

Agenda item	9.3
Report no	HLC/031/18

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 15 May 2018

Report title: Application for the grant of a street trader's licence – John Geegan (Ward 15 – Inverness Ness-side)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

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

This item is subject to a formal hearing procedure

2. Recommendation

2.1 Members are asked to determine the application in accordance with the hearings procedure.

3. Background

3.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 (the "Act") a licence will be required for carrying on a business as a street trader. As the licence is issued to an individual each trader requires their own licence.

4. Application

4.1 Mr John Geegan applied for the grant of a street trader's licence on 25 August 2017 in relation to a mobile hot food catering van which he wishes to operate.

4.2 The application was circulated to Police Scotland, Environmental Health and Community Services (Roads).

4.3 There have been no objections received from Police Scotland or Community Services (Roads).

5.0 Environmental Health Service

5.1 The Council's Environmental Health Service are unable to comment on the application as the applicant has not presented the vehicle to them to ensure that all food safety and health and safety aspects have been checked and therefore a certificate of compliance has not been issued.

5.2 It is understood that that applicant is in the process of fitting out the catering van however confirmation has not been received to date from him that this has been completed.

5.3 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 24 May 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 Mr Geegan for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

6. Determining issues

6.1 Paragraph 5(3) of Schedule 1 of the Act 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.

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

7. Implications

7.1 Not applicable.

Date: 24 April 2018

Author: Michael Elsey

Background Papers: Civic Government (Scotland)Act 1982