

Agenda Item	6
Report No	HLC/071/13

## Street Traders Licence Conditions

### Report by the Legal Manager

#### Summary

This Report invites members to agree an amendment to the standard conditions for a street traders licence.

#### **1.0 Background**

1.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for any person operating as a street trader.

1.2 A standard set of licence conditions are attached to all street traders licences issued, a copy of which is attached in Appendix 1.

#### **2.0 Amendment to Condition 8**

2.1 Following an enquiry received and for the avoidance of doubt Members are asked to agree that the restriction in relation to a street trader operating a certain distance away from a shop selling the same or similar goods or services as detailed in Condition 8 be extended to include restaurants, cafes and takeaways.

2.2 It is therefore proposed that the revised Condition 8 would read as follows:

‘A Street Trader shall not carry on business as such within 150 metres of a shop, restaurant, café or takeaway (whilst open) (the distance to be measured in a straight line from the main entrance of the shop, restaurant, café or takeaway or, where there is more than one entrance, from the customers’ entrance nearest to the street trader’s vehicle, stall or pitch, as the case may be) or within 25 metres of another street trader, where the street trader is dealing in goods or services of the same or of a similar class or description as the goods or services provided in the shop, restaurant, café or takeaway or by the other street trader, unless he/she has the agreement of the business operating that shop, restaurant, café or takeaway or of the other Street Trader.’

#### **3.0 Process**

3.1 If agreed the revised condition can be implemented immediately and would apply to all new and renewed licences issued from this date.

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**4.0 Recommendation**

**4.1** The Committee is invited to agree the amendment to Condition 8 of the standard Street Traders licence conditions as detailed in Paragraph 2.2 above.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 19 August 2013

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1 – Copy of Standard Street Traders Licence Conditions

## APPENDIX 1 to STREET TRADER LICENCE REPORT



### THE HIGHLAND COUNCIL

#### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

#### STREET TRADER'S LICENCE: SCHEDULE OF CONDITIONS

1. The trader shall be permitted to trade at the undernoted location(s) in the area of the Highland Council, but with the exception of trading in the areas defined below.

**LOCATION: HIGHLAND COUNCIL AREA**

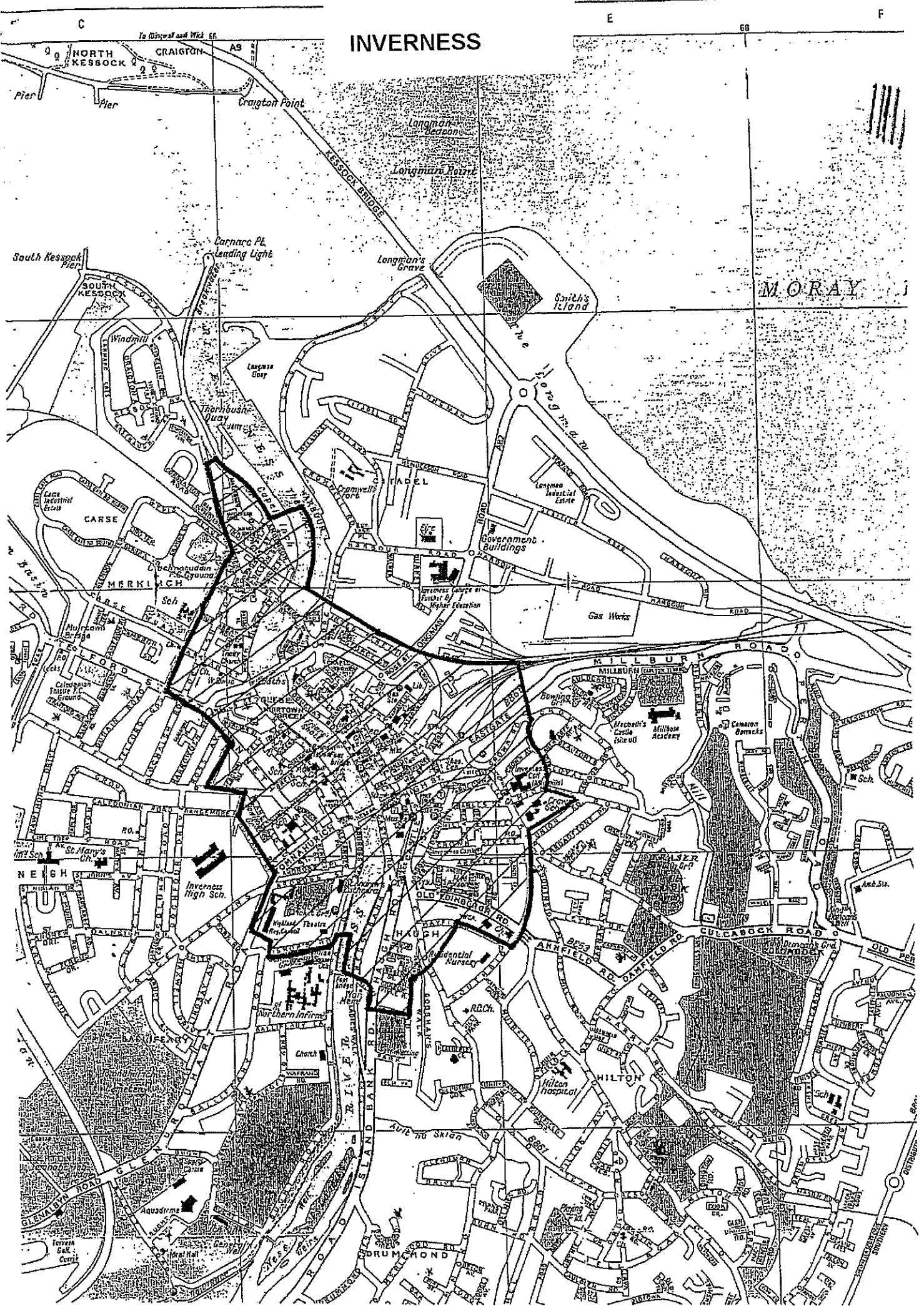
**EXCEPTIONS:**

- (i) **Lochaber Area:** See attached Map
  - (ii) **Inverness Area:** See attached map
  - (ii) **Nairn Area:** See attached Map
2.
  - (a) The Street Trader shall at all times, while he is engaged in street trading, have with him the Street Trader's badge issued by the Licensing Authority and shall wear his said badge displayed conspicuously on his outer garment, with the lettered side outermost, so that the whole writing thereon shall be distinctly legible, and shall exhibit said badge on demand to any customer, constable in uniform or any other officer authorised by the Licensing Authority.
  - (b) In the event of the suspension by the Licensing Authority, surrender or revocation of his licence, the Street Trader shall forthwith return his badge to the Licensing Authority.
3. The Street Trader shall not lend or allow any other person to use his licence or badge.
4. The Street Trader shall not in any way alter, erase or deface his licence or badge.
5. The Street Trader, when using a vehicle, or moveable stall, shall
  - (a) ensure that at all times the said vehicle, or moveable stall can be speedily and easily removed;
  - (b) Ensure that the said vehicle, or moveable stall is in safe, serviceable and clean condition.
6. The Street Trader shall make arrangements to the satisfaction of the Licensing Authority for the removal and disposal of litter and other refuse arising from his undertaking.

## **APPENDIX 1 to STREET TRADER LICENCE REPORT**

7. The Street Trader shall comply with any order or instruction given by any constable for the prevention of obstruction or annoyance to the public in connection with any emergency or disturbance or on any occasion when such constable in his discretion may consider it necessary in the public interest to give such an order or instruction.
8. A Street Trader shall not carry on business as such within 150 metres of a shop (whilst open) (the distance to be measured in a straight line from the main entrance of the shop or, where there is more than one entrance, from the customers' entrance nearest to the street trader's vehicle, stall or pitch, as the case may be) or within 25 metres of another street trader, where the street trader is dealing in goods or services of the same or of a similar class or description as the goods or services provided in the shop or by the other street trader, unless he/she has the agreement of the business operating that shop or of the other Street Trader.
9. Unless authorised otherwise by the Licensing Authority and subject to any other limitations within an Order made in terms of the Shops Act, 1950, street trading shall not commence earlier than 7.00am and shall cease not later than 11.00pm.
10. The Street Trader shall not employ or appoint for the purpose of street trading within the Area any person who does not hold a Street Trader's Licence.
11. The Street Trader making use of a vehicle or stall shall, on receiving requisite notice in writing from the Licensing Authority, present his vehicle or moveable stall for inspection as to its continued suitability, at such time and place as may be reasonably required by the licensing authority, and meet the inspection fee.

# INVERNESS



LOCHABER AREA EXCLUSION  
OUTLINED IN BLACK

