

Street Trading Policy

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	April 2022 – Previous policy documents updated and consolidated into one policy in the Corporate Template.

Table of Contents

1.	Why does the Council need this Policy?.....	3
2	Application and Scope Statement	3
3	Responsibilities	3
4	Supporting Procedures & Documentation	4
5	About this Policy	4
6	Risk.....	6
7	Environmental Considerations.....	6
8	Policy Performance	7
9	Design and Delivery	7
10	Housekeeping and Maintenance	7
11	Communication and Distribution	7
12	Information Management	7
13	Definitions and Understanding this Policy	8

1. Why does the Council need this Policy?

- 1.1 This Policy sets out how the Licensing Committee will exercise its functions under the Civic Government (Scotland) Act 1982 (the Act) in respect of street trading in Aberdeen City.
- 1.2 The Policy is designed to provide licence holders, prospective licence holders, members of the public and statutory partners with information on the Licensing Committee's general approach to the making of licensing decisions in respect of street trading.
- 1.3 The Policy will ensure that applications are administered in an open, transparent and consistent manner in order to reduce the risk of inconsistent decision making that could lead to reputational damage.

2 Application and Scope Statement

- 2.1 This policy applies to the grant and renewal of street trader licences as administered by the Licensing Team.
- 2.2 An applicant who wishes to depart from the terms of the Policy will be referred to the Licensing Committee. The Committee will expect compliance with the Policy but will consider any requests for exemptions on their own merits.

3 Responsibilities

- 3.1 The Chief Officer – Governance is responsible for managing this Policy and any supporting guidance.
- 3.2 It is the responsibility of the Team Leader – Licensing, Planning and Environment, to ensure that staff are aware of, and understand the contents of the Policy and to apply this Policy when determining Street Trader Applications.
- 3.3 It is the responsibility of Licensing Team to be aware of the contents of this Policy and to comply with it.
- 3.4 Any instances of non-compliance with the Policy should be reported to the Chief Officer – Governance. Applicants for a licence who wish to depart from the Policy will be referred to the Licensing Committee.
- 3.5 It is the responsibility of the Licensing Committee to be aware of the contents of this Policy.
- 3.6 Any feedback or suggestions for improvement of this policy should be communicated to the Licensing Team licensing@aberdeencity.gov.uk

4 Supporting Procedures & Documentation

- 4.1 The Guidance Note for Applicants will support the application of this Policy.
- 4.2 Further advice for Applicants can be accessed online [Street trader licence | Aberdeen City Council](#)

5 About this Policy

5.1 Street Trading

Local Authorities have a legal discretion to regulate street trading in their area. Aberdeen City Council have resolved to do so.

A street trader's licence is required for street trading by a person, whether on his own account or as an employee. This means that a licence is required for persons who are both employers and employees.

A street trading licence is not required for:

- the sale of newspapers only
- the sale of milk by or on behalf of a person registered under the Food Safety Act 1990
- the sale of coal or fuel derived from coal or coke
- any activity for which a certificate under the Peddler's Act 1871 has been granted
- any activity for which a more specific licence is required
- organising or participating in a public charitable collection

5.2 Fixed and Mobile Trading

Licence holders may trade from a fixed stance, mobile trading, or both.

In respect of fixed stance traders, any applications located in a residential area or at the South end of the Beach area will be referred to the Licensing Committee for a decision.

In respect of mobile traders, there are nine zones with the Aberdeen City area (see Appendix 1). The trading zones exclude city parks and council car parks. Trading is not normally permitted in Zone 9 (see Exclusion Zones below)

5.3 Locations

The proposed location of the activity should not present a significant risk to the public in terms of safety and obstruction. This would include consideration of factors such as: -

interference with sight lines for road users and access to pedestrian crossings, parking on double yellow lines.

5.4 Exclusion Zones

The Licensing Committee have designated the city centre (Zone 9) as an exclusion zone for street trading. There is a presumption against street trading in Union Street or any pedestrianised area in the city centre except where a special case can be made out by the applicant or licence holder.

5.5 Hot Food Vans

All applications for new hot food trader and new applicants for existing hot food stances require to be advertised in a local newspaper and on Tellme Scotland.

5.6 Commercial Need

The Licensing Committee will not give any consideration to the commercial need for the activity or to the number of other traders in the vicinity of the application site.

5.7 Submitting an application

Applications forms are available on the council website [Street trader licence | Aberdeen City Council](#). Applicants should refer to the Guidance Note of Applicants for advice on submitting an application.

5.8 Consultees

Before any licence is granted or renewed the Council will normally consult with the following consultees. A period of 28 days will be allowed for representations/objections to be received.

- Police Scotland
- Aberdeen City Council Environmental Health
- Aberdeen City Council Roads
- Ward Councillors (hot food applications only)

The Council may also make other enquiries with other departments as it sees fit.

5.9 Decision Making

The Chief Officer – Governance may determine applications for street trading licences under delegated powers. Delegated powers will not be used for any fixed stance hot food application located in a residential area/south end of the beach, for any traders

who wish to operate in Zone 9 or for an application that has attracted a representation or objection.

Where an application is referred to Committee the applicant and any objector will be afforded the opportunity to attend the meeting to state their case.

5.10 Grounds for Objection

It is possible to lodge an objection or representation concerning the grant or renewal of an application for a Street Trader licence. Advice on making an objection or representation can be found [Guidance Note for Making an objection or representation](#)

5.11 Duration of a Licence

A street trader licence will be issued for a 3-year period.

5.12 Conditions and Enforcement

Standard conditions will be attached to every licence. The conditions detail the licence holder's responsibilities and can be viewed here [Street Trader Licence Conditions](#). Additional conditions may also be attached, any additional conditions will be reasonable and enforceable. Failure to comply with conditions may lead to the suspension or revocation or non-renewal of a licence. Engaging in street trading (as defined in the Act) without a licence is a Criminal Offence and may be reported to Police Scotland.

6 Risk

6.1 This policy and its supporting documentation will manage the following risks:

- **Reputational Risks** – The policy and supporting documentation sets out how the Licensing Committee will exercise its functions under the Civic Government (Scotland) Act 1982 (the Act) in respect of street trading in Aberdeen City in order to reduce the risk of inconsistent decision making that could lead to reputational damage.
- **Compliance Risks** -This policy helps to ensure that the Licensing Authority complies with its resolution to licence street traders. The policy therefore reduces the risk of non-compliance with its decision to licence street traders.

7 Environmental Considerations

7.1 This Policy does not relate to, nor have an impact on, any environmental factors. Licence holder's responsibilities in terms of environmental factors and can be viewed here

Street Trader Licence Conditions. An Environmental Assessment was not undertaken.

8 Policy Performance

- 8.1 The number of customer or member complaints regarding the application of the Policy and the number of appeals lodged where the appeal relates to the Policy and its application will be used to monitor the performance of the Policy will be used to monitor the performance of the policy. This will be reported to the Licensing Committee in the Annual Committee Effectiveness Report.
- 8.2 Where there is a departure from Policy, the Committee decision will be set out in the Minutes of the Committee and will provide reasons for that decision.

9 Design and Delivery

- 9.1 The Policy and supporting documents are aligned to support delivery of the Council's statutory obligations under the Civic Government (Scotland) Act 1982.

10 Housekeeping and Maintenance

- 10.1 This Policy is an update to existing policies and is consolidating said policies into one document.
- 10.2 The Chief Officer, Governance will review this Policy on an annual basis. It will, however, be subject to continual review and amendment. Changes to the Policy will only be put into effect following consultation with the Licensing Committee and licence holders.

11 Communication and Distribution

- 11.1 The Policy will be published online for licence holders and prospective licence holders.
- 11.2 The Licensing Team will provide links to the policy to anyone that enquires about Street Trader Licences.
- 11.3 The published Policy will be promoted through social media channels and the External Communication Team.

12 Information Management

- 12.1 The information generated by the application of the Policy will be managed in accordance with the Council's Corporate Information Policy and supporting procedures

13 Definitions and Understanding this Policy

- 13.1 **Street trading** is defined as hawking, selling or offering or exposing for sale any article or offering to carry out, or carrying out for money or money's worth any service in a public place. It includes doing any of these things from a vehicle, a kiosk or a moveable stall not entered in the valuation roll.
- 13.2 **Fixed stance** trader means any trader licensed to trade at a fixed location within Aberdeen City.
- 13.3 **Mobile trader** means any trader licensed to trade within Aberdeen City Council's street trading zones.
- 13.4 **The licence** holder means the person named in the licence.
- 13.5 **Licensing Committee** means the Licensing Committee of Aberdeen City Council.
- 13.6 **Residential area** means an area or land which is predominantly housing, as opposed to industrial and commercial.
- 13.7 **South end of the Beach area** means from the roundabout at the Southern Spur of Links Road, where it intersects with Beach Esplanade to where New Pier Roads intersects with Beach Esplanade.