

Agenda item	<b>7.1</b>
Report no	<b>HLC/009/18</b>

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 6 February 2018**

**Report title: Applications for the renewal of street trader licences – Inara Booth and Roger D P Booth (employee) (Ward 10 - Eilean a' Cheò)**

**Report by: The Principal Solicitor – Regulatory Services**

**1. Purpose/Executive Summary**

1.1 This Report relates to applications for renewal of street trader licences.

This item is subject to a formal hearing procedure.

**2. Recommendation**

2.1 Members are invited to determine the applications in accordance with the Council's Hearings Procedures.

### **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 the activity of street trading.

### **4. Process**

- 4.1 On 31 May 2017 applications for the renewal of street trader's licences were received from Inara Booth and Roger D P Booth (employee licence).
- 4.2 In terms of the Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 5 and Saving Provisions) Order 2016, the applications require to be determined within 9 months i.e. by 1 March 2018 otherwise the licences will be granted unconditionally for a period of 12 months.
- 4.3 Following receipt of the application, a copy of the same was circulated to Police Scotland, Community Services (Roads and Environmental Health) and the Planning Service.

No objections have been received.

- 4.4 At the time of writing this report, the two catering trailers to be used in connection with the licences had not been inspected by Environmental Health. The licensing office in Portree contacted the applicants on 23 January 2018 and advised them to make arrangements with Environmental Health to have the vehicles inspected.
- 4.5 A copy of this report has been sent to the applicants who, in the terms of Paragraph 4(2) of the Civic Government (Scotland) Act 1982, have been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

### **5.0. Determining issues**

- 5.1 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.

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

## **6. Policies**

6.1 The following policies are relevant to this application:

Street trader licence conditions.

A copy of these can accessed at

[https://www.highland.gov.uk/downloads/file/3535/street\\_trader\\_conditions\\_of\\_licence](https://www.highland.gov.uk/downloads/file/3535/street_trader_conditions_of_licence)

or a hard copy can be supplied where requested.

**7. Implications**

7.1 Not applicable.

Date: 23 January 2018

Author: Carol Nicolson

Ref: ST/17/05 (Inara Booth) and ST/17/06 (Roger D P Booth – Employee)

Background Papers: Civic Government (Scotland) Act 1982