

Agenda item	<b>6.1</b>
Report no	<b>HLC/003/19</b>

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 18 January 2019**

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

**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 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 Young applied for the grant of a street trader's licence on 7 November 2018 in relation to the sale of his company's own branded ('Thistle Do') quality Scottish gifts. Items would include, postcards, pens, keyrings, coasters, polo shirts, caps, umbrellas etc. (see Appendix 1).

4.2 The sale of these items would be from three wheeler pedal trikes with baskets on the front. A picture of the type of trike which would be used is attached in Appendix 2.

4.3 On his application Mr Young has indicated that he wishes to trade in a number of locations within the Inverness City Centre. A map of these locations is attached in Appendix 3.

4.4 Mr Young has been advised that if he is proposing to trade from a particular location for more than 28 days in the year he will require planning consent and he has contacted the Planning Service with a view to applying for permission for this activity.

### **5.0 Consultation**

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

5.2 There have been no objections received from Police Scotland and the Environmental Health Service.

5.3 The Council's Community Services (Roads) have advised that from a roads perspective they are obliged to ensure that the footway remains unobstructed and safe for pedestrians to use.

5.4 They have advised that they can address the above through the planning process, if the applicants decide to submit a planning application.

### **6.0 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 Centre, as defined by the attached plan contained in Appendix 4, then the application requires to be referred to the Highland Licensing Committee for determination.

### **7.0 Determining issues**

7.1 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.

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

## **8.0 Further applications**

**8.1** Mr Young has advised that if he is successful in his application then he would be looking to submit applications for street trader's licences for a number of his employees to enable them to assist him and trade from the catering unit.

**8.2** If the Committee are minded to grant Mr Young's application, delegated powers could be granted to the Principal Solicitor to grant the application for any employees who would be trading and working for Mr Young, assuming that there were no objections to these applications. If there were any objections then the applications would be referred to the Licensing Committee for consideration.

## **9.0 Implications**

**9.1** Not applicable.

Date: 11 December 2018

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1 – Photo of the type of merchandise to be sold.

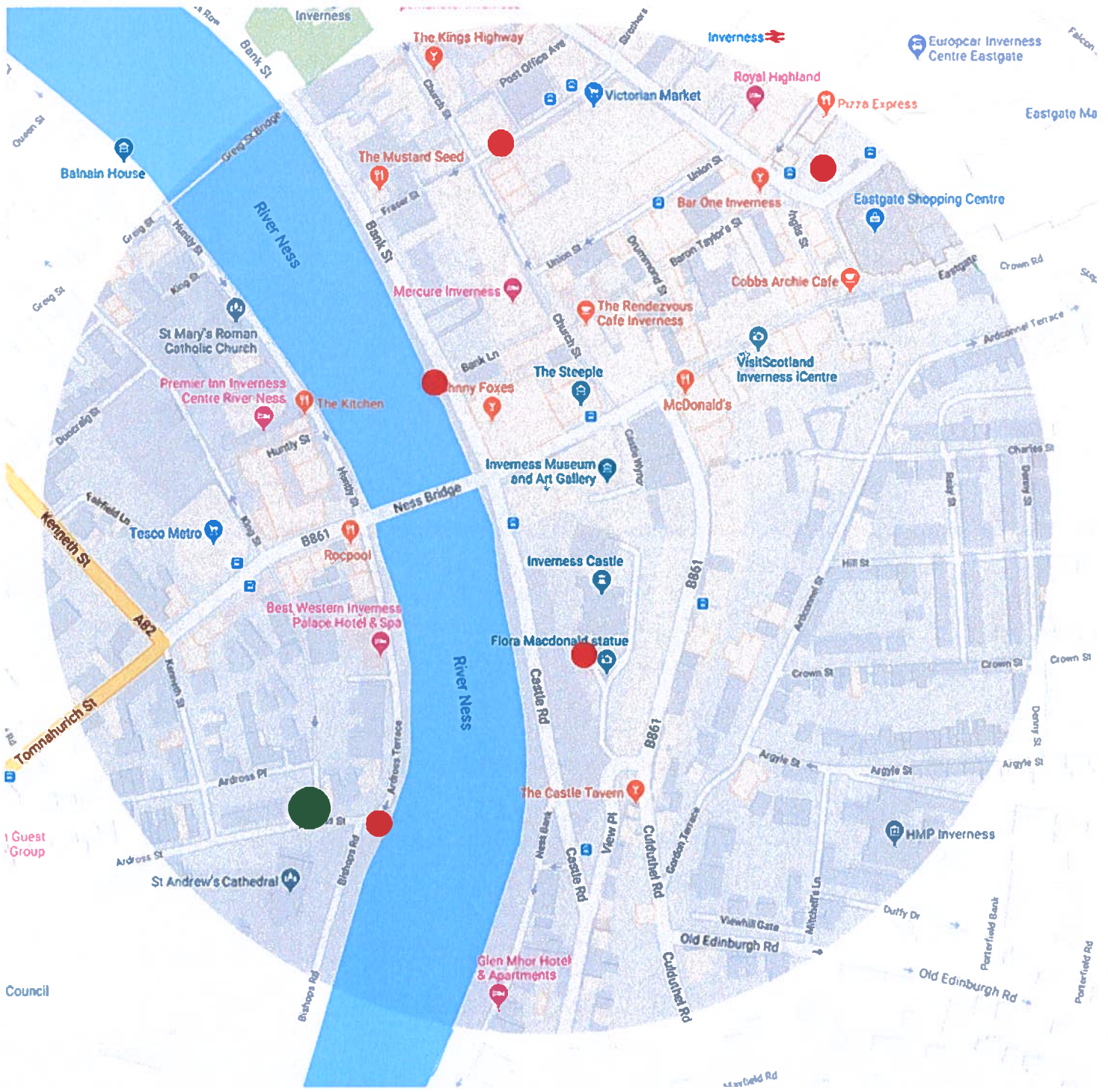
Appendix 2 – Photo of the type of pedal trike which would be used.

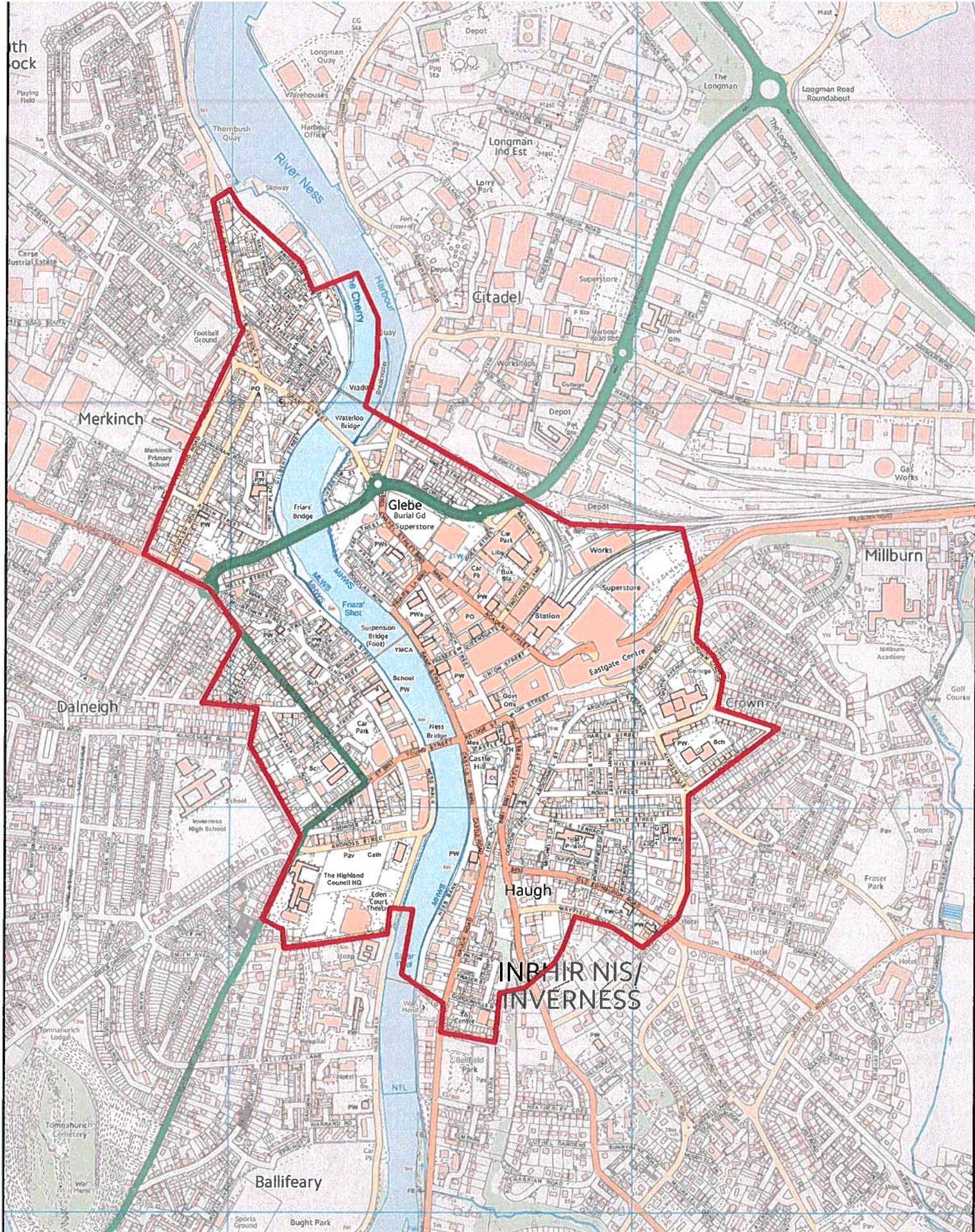
Appendix 3 – Location plan of proposed trading sites.

Appendix 4 – Inverness City Centre plan.









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**Highland Council**  
**Civic Government (Scotland) Act 1982**  
**Street Traders Licence - Schedule of Conditions**  
**Condition 1 - Inverness - Exempted Area**

