

The Highland Licensing Committee

Meeting - 13 May 2014

Agenda Item	7.1
Report No	HLC/030/14

Application for the Variation of a Street Trader's Licence – Richard MacLean (Ward 15 – Inverness Central)

Report by the Legal Manager

Summary

This Report relates to an application for the variation of a Street Trader's 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 carrying out the activity of street trading.
- 1.2** Members may recall that at the last meeting of the Committee held on 1 April 2014 consideration of this application was deferred to a future meeting of the Committee at the request of the licence holder.

2.0 Licence Holder

- 2.1** Mr Richard MacLean currently holds a street trader's licence in relation to the sale of ice cream, soft drinks, confectionary, crisps, hot dogs, pies, sausage rolls, pot noodle, tea and coffee. In terms of his current licence he is permitted to operate on a mobile basis throughout Highland with the exception of the areas identified in the attached plans in Appendix 1.

3.0 Conditions

- 3.1** In terms of the Council's street trader's licence policy any application which relates to trading within the Inverness City Centre requires to be submitted to the Highland Licensing Committee for consideration.

4.0 Requirements

- 4.1** To enable a trader to operate from a fixed location, be it on a permanent or semi-permanent basis, they would require a number of permissions/consents to do so, these include:
- Consent from the landowner to occupy the area requested.
 - Where the activity is to be operated from a location for more than 28 days in a year then planning permission may be required.

- Consent in terms of the street trader's licence to operate from the location.

5.0 Application for Variation

5.1 Mr MacLean has submitted an application for variation of his street trader's licence. The variation relates to permission to locate his catering van within Inverness City Centre, namely at Inverness Castle, Falcon Square and Bank Street. See plans attached in Appendix 2.

5.2 Mr Maclean also requested that an additional person be added to his licence who would operate the van when he was unable to. However in terms of the legislation any employee or other persons who are operating as a street trader require to hold their own licence for the activity. It is not permitted to have multiple persons detailed on the one licence. Mr MacLean has been advised of this.

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

- Police Scotland
- Highland Council Environmental Health Service
- TEC (Roads)

6.1 Police Scotland and the Environmental Health Service have no objections to the variation request.

6.2 TEC Services have advised that Falcon Square and the Castle grounds do not fall under their jurisdiction.

6.3 In relation to Bank Street TEC Services advise that the area on Bank Street, located next to Bank Lane has recently been altered as part of the streetscape improvement works associated with the current flood defence project. TECS have provided a photo showing that the kerbing and slabs that have recently been removed (Appendix 3).

6.4 They confirm that from this it can be seen that Bank Street has existing traffic restrictions placed upon it and is defined as being traffic sensitive and currently forms part of the construction site of the Flood Defence and Associated Streetscape Project. They also have concerns that any vehicle, or trailer, parked at this location will compromise the visibility available to vehicles exiting Bank Lane, and this is a safety issue.

6.5 They have also advised that they have not granted any consent to Mr MacLean to site his van in this location and notwithstanding any decisions made by others, TEC Services, as Roads Authority, have powers under the Roads (Scotland) Act 1984 and the Road Traffic Regulation Act 1984, which allow for the removal of obstructions from the public road.

6.6 The Council's Housing and Property Service who manage the area at the Inverness Castle grounds have advised that they do not wish to enter into a lease agreement to allow a catering van to operate within this area.

6.7 Mr MacLean has also been advised that in order for him to operate on Falcon Square he must gain the consent of the Eastgate Centre management who own this area. Mr MacLean has advised that he has now received consent from the Eastgate Management to operate in this area.

7.0 Policy

7.1 As indicated in above Paragraph 3.0 above in terms of the street traders licensing policy where an application is received where the applicant wishes to trade within the Inverness Centre then the application requires to be referred to the Highland Licensing Committee for determination.

8.0 Recommendation

8.1 The Committee is invited to determine the variation request.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 28 April 2014

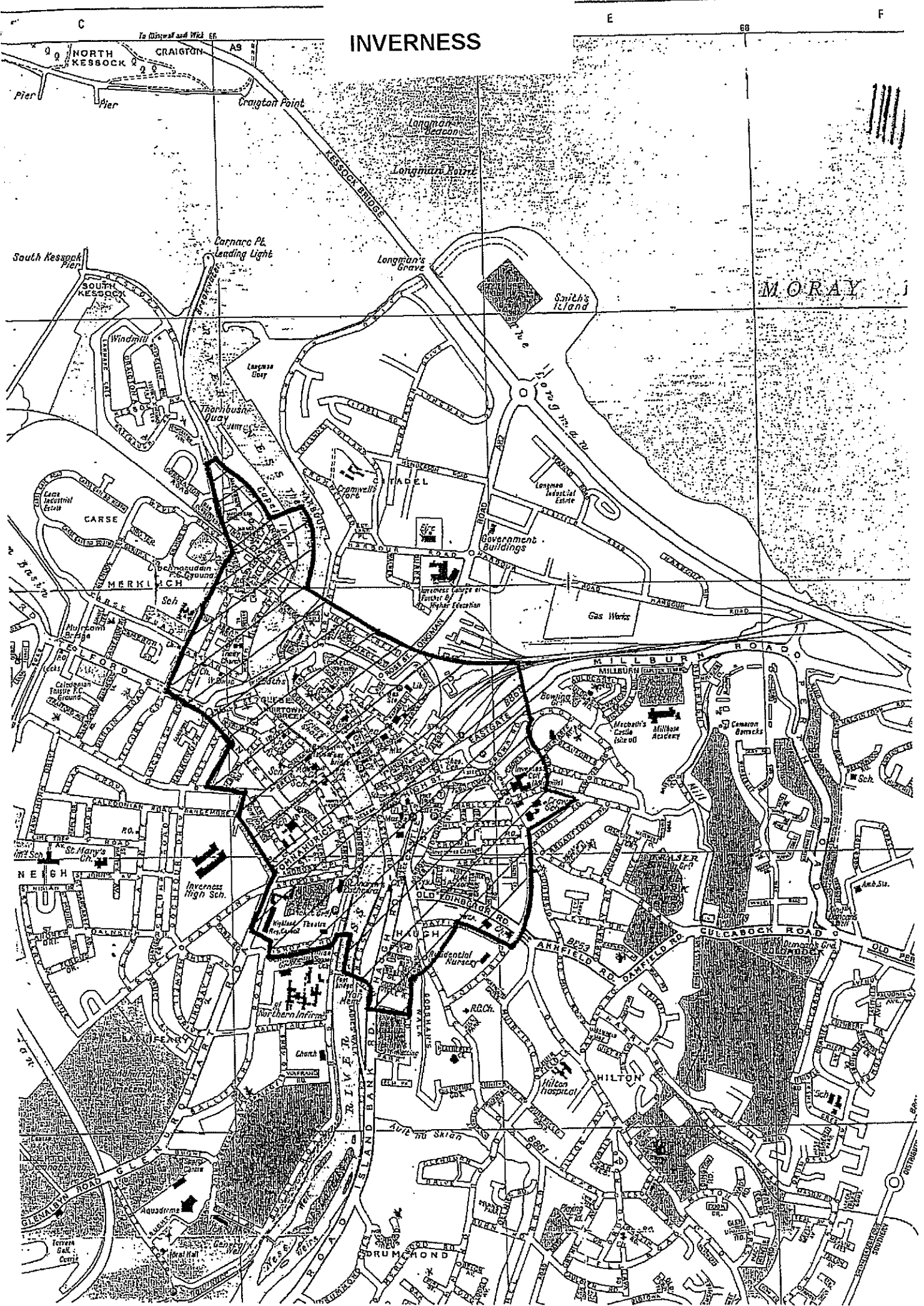
Background Papers: Civic Government (Scotland) Act 1982

Appendix 1 – Street Traders restriction areas

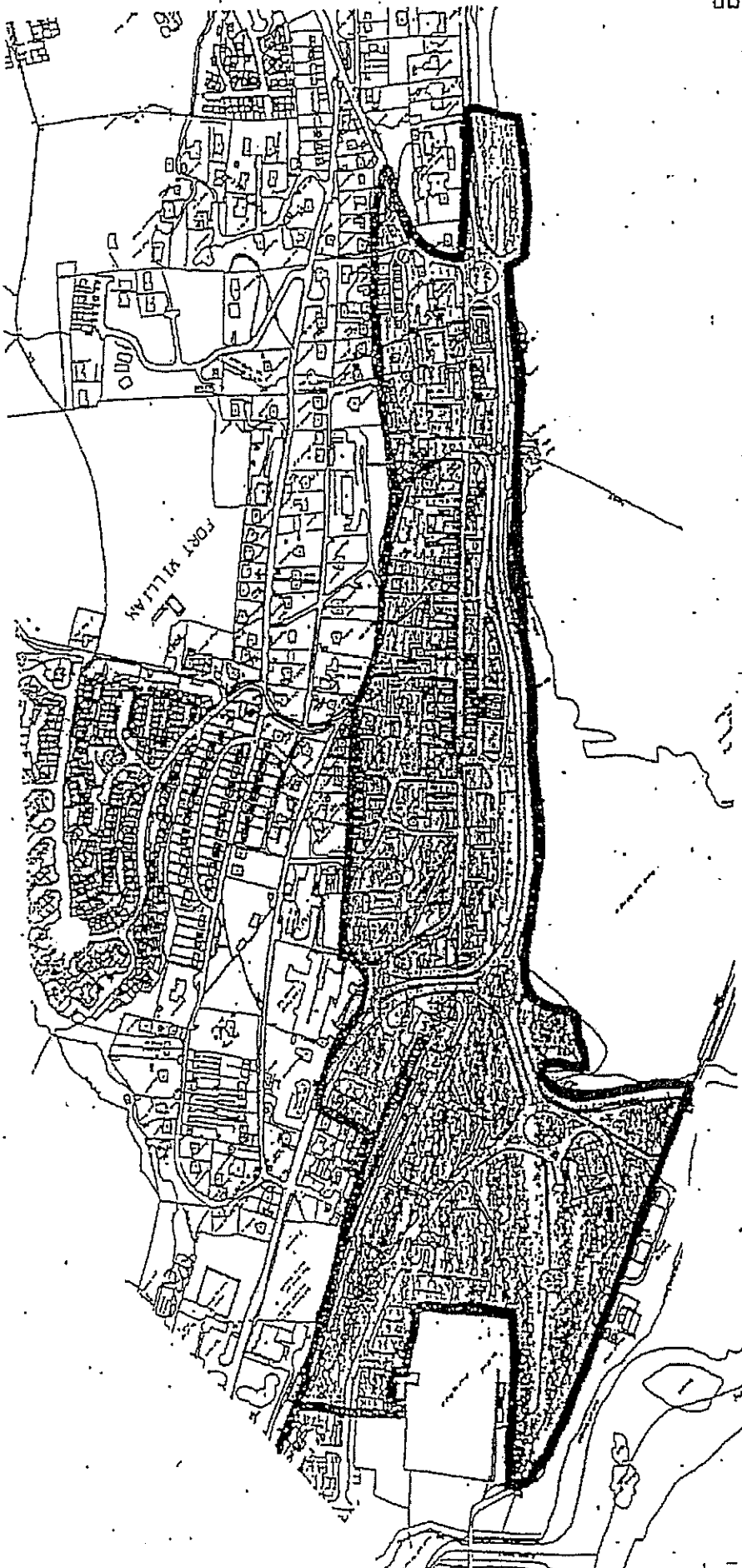
Appendix 2 – Plan showing locations requested by licence holder

Appendix 3 – TEC's Photo

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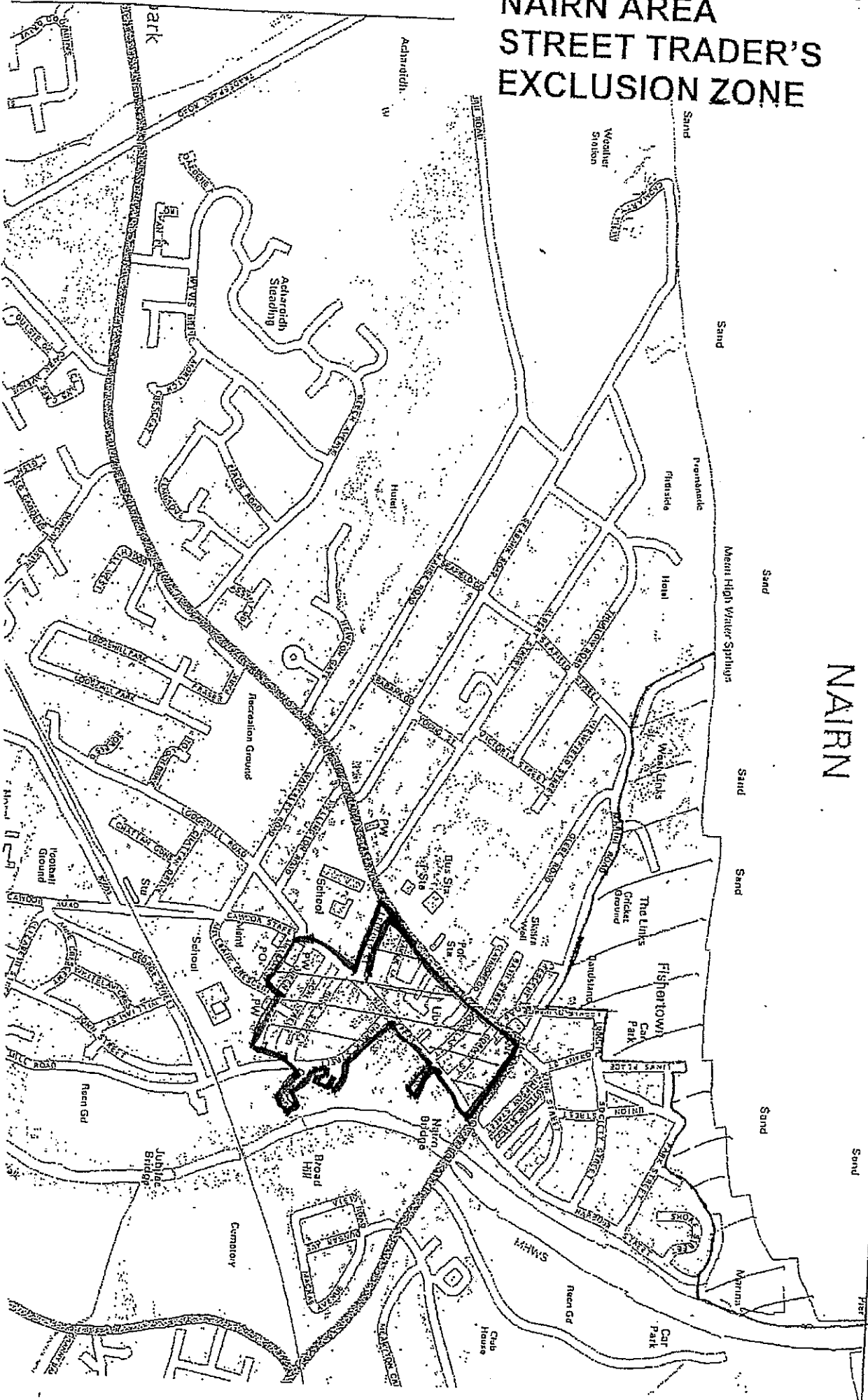


LOCHABER AREA EXCLUSION
OUTLINED IN BLACK

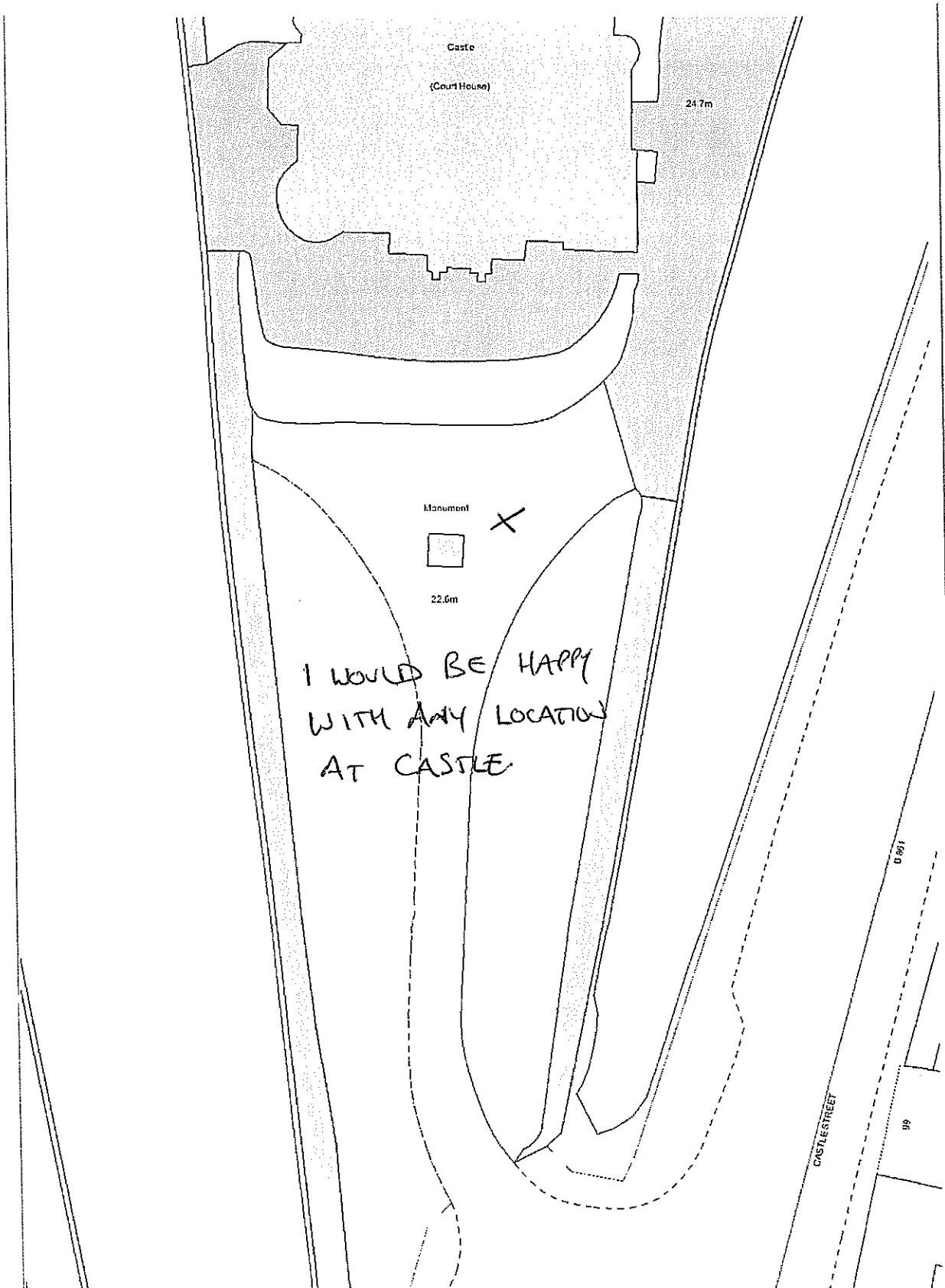


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NAIRN AREA STREET TRADER'S EXCLUSION ZONE

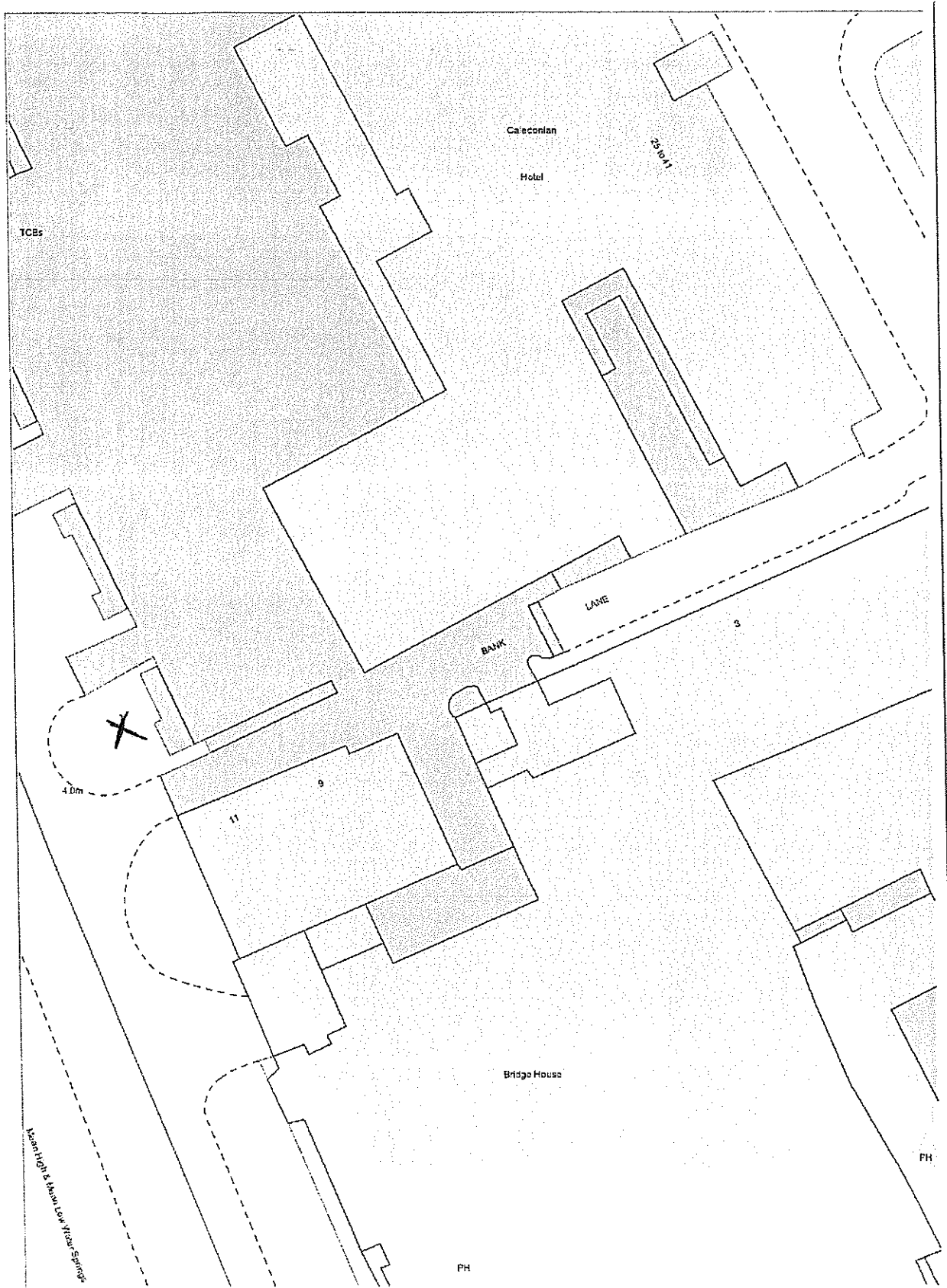


NAIRN



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