

The Highland Licensing Committee

Meeting – 5 November 2013

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| Agenda Item | 8.1 |
| Report No | HLC/079/13 |

Application for Grant of a Street Trader's Licence – Stuart L W Noakes

Report by the Legal Manager

Summary

Members are asked to give consideration to an application for the grant of a street trader's licence lodged by Stuart L W Noakes.

This item is subject to a formal hearing procedure.

1.0 Background

1.1 The Highland Council resolved that in terms of the Civic Government (Scotland) Act 1982 a licence is required for street trading by a person, whether on his own account or as an employee.

2.0 Process

2.1 An application for the grant of a street trader's licence was received on 7 June 2013 from Stuart L W Noakes for an ice cream van.

2.2 In terms of Section 3(1) of the abovementioned Act the application requires to be determined within 6 months i.e. by 7 December 2013 otherwise the licence will be granted unconditionally for a period of 12 months.

2.3 Following receipt of this application a copy of the same was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Roads Service
- Environmental Health Service

No objections have been received.

2.4 However, Environmental Health have been unable to pass the vehicle in terms of food hygiene legislation as the applicant has been working abroad. Environmental Health has advised that the van will be inspected on Monday 28 October 2013.

2.5 A copy of this Report has been sent to the applicant who, in the terms of Paragraph 4(2) of the Civic Government (Scotland) Act 1982, has been invited to attend and will be provided with an opportunity to be heard by the Committee. The applicant has also been advised of the procedure which will be followed at the meeting.

3.0 Determining Issues

3.1 Section 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a Licensing Authority may refuse an application to grant or renew a licence where:

- The applicant or anyone else detailed on the application is not a fit and proper person
- The activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused
- Where the application relates to a premise, vehicle or vessel that the location, character or condition of the same is not suitable
- The nature and extent of the proposed activity is not suitable
- The kind of persons likely to be in the premises are not suitable
- Where there is the possibility of undue public nuisance, public order or public safety
- Where there is other good reason

3.2 If required the Legal Manager will offer particular advice on the criteria relating to this particular application.

4.0 Policies

4.1 The following policies are relevant to this application:

Highland Council Street Trader's conditions. A copy of these can accessed at www.highland.gov.uk/businessinformation/licensing/civicgovernmentlicensing or a hard copy can be supplied where requested.

Recommendation

Members are **invited** to give consideration to the above application.

If Members are minded to grant the licence, consideration could be given to an additional condition being imposed that the licence will not come into effect until a food hygiene certificate has been granted as detailed in paragraph 2.4 above.

Designation: Legal Manager
Officer Reference: Lisa Donaldson
Date: 22 October 2013

Background Papers: Civic Government (Scotland) Act 1982

Appendix: None