

The Highland Licensing Committee

Meeting - 9 August 2016

Agenda Item	8.1
Report No	HLC/065/16

Application for the grant of a street trader's licence – Zsolt Csipkes (Ward 15 – Inverness Central)

Report by the Principal Solicitor

Summary

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

This application 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.

2.0 Application

2.1 On 16 May 2016 an application for the grant of a street trader's licence was received from Zsolt Csipkes.

2.2 The applicant has indicated that he wishes to sell popcorn, candyfloss and handmade jewellery from three locations within Inverness City Centre. A location map is attached in Appendix 1 showing the proposed locations of trade in Inglis Street, High Street and Eastgate. The Council's consent, through Community Services (Roads) is required for trading from each of those locations. It should be noted that the applicant was hoping also to trade from Falcon Square which is owned and managed by the Eastgate Centre whose consent to operate from there would be required. However, Eastgate Centre has refused consent for him to trade from that location.

2.3 The applicant has also been advised that if he is proposing to trade from a particular location for more than 28 days in the year he may require planning consent. The applicant was encouraged to contact the planning service if this were the case.

2.4 The applicant was also advised of condition 8 of the standard street traders licence conditions which states:

`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

2.5 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’.

A letter, together with follow up information, sent on behalf of the applicant dated 15 July 2016 has been received, a copy of which is attached at Appendix 2.

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 Environmental Health Service
- Community Services (Roads)

3.2 There have been no objections/representations received from Police Scotland or other third parties in relation to this application.

3.3 With regard to Council consultees, the Environmental Health Service have advised that they would require the applicant to submit a satisfactory electrical safety certificate.

3.4 Separately, Community Services (Roads) have advised that they would not be prepared to consent to the applicant trading in Inglis Street or High Street. This is because of problems encountered when the Continental Market was last in Inverness which resulted in a request for Community Services (Roads) to ensure that Inglis Street and High Street be kept clear of market stalls. They have also indicated that they are supportive of street traders operating in the Eastgate area, but only on an infrequent basis and not as a permanent arrangement. Further clarification of Community Services (Roads)’s position on this is being sought and an update will be provided to the Committee at the meeting.

4.0 Policy

4.1 In terms of the street traders licensing policy where an application is received where the applicant wishes to trade within the Inverness Centre as defined by the attached plan, contained in Appendix 3, then the application requires to be referred to the Highland Licensing Committee for determination.

5.0 Policies

5.1 The following policies are relevant to this case:

Standard Street Traders Licence conditions. A copy of these can accessed at http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/300/trade_and_industry_licences/7

or a hard copy can be supplied where requested.

6.0 Recommendation

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

Designation: Principal Solicitor – Regulatory Services

Officer Reference: Michael Elsey

Date: 18 July 2016

Background Papers: Civic Government (Scotland) Act 1982

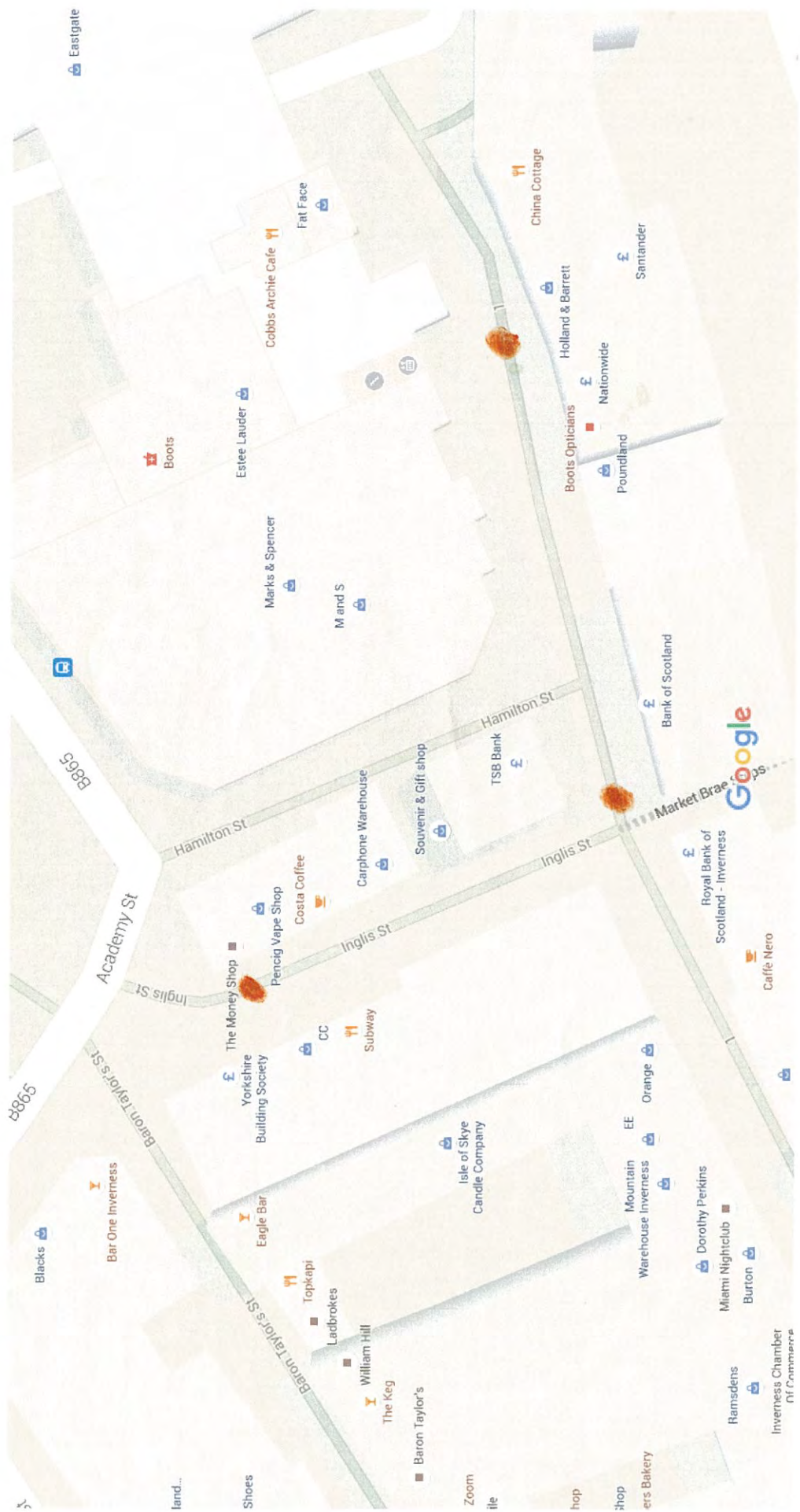
Appendix 1 – Proposed location of trade

Appendix 2 – Letter received on behalf of the applicant dated 15 July 2016

Appendix 3 – Map of Street Traders Inverness City Centre Zone

Possible selling locations
 in support of application for street trader's license
 (Zooit (sites))

Google Maps Possible locations for selling



Map data ©2016 Google 50 ft

Google Maps

Mr Michael Elsey
Highland Council Licensing Board
Town House
Inverness
IV11JJ

15/7/2016

Dear Mr Elsey,

Follow up information for street traders' licence application

Thank you for your letter of 25/5/2016 and 5/7/2016 and the information you have provided in regards to the application process.

An extensive market research was carried out and all 9 food and drink businesses that trade from within 150 m radius of the proposed location were approached and gave their written consent (please see form attached).

The vehicle has been inspected by Environmental Health on 23/6/2016 and PAT tested on 15/7/2016.

The application has in the meantime been submitted to Planning for Pre-Application Advice for local developments, and was registered on 16/6/2016, acknowledgement letter received on 25/6/2016.

Eastgate was contacted in relation to trading from Falcon Square on 1/6/2016 however the application was rejected as they no longer take bookings from catering businesses in this area. They suggested booking a RMU inside Eastgate instead, for the purpose of selling jewellery from, which might be an option later, depending on demand.

Yours sincerely,



B Dombi

RECEIVED
18 JUL 2016

Market research

Street Trading in the City Centre of Inverness



RECEIVED

18 JUL 2016

Do you have any objections to a street trading business selling popcorn and jewellery in Inglis street?



Please circle as appropriate

Yes

No

Signed

Date

[Redacted Signature]
12/7/2016



Please circle as appropriate

Yes

No

Any additional comments

Signed

Date

[Redacted Signature]

12/07/2016

Max's 2

Please circle as appropriate

Yes

No

Any additional comments

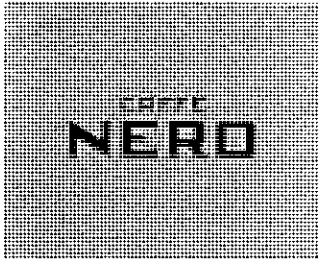
Signed

Date

[Redacted Signature]

___/___/2016

Do you have any objections to a street trading business selling popcorn and jewellery in Inglis street?



Please circle as appropriate

Yes

No

Any additional comments

Signed

Date 12/07/2016



Coast to Coast American Restaurant & Bar

Please circle as appropriate

Yes

No

Any additional comments

Signed

Date 12/07/2016

Lettuce Eat Sandwich Shop

Please circle as appropriate

Yes

No

Any additional comments

Signed

Date 11/27/2016

Do you have any objections to a street trading business selling popcorn and jewellery in Inglis street?



Please circle as appropriate

Yes

No

Any additional comments

[Redacted]

Signed

Date 12 / 07 / 2016



Please circle as appropriate

Yes

No

Any additional comments

Signed [Redacted]

Date 12 / 07 / 2016



Please circle as appropriate

Yes

No

Any additional comments

Signed [Redacted]

Date 12 / 07 / 2016

INVERNESS

