

## The Highland Licensing Committee

Meeting – 29 March 2016

Agenda Item	7.1
Report No	HLC/030/16

### Civic Government (Scotland) Act 1982 - application for a street trader's licence – Martin MacPherson (Ward 11 - Eilean a' Cheò)

#### Report by the Legal Manager

##### Summary

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

This item is subject to a formal hearing procedure.

#### 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 On 25 January 2016 an application for the grant of a street trader's licence was received from Martin MacPherson.

2.2 In accordance with condition 9 of the street trader's licence schedule of conditions, street trading shall not commence earlier than 0700 hours and shall cease not later than 2300 hours, unless otherwise authorised by the Licensing Authority.

2.3 Mr MacPherson has applied to trade as follows:

- Monday to Sunday: 2000 hours to 0100 hours

2.4 Mr MacPherson intends to trade in Somerled Square, Portree. The application is in respect of a moveable vending unit selling hot and takeaway foods and hot and cold drinks.

#### 3.0 Process

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

- Police Scotland
- Highland Council Planning Service
- Community Services (Roads)
- Community Services (Environmental Health)

**3.2** No objections have been received to the application. The Planning Service have advised that an application for planning permission has been received and they have no objection subject to planning permission being granted for the siting of the catering van on the site. Community Services (Roads) have confirmed that they have given Mr MacPherson permission to trade from Somerled Square.

**4.1** A copy of this report has been sent to Mr MacPherson.

**4.2** Given that the hours applied for are outwith policy, Mr MacPherson has been invited to attend the meeting and has been provided with a copy of the hearings procedure which will be followed at the meeting.

## **5.0 Determining the application**

**5.1** 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:

- 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.

## **6.0 Policies and conditions**

**6.1** The following policies are relevant to this case:  
Standard street trader licence conditions. A copy of these can be accessed via the undernoted link or a hard copy supplied where requested:  
[http://www.highland.gov.uk/info/1125/licences\\_permits\\_and\\_permissions/300/trade\\_and\\_industry\\_licences/7](http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/300/trade_and_industry_licences/7)

## **7.0 Recommendation**

**7.1** The Committee is invited to determine the application in accordance with the Council's Hearings Procedure.  
If the Committee is minded to approve the application, the Committee is also invited to determine:

- (a) the trading hours sought by the Applicant as outlined at para. 2.2 above.

Designation: Legal Manager

Officer Reference: AHM/cn

Date: 10 March 2016

Background Papers: Civic Government (Scotland) Act 1982