

Agenda item	8.1
Report no	HLC/038/19

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 25 June 2019

Report title: Application for the grant of a street trader's licence – John Harris Henderson (Ward 10 - Eilean a' Cheò)

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 invited to determine the applications 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. Process

- 4.1 On 10 October 2018 an application for the grant of a street trader's licence was received from John Harris Henderson.
- 4.2 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.
- 4.3 No objections have been received.
- 4.4 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 9 July 2019. 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 Henderson for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.
- 4.5 The vehicle to be used in connection with the licence has not yet been presented to Environmental Health for an inspection.
- 4.6 A copy of this report 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.

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

or a hard copy can be supplied where requested.

7. Implications

7.1 Not applicable.

Date: 10 June 2019

Author: Carol Nicolson

Ref: ST/18/12

Background Papers: Civic Government (Scotland) Act 1982