

Agenda item	8.1
Report no	HLC/024/24

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 13 February 2024**

**Report title: Application for the grant of a street trader's licence – Anne Rodgers (Ward 5 – Wester Ross, Strathpeffer and Lochalsh)**

**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. Application**

- 4.1 On 16 May 2023 an application for the grant of a street trader’s licence was received from Anne Rogers.
- 4.2 The application was circulated to Police Scotland, Community Services (Roads), Environmental Health and Planning.
- 4.3 No objections have been received from Police Scotland and Roads. Planning responded with observations asking for site plans with the specific location clearly marked on it, and the written permission from the landowner, which has been requested from the applicant and we await submission of the documents. Environmental Health have made several attempts to contact the landlord, who has now responded but at the time of writing this report still has to submit required documentation in respect of the vehicle inspection and the applicant’s registration of a food business, to allow Environmental Health to respond to our consultation.

### **5. Process**

- 5.1 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 15 February 2024. 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 Anne Rodgers for a period of 12 months. 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 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.

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

6.3 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/She] has also been advised of the procedure which will be followed at the meeting.

## **7. Policies**

7.1 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.

## **8. Implications**

8.1 Not applicable.

Date: 17 January 2024

Author: Angela Mair

Background Papers: Civic Government (Scotland) Act 1982