

The Highland Licensing Committee

Meeting – 11 June 2013

Agenda Item	9.1
Report No	HLC/041/13

Application for Grant of a Street Trader’s Licence – Alexander Andrew Cormack

Report by the Legal Manager

Summary

Members are asked to give consideration to an application for the grant of a street trader’s licence lodged by Alexander Andrew Cormack. This application is subject to a formal hearings procedure.

1.0 Background

1.1 The Highland Council resolved that in terms of the Civic Government (Scotland) Act 1982 a licence is required for street trading by a person, whether on his own account or as an employee.

2.0 Process

2.1 An application for the grant of a street trader’s licence was received on 21 December 2012 from Alexander A Cormack for the sale of good/services from a burger van at Gills Bay Harbour, Gills, Caithness.

2.2 In terms of Section 3(1) of the abovementioned Act the application requires to be determined within 6 months ie. by 21 June 2013 otherwise the licence will be granted unconditionally for a period of 12 months.

2.3 Following receipt of this application a copy of the same was circulated to the following Agencies/Services for consultation:

- Northern Constabulary
- Trading Standards
- Environmental Health Service
- Planning Service
- Roads Service

No objections have been received.

2.4 However, Environmental Health have been unable to pass the vehicle in terms of food hygiene legislation as the applicant has not yet completed fitting out the vehicle to Environmental Health standards or had a gas inspection carried out. The applicant has not provided any information as to the cause for the delay.

2.5 The applicant has also not yet provided a letter of consent from the landowner to confirm that he has permission to trade from the proposed site at Gills Bay Harbour.

2.6 The application is before the Committee as at present the licence cannot be issued under delegated powers due to the outstanding matters detailed in paragraphs 2.4 and 2.5.

2.7 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. The applicant has also been advised of the procedure which will be followed at the meeting.

3.0 **Determining Issues**

3.1 Section 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:

- The applicant or anyone else detailed on the application is not a fit and proper person
- 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
- Where the application relates to a premise, vehicle or vessel that the location, character or condition of the same is not suitable
- The nature and extent of the proposed activity is not suitable
- The kind of persons likely to be in the premises are not suitable
- Where there is the possibility of undue public nuisance, public order or public safety
- Where there is other good reason

3.2 If required the Legal Manager will offer particular advice on the criteria relating to this particular application.

4.0 **Policies**

4.1 The following policies are relevant to this application:

Highland Council Street Trader's conditions. A copy of these can accessed at www.highland.gov.uk/businessinformation/licensing/civiggovernmentlicensing or a hard copy can be supplied where requested.

Recommendation

Members are **invited** to give consideration to the above application.

If Members are minded to grant the licence, consideration could be given to an additional condition being imposed that the licence will not come into effect until a food hygiene certificate has been granted and a letter of consent received as detailed in paragraphs 2.4 and 2.5 above.

Designation: Legal Manager

Officer Reference: G Sutherland

Date: 28 May 2013

Background Papers: Civic Government (Scotland) Act 1982

Appendix: None