

Agenda item	8.1
Report no	HLC/058/17

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 3 October 2017

Report title: Application for the grant of a street trader's licence – Wendy Ford (Ward 14 – Inverness Central)

Report by: The Principal Solicitor – Regulatory Services

1.0 Purpose/Executive Summary

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

2.0 Recommendation

2.1 Members are asked to determine the application in accordance with the Council's Hearings Procedure.

3. Background

3.1 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.

4. Application

4.1 On 7 June 2017 an application for the grant of a street trader's licence was received from Mrs Wendy Ford.

4.2 The application is in respect of the promotion and sale of tours around Highland from outside 36 High Street, Inverness, see plan attached in Appendix 1.

4.3 There are currently three other street traders who are permitted to sell tours within the City Centre.

4.4 Condition 8 of the standard street traders licence conditions states that a street traders shall not carry on business within 25 metres of another street trader, dealing in goods or services of a similar class or description, unless he/she has the agreement of the other Street Trader.

4.5 In terms of the abovementioned Act the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 7 March 2018. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued to Mrs Ford for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

5. Process

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

- Police Scotland
- Environmental Health Service
- Community Services (Roads)

5.2 Police Scotland and the Environmental Health Service have advised that they have no objections to the application.

5.3 Community Services (Roads) have confirmed that they have no objections or comments other than that the applicant should be advised that advertising boards can only be placed within the public road boundary with their permission, in accordance with Section 89 of the Roads (Scotland) Act.

6. Policy

6.1 In terms of the street trader's licensing policy where an application is received where the applicant wishes to trade within the Inverness City Centre as defined by the attached plan contained in Appendix 2, then the application requires to be referred to the Highland Licensing Committee for determination.

7. Policies

7.1 The following policies are relevant to this case:

Standard Street Traders Licence conditions. A copy of these can accessed at https://www.highland.gov.uk/directory_record/738770/street_trader/category/499/shop_and_trader

or a hard copy can be supplied where requested.

8. Determining Issues

8.1 Paragraph 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:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) 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;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to
 - (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
 - (ii) the nature and extent of the proposed activity,
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel,
 - (iv) the possibility of undue public nuisance, or
 - (v) public order or public safety; or
- (d) there is other good reason for refusing the application.

8.2 If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

8.3 A copy of this Report and 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. He has also been advised of the procedure which will be followed at the meeting.

9. Implications

9.1 Not applicable.

Date: 14 September 2017

Author: Michael Elsey

Ref: ST

Background Papers: Civic Government (Scotland) Act 1982

Appendices – Appendix 1 – Proposed trading location

Appendix 2 – City Centre Street Trading Boundary Map

Application for Street Traders Licence – Wendy Ford



Inverness

Moray

Kessock Bridge
National Cycle Network
Routes 1 & 7

South Kessock

Merkinch

Dalneigh

Ballifeary

Upper Drummond

Hilton

Castle Heather

Balloan

Castle Earthworks

Ness-Side

