

## The Highland Licensing Committee

Meeting – 28 March 2017

Agenda Item	<b>9.2</b>
Report No	<b>HLC/020/17</b>

**Application for grant of a street trader's licence – Shona Anne-Maree Jones (Ward 6 – Wester Ross, Strathpeffer and Lochalsh)**

**Report by the Principal Solicitor – Regulatory Services**

### Summary

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

#### **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/her 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 10 October 2016 from Shona Anne-Maree Jones for a motorised catering unit.

**2.2** In terms of Section 3(1) of the abovementioned Act the application requires to be determined within 6 months i.e. by 10 April 2017 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:

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

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 presented a vehicle for inspection. The applicant has notified that an appointment has been made to have the unit inspected by Environmental Health on 29 March 2017.

**2.5** The applicant has been invited to attend the hearing and has been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

[http://www.highland.gov.uk/meetings/meeting/617/highland\\_licensing\\_committee](http://www.highland.gov.uk/meetings/meeting/617/highland_licensing_committee)

### 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 Principal Solicitor – Regulatory Services 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

[http://www.highland.gov.uk/directory\\_record/738770/street\\_trader/category/499/shop\\_and\\_trader](http://www.highland.gov.uk/directory_record/738770/street_trader/category/499/shop_and_trader)

or a hard copy can be supplied where requested.

### Recommendation

The Committee is invited to determine the application in accordance with the Council's hearings procedure.

Officer reference: Carol Nicolson

Date: 14 March 2017

Background papers: Civic Government (Scotland) Act 1982