

**The Highland Licensing Committee**

**Meeting – 11 August 2015**

Agenda Item	<b>9.1</b>
Report No	<b>HLC/069/15</b>

**Application for the grant of a street trader’s licence – Lindsay MacLean  
(Ward 12 – Caol and Mallaig)**

**Report by the Legal Manager**

**Summary**

This Report relates to an application for the grant of a street trader’s licence.

This item is subject to a formal hearing procedure

**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 will recall that consideration of this application was deferred from their Meeting held on 16 June 2015.

**2.0 Application**

**2.1** On 9 April 2015 an application for the grant of a street trader’s licence was received from Lindsay MacLean.

**2.2** In accordance with Condition 9 of the street trader’s schedule of conditions, street trading shall not commence earlier than 0700 hours and shall cease not later than 2300 hours, unless otherwise authorised by the Licensing Authority.

**2.3** Within the application, Ms MacLean initially applied to trade as follows:

- Sunday to Thursday: 0900 hours to 2300 hours
- Friday & Saturday: 0900 hours to 0230\* hours the following day for the purposes of providing food and refreshments to local events in the Mallaig, Morar and Arisaig areas.

\*Ms MacLean subsequently requested by email dated 12 June 2015 that the terminal hour applied for on Friday and Saturday be reduced from 0230 hours to 0100 hours.

### **3.0 Process**

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

- Police Scotland
- Highland Council Planning Service
- Community Services (Roads)

**3.2** No objections have been received although Community Services (Roads) have requested that the following additional conditions be attached to any licence granted:

1. Due to Traffic Order restrictions, no trading is permitted in Council Car Parking areas.
2. No trading is permitted in locations that would cause an obstruction either by the traders or customer vehicles.
3. The trader is required to clear up and dispose of any litter generated from their sales.

Condition 6 within the street trader's licence schedule of conditions addresses point 3 above namely:

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/her undertaking.

**3.3** The application has not been circulated to Community Services (Environmental Health) as the applicant has not yet acquired a vehicle until the outcome of her application is known.

An application for a Certificate of Compliance from Environmental Health will be applied for if the application is approved.

### **4.0 Objection**

**4.1** A letter of objection dated 30 April 2015 was previously received from Police Scotland in relation to the application.

Whilst Police Scotland initially objected to the application, they did however intimate that should the applicant not come to the attention of the Police in the following three months, Police Scotland would have no objections to the application.

Police Scotland have subsequently confirmed by letter dated 21 July 2015 that the applicant has not come to the attention of the Police and therefore they have no objection to the application.

**4.2** A copy of this Report has been sent to Ms MacLean.

**4.3** Given that the hours applied for are outwith policy, Ms MacLean has been invited to attend the meeting and has been provided with a copy of the hearings procedure which will be followed at the meeting.

## **5.0 Determining of Application**

**5.1** In terms of Section 5(3) of Schedule 1 of the abovementioned Act, the Committee may refuse an application for licence where it deems the applicant not to be a fit and proper person to hold such a licence.

## **6.0 Policies and Conditions**

**6.1** The following policies are relevant to this case:

Standard Street Trader Licence conditions. A copy of these can be accessed via the undernoted link or a hard copy supplied where requested:

[http://www.highland.gov.uk/info/1125/licences\\_permits\\_and\\_permissions/300/trade\\_and\\_industry\\_licences/7](http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/300/trade_and_industry_licences/7)

## **7.0 Recommendation**

**7.1** The Committee is invited to determine the application in accordance with the Council's Hearings Procedure.

If the Committee is minded to approve the application, the Committee is also invited to determine:

- (a) the trading hours sought by the applicant as outlined at para. 2.3 above and,
- (b) the additional conditions requested by Community Services (Roads) at para. 3.2 above.

Designation: Legal Manager

Officer Reference: AHM/JT

Date: 27 July 2015

Background Papers: Civic Government (Scotland) Act 1982