1 A Temporary Street Trader's Licence shall be required for street trading by a person whether on his own account or as an employee.

2 Street trading means doing any of the following things in a public place:-
   (a) hawking, selling, or offering or exposing for sale any article; or
   (b) offering to carry out or carrying out for money or monies 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 except where it is done in conjunction with or as part of a retail business being carried on in premises abutting the public place.

3 A Street Trader's Licence shall not be required for:-
   (a) the sale of newspapers only;
   (b) the sale of milk by or on behalf of a person registered under Section 7 of the Milk and Dairies (Scotland) Act 1914;
   (c) the sale of coal, coke or any solid fuel derived from coal or of which coal or coke is a constituent;
   (d) any activity in respect of which a certificate under the Pedlars Act 1871 has been granted;
   (e) any activity in respect of which a Licence is required under this Act apart from this Section; or
   (f) organising or participating in a public charitable collection within the meaning of sub-section (16) of Section 119 of the Act in accordance with permission granted under that Section.
Where an application for a Street Trader’s Licence is made in respect of an activity which consists of or includes food business within the meaning of regulations made under Section 16 of the Food Safety Act 1990, a certificate must be produced stating that the vehicle, kiosk or moveable stall complies with the regulations.

Where an application for a street trader’s licence is made in respect of the cleaning of wheeled bins, or any other process that produces water based effluent, the wash water must be disposed of through a foul sewer at business or domestic premises which must be approved in advance in writing by Scottish Water and the Council’s Commercial Waste Officer. Any chemicals used in the process should also be approved in writing in advance by them. A pro-forma is available for this purpose.

Contact persons are as follows:

Scottish Water
David King, 55 Buckstone Terrace, Edinburgh EH10 6XH
Tel: 0131 445 6391

Commercial Services
Midlothian Council
W Reid or G Wright
Tel: 0131 561 5334

In respect of cleaning operations, as little detergent as possible should be used so as to reduce the level of toxicity ie Hand wash rather than jet wash. Care needs to be taken to minimise the detrimental effects on the environment. If there are more than a few operations in one street, consent will be needed from Scottish Water for portable wash bay disposing of waste via foul sewer. If a portable unit is used, the waste water should be pumped into a transit tank from the interceptor. If the operation is carried out at a Garage, the permission of Scottish Water is required. Form H is available from the Scottish Water Web site http://www.scottishwater.co.uk.

In terms of the Children and Young Persons Act 1937, licences will not be granted to children under the age of 17 years.

All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.

Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED including those not resulting in imprisonment or fines e.g. Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.

If you are unable to provide this information you are advised to delay the submission of the application. You can make application for a list of convictions recorded against you at any Police Station on payment of a fee of £10. Some form of identity should be produced when making application for this. The list will not include driving offences, e.g. speeding, etc. The Police normally take 10-15 days to process applications in respect of convictions imposed in Scotland - convictions imposed in England will require separate application and the process will take 15-30 days.

Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.
Completed application forms must be accompanied by cheques/postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Buccleuch House, 1 White Hart Street, Dalkeith.

The fee is £142.00 for all applications which require vehicle inspection and £66.00 if no vehicle inspection required. On receipt of the application, the Council will consult the Chief Constable and he will report on the background of the individual. If authority is given for the grant of the Licence, the Licence will be issued.

When licensed, all licensees are required to carry with them an Identification Card bearing their photograph.

If you intend to trade in a trunk road layby, please contact the Scottish Office Industry Department, Roads Directorate, Victoria Quay, Leith, Edinburgh EH6 6QQ, before submitting your application. They do not generally discourage Mobile Traders provided such trading does not constitute or create a danger to trunk road traffic. They will insist that (a) the lay-by should be kept free of litter; (b) there should be no advertising on verges etc; and (c) trading should take place only during hours of daylight.

There is attached a statement that has been provided by Scottish Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.

Business Gateway
If you are starting a business, or if you already run your own business and could use some extra support and advice please contact Business Gateway Dalkeith, Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN, tel 0131 271 3377 (by e-mail to bg@midlothian.gov.uk) for a single access point to the whole range of support services for businesses provided by Midlothian Council, Scottish Enterprise, the Scottish Government and other partner organisations
Business Gateway opening hours are Monday to Thursday, 9am – 5pm and Friday, 9am – 3.30pm

National Fraud Initiative

"Information supplied in this form may be given to HM Revenue & Customs (HMRC) and other agencies investigating potential criminal activity. Midlothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information please visit www.midlothian.gov.uk and search for “National Fraud Initiative” or contact Kathleen Leddy, Revenues Manager, Security & Systems, Buccleuch House, Dalkeith, Midlothian EH22 1DJ on 0131 271 3570 or by emailing to: kathleen.leddy@midlothian.gov.uk"