South Lanarkshire	No, only restriction is position in	You must not trade in front of, opposite or close to the window of any shop or business premises, or close to the window of any shop or business premises, unless the owner or tenant of the shop or business premises has given you their permission to do so. Document Saved

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	relation to other shops	
Stirling	Yes 50m	Except in exceptional circumstances no street trader shall engage in street trading 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, similar class and description as those to be sold or offered for sale by the street trader. The council may in their 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 a direction shall not be effective until it is endorsed by the Solicitor to the Council on the licence. Document saved
West Dunbartonshire	Yes 150m	Except as otherwise directed by the Council, no Street Trader shall engage in Street Trading within 150 meters of any establishment or premises in which are sold or offered for sale any goods or articles of the same or similar class and description as those to be sold or offered for sale by the Street Trader. The Council may in their sole discretion and on application, direct that the terms of the Condition shall not apply to a particular Street Trader in a particular Street or locality or area. Such a direction by the Council shall not be effective until it is endorsed by the Licensing Officer on the licence.
Western Isles	No	<a href="https://www.cne-siar.gov.uk/media/4080/streettrading.pdf">https://www.cne-siar.gov.uk/media/4080/streettrading.pdf</a>
West Lothian	Yes 100m	The licence holder, unless otherwise directed by the council as hereinafter provided, shall not engage in street trading within 100 metres of any establishment or premises in which are sold or offered for sale any article or service of the same or similar class and description as those to be sold or offered for sale by the licence holder. The licence holder shall not trade within 200 metres of school premises while they are being used as such. The council may, in their sole discretion and on application, direct that the terms of this condition shall not apply to a particular licence holder in a particular street or location, and such a direction shall not be effective until it is endorsed upon the licence by the council.

Local Authorities with distance restriction set in conditions (19/31) (61%) - Clackmannanshire not responded

50m set (7/31)	Aberdeenshire, East Ayrshire, Fife, North Ayrshire, Shetland, South Ayrshire, Stirling.
100m (6/31)	Angus, North Lanarkshire, Orkney, Renfrewshire, Scottish Borders, West Lothian
150m (4/31)	East Lothian, Glasgow, Inverclyde, West Dunbartonshire
183m (200yards)	Mid Lothian
250m	East Renfrewshire