

Agenda item	7.1
Report no	HLC/093/23

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 28 November 2023

Report title: Application for the grant of a street trader's licence –
Suparaporn Hardwick (Ward 12 – Aird & Loch Ness)

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 Council's 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 the carrying out the activity of street trading. A licence for the same is issued by the Highland Council and is valid for the whole Council area.

4. Application

4.1 On 25 March 2023 an application for the grant of a street trader's licence was received from Suparaporn Hardwick.

4.2 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 December 2023. 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 for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

4.3 The applicant has indicated that they intend cooking and selling Thai food from a converted horse box at various locations within the Highland Council area.

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
- HC Environmental Health Service
- HC Roads and Infrastructure Service

6. Responses

6.1 Police Scotland and the HC Roads and Infrastructure Service have advised that they have no objections to the application.

7. Environmental Health

7.1 At the time of writing the applicant was in the process of undertaking works to the unit which were required by the Environmental Health Service.

7.2 The licence cannot be issued under delegated powers at present until the Environmental Health Service have inspected the unit and have passed it as fit to be used for this purpose.

8. Determining issues

8.1 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.

8.2 A copy of this report has been sent to the applicant who has 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.

9. Policies

9.1 The following policies are relevant to this case:

Standard street trader's licence conditions. A copy of these can accessed at [Apply for a licence - Street trader | The Highland Council](#) or a hard copy can be supplied where requested.

10. Implications

10.1 Not applicable.

Date: 3 November 2023

Author: Michael Elsey