

The Highland Licensing Committee

Meeting - 17 June 2014

Agenda Item	6.1
Report No	HLC/037/14

Application for grant of a street trader's licence – Andrew Beattie (Ward 19 – Nairn)

Report by the Legal Manager

Summary

This Report relates to an application for the grant of a street trader's licence.

1.0 Background

1.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for carrying out the activity of street trading.

2.0 Application

2.1 Mr Andrew Beattie has applied for a street trader's licence in respect of the sale of kites and kite related goods and services from The Links, Nairn He wishes to operate until 17 September 2014.

2.2 Mr Beattie has submitted further details in relation to the activity in support of his application which are attached as Appendix 1.

3.0 Conditions

3.1 In terms of the Council's street trader's licence policy the area requested i.e. the Links, Nairn falls within an exclusion zone, a plan of which is attached as Appendix 2. Any application which relates to trading within this area requires to be submitted to the Highland Licensing Committee for consideration.

4.0 Requirements

4.1 To enable a trader to operate from a fixed location, be it on a permanent or semi-permanent basis, they would require a number of permissions/consents to do so, these include:

- Consent from the landowner to occupy the area requested.
- Where the activity is to be operated from a location for more than 28 days in a year then planning permission may be required.
- Consent in terms of the street trader's licence to operate from the location.

5.0 Consultation

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

- Police Scotland
- Environmental Health Service
- Community Services (Roads)

5.1 All Agencies/ Services detailed above have advised that they have no objections to the application.

6.0 Landowners Consent

6.1 The Links is owned by the Nairn Common Good Fund and Mr Beattie has received permission from the Common Good Trustees to operate from this location.

7.0 Policy

7.1 As indicated in above Paragraph 3.0 above in terms of the street traders licensing policy where an application is received where the applicant wishes to trade within the Inverness Centre then the application requires to be referred to the Highland Licensing Committee for determination.

8.0 Recommendation

8.1 The Committee is invited to determine the application.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 21 May 2014

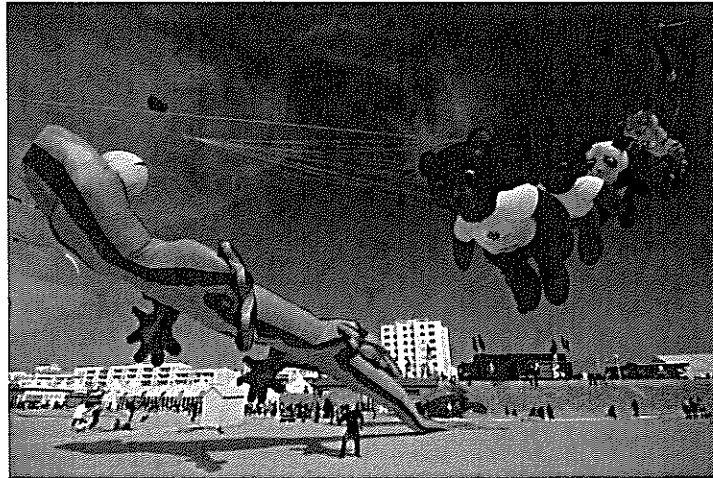
Background Papers: Civic Government (Scotland) Act 1982

Appendix 1 – Additional information received from the applicant

Appendix 2 – Plan showing Nairn area street traders exclusion zone

Proposal to bring a regular kite display to Nairn

There are few things as universally enjoyed by families of all ages as huge kites:



Andrew Beattie is known worldwide for his spectacular kite displays. Most weekends through the year, he is putting on a display somewhere round the world. Usually in Europe during the Summer and in the Middle East during the winter. He is paid handsomely for his services.

For the 2014 season, he is exploring a new business model to support Scottish tourism, during the quiet mid-week period. He has hand picked three suitable sites, of which Nairn is one. Each town has been chosen to be sufficiently far apart from the others not to overlap in tourist catchment. The towns are chosen for the following characteristics:

- 1) Tourism is a significant part of the local economy
- 2) A suitable site for flying kites in a central location
- 3) Small enough to gain significant benefit from an additional family attraction
- 4) An active local business promotion group to work with

To these towns, he is offering a *free* regular kite display on a mid-week day through the summer from Mid May, till the schools go back. Probably on a Wednesday for Nairn.

The regular schedule is designed to stick in the minds of the tourism offices. To move from "You should visit one of the many coastal towns" to "You should see the free kite display in Nairn on Wednesday". Also, the mid-week schedule helps to ensure that the kites don't become an annoyance or cause excessive disruption to other activities on the grass or seafront. Bringing more visitors to Nairn is good for everyone.

Rather than charge for the display as he normally does at the weekend, these displays would be self-funded. He would take the opportunity to sell children's kites to holidaymakers and take the risk that he would sell sufficient in order to meet his costs.

In this way, Nairn gets a new, family-friendly tourist attraction without requiring risk or investment. And if everything goes to plan, he makes some money along the way.

In addition, as a sweetener, it has been requested that he put on a display for the weekend of 16th and 17th August. He has agreed to do this without charge if the regular Wednesday event is likewise agreed without charge.

Naturally, the display is insured, Civil Aviation Authority clearance will be arranged and risk assessments can be provided.

Street Trading License Request for Nairn Links

Nairn links is a precious and beautiful resource and it is right and proper that the Highlands licensing board should meet to discuss the request. I would like to provide some information that may be pertinent to the discussions.

The purpose of the license is to trial a business model that enables Nairn to have the benefit of the tourist attraction of the kite display without having to pay the fee that I would usually charge. Rather than charge Nairn for the display, I will try to self-finance by selling kites to the visitors attracted.

The Nairn business community see this as a great opportunity and there appears to be universal support for the plan amongst the people who have reacted in person and on the internet.

The main portion of the display is operated from my vehicle, which is fitted with a winch, so that I can safely retrieve large kites in strong wind. The location of the anchor vehicle is determined by the wind on the day, so that the display is located safely to avoid overflying the roads, houses, bandstand etc.

Out of respect for other users of the links, the plan is to only operate one day per week, so that the display is regarded as an attraction to bring more visitors to Nairn on Wednesdays rather than a permanent obstruction or nuisance.

Right of veto

Everyone involved in the decision has a right of veto should the plan not meet their needs:

- The trustees of the links have granted access to the links on a trial basis. They reserve the right to declare the trial to be unsuccessful and finished at any time. Thus whilst the license application is for a full three years, the trustees are empowered to curtail it at any time.
- The Nairn police also have a right of veto - their blessing is a pre-requisite for my Civil Aviation Authority clearance for the site, which is renewed annually. I have a channel of communication through Inspector MacLeod in Nairn to address any police issues that are raised.
- The CAA (and through them, RAF Lossimouth, the coastguard search and rescue and air ambulance) also have an effective right of veto - without their clearance my ability to put on a good display is severely restricted. I have a responsibility to be sensitive to their needs and to react swiftly to any emergency that may require the operation of a helicopter in the vicinity.
- And of course, I'm sure that the licensing board also have the right to withdraw a license if necessary. I would hope that you would talk to me first to give me an opportunity to resolve any issue that might arise.

So I am fully aware how precious the links are and of the necessity to be sensitive to the needs and aspirations of everyone involved. I hope that you will agree that I would be a good and responsible steward and enable this plan to go ahead.

Andrew Beattie
TUG Kite Trading Limited

