

Agenda item	<b>9.2</b>
Report no	<b>HLC/41/25</b>

**THE HIGHLAND COUNCIL**

**Committee:** THE HIGHLAND LICENSING COMMITTEE

**Date:** 25 February 2025

**Report title:** Application for the grant of a temporary street trader's licence – Archie Bagshaw

**Report by:** The Principal Solicitor – Regulatory Services

**1. Purpose/Executive Summary**

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

**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 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 Archie Bagshaw applied for the grant of a temporary street trader's licence on 16 June 2024 in relation to the sale of coffee, tea, hot chocolate and pre-packaged biscuits.

**4.2** In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 15 March 2025. 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.

### **5.0 Consultation**

**5.1** The application was circulated to Police Scotland and the Council's Environmental Health Service and Roads and Infrastructure Services.

**5.2** There have been no objections received from Police Scotland or the Roads and Infrastructure Service.

**5.3** Licensing staff have been unable to contact the applicant, as an inspection of the catering unit by the Environmental Health Service has still to be undertaken, and they are unable to sign off the application until it has been established that the vehicle is safe and suitable for its intended use.

**5.4** In view of this a licence is unable to be issued under delegated powers and, as indicated in 4.2 of the report, the period for determining the application is due to expiry shortly.

### **6.0 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.

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

## **7.0 Implications**

**7.1** Not applicable.

Date: 3 February 2025

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982