



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 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, 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**

1.0	WATER SUPPLY
	Legal References: <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(c)(d)(e)&(f)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VII, (1)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VII, (4)</i>
1.1	General
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	Potable water must be used: <ul style="list-style-type: none">• for cleaning food;• for cleaning surfaces which may come into contact with food;• for cleaning hands;• for using as an ingredient in food and drinks;• for cooking of food;• any other operations where there is a risk of contaminating foodstuffs
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	Containers used for holding water and any associated pipework must be: <ul style="list-style-type: none">• made of food grade materials and be enclosed;• capable of being cleaned and disinfected;• readily identifiable as being for water use only and visibly different from any containers used for receipt and storage of waste water;• of sufficient capacity to store enough water for the business’ potable water needs
1.2	Hot water
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.
1.3	Ice
1.3.1	Utensils must be made from durable materials that will not present a foreign body hazard.
2.0	WASH BASINS
	Legal References: <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(a)</i>

2.1	Wash Basin Provision
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)
3.0	SINKS
	Legal References: <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(c)</i>
3.1	Sink Provision
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"> • Category 1 Unit - No sink required • Category 2 Unit – Minimum of 1 Sink Required <p>A sink will not be required in a Category 2 Unit in the following circumstances:</p> <ul style="list-style-type: none"> - 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 - Where there is an adequate provision of multiple/duplicate items of equipment, e.g. knives, spoons, tongs etc; and - 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.
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.
4.0	STRUCTURE AND EQUIPMENT
	Legal References: <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&d)</i>
4.1	Equipment Standard – Installation and Maintenance
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.
5.0	PROTECTING FOOD FROM CONTAMINATION
	<p>Legal References: <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(f)&(h)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter V, (1)(b)&(c)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter X</i></p>
5.1	Layout/Structure
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.
5.2	Food Protection
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.
6.0	PEST CONTROL
	<p>Legal References: <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(h)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (4)</i></p>
6.1	Exclusion of Pests
6.1.1	Mobile food units must be designed to prevent the access of pests.
7.0	WASTE
	<p>Legal References: <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(f)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VI (1-4)</i></p>
7.1	Waste - General
7.1.1	A suitable receptacle must be provided for the storage of waste materials on the unit.
7.2	Waste – Receptacles and Containers
7.2.1	The internal and external surfaces of non-disposable waste containers must be washable and in good repair.
7.3	Liquid Waste/Drainage
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.
8.0	TEMPERATURE CONTROL
	<p>Legal References:</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	Temperature Control – Facilities and Equipment
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.
9.0	VENTILATION
	<p>Legal References: <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.
10.0	LIGHTING
	Legal References: <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.