

Agenda item	6.1
Report no	HLC/060/18

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 2 October 2018

Report title: Application for the grant of a street trader's licence – Douglas Hardie (Ward 14 – Inverness Central)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

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

This item is subject to a formal hearing procedure

2. Recommendation

2.1 Members are asked to determine the application in accordance with the 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 Douglas Hardie from Bad Girl Bakery Ltd. applied for the grant of a street trader's licence on 8 September 2018 in relation to a custom build catering trailer from which he wishes to operate and sell coffee, hot chocolate, cakes, donuts, pancakes etc.

4.2 On his application Mr Hardie has indicated that, as well as operating on a mobile basis, he also wishes to trade from Falcon Square, Inverness which is owned and managed by the Eastgate Centre. A site map showing the location of Falcon Square is attached in Appendix 1.

4.3 Although Falcon Square is privately owned, as the public have unrestricted access to this area, in terms of the Civic Government (Scotland) Act 1982, it is deemed as being a public place and therefore any trading in this location would require to be licensed.

4.4 Mr Hardie has confirmed that he has obtained consent from Eastgate Centre to operate from Falcon Square.

4.5 Mr Hardie has been advised that if he is proposing to trade from a particular location for more than 28 days in the year he may require planning consent and was encouraged to contact the planning service if this were the case.

5.0 Consultation

5.1 The application was circulated to Police Scotland, Environmental Health and Community Services (Roads).

5.2 Responses from the above Agencies/Services are awaited and a verbal update will be provided to the Committee at the meeting.

6.0 Policy

6.1 In terms of the street traders licensing policy, where an application is received where the applicant wishes to trade within the Inverness Centre as defined by the attached plan, contained in Appendix 2, then the application requires to be referred to the Highland Licensing Committee for determination.

7.0 Determination

7.1 If the Committee are minded to grant the application it is suggested that delegated powers are given to the Principal Solicitor to grant the licence if: 1. no objections are received by the expiry of the 28 day consultation period on 6 October 2018. 2. The Environmental Health Service have passed the catering unit and issued a certificate of compliance.

7.2 Should any objections be received following the date of the Committee and prior to 6 October 2018 a further report will be submitted the Licensing Committee meeting on 6 November 2018 where Members will be invited to consider these.

8.0 Determining issues

8.1 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:

- (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.

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

9.0 Further applications

9.1 Mr Hardie has advised that if he is successful in his application to trade from Falcon Square, Inverness then he would be looking to submit applications for street traders licence for a number of his employees to enable them to assist him and trade from the catering unit.

9.2 If the Committee are minded to grant Mr Hardie's application, delegated powers could be granted to the Principal Solicitor to grant the application for any employees who would be trading and working for Mr Hardie, assuming that there were no objections to these applications. If there were any objections then the applications would be referred to the Licensing Committee for consideration.

10.0 Implications

10.1 Not applicable.

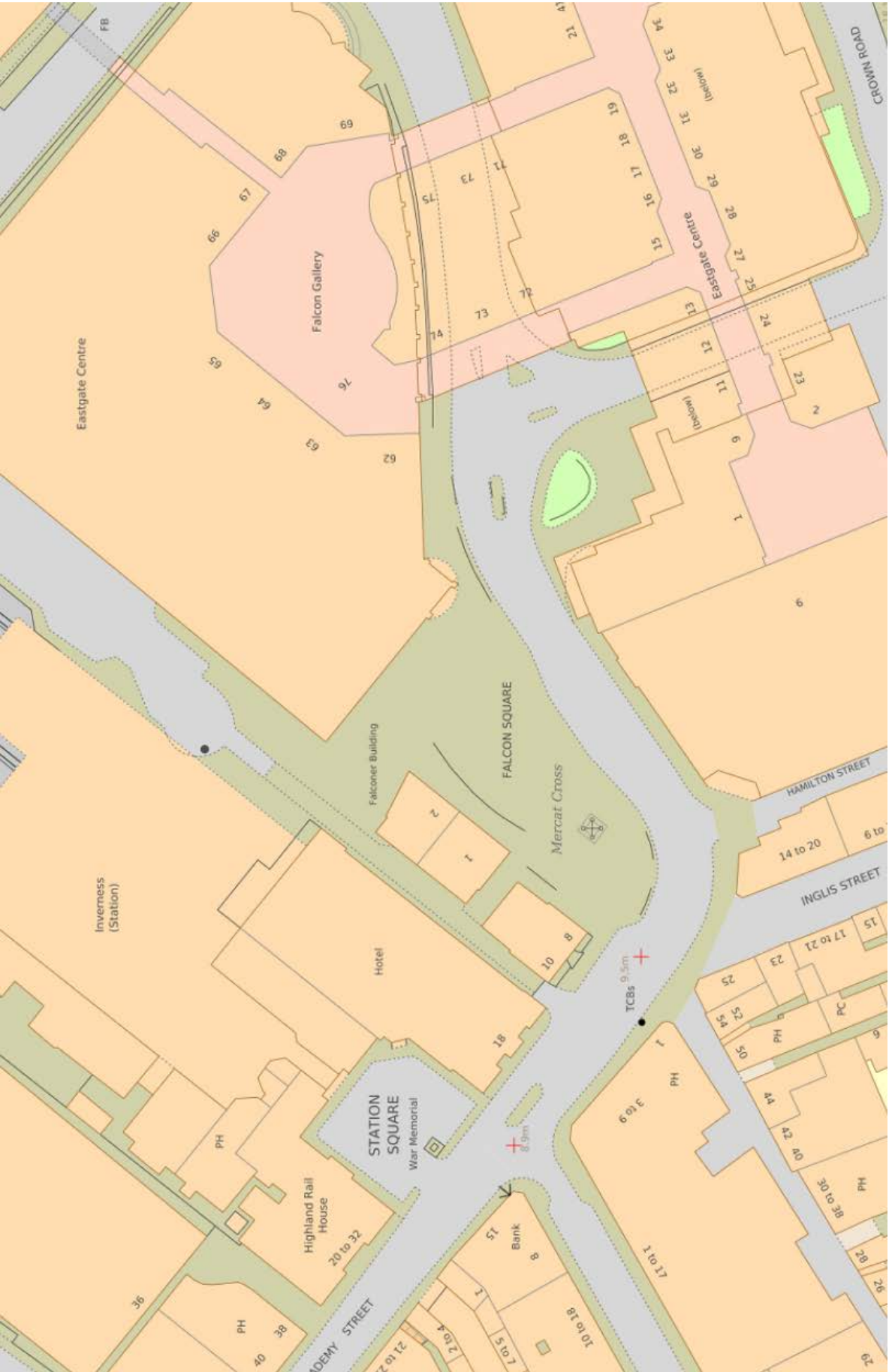
Date: 12 September 2018

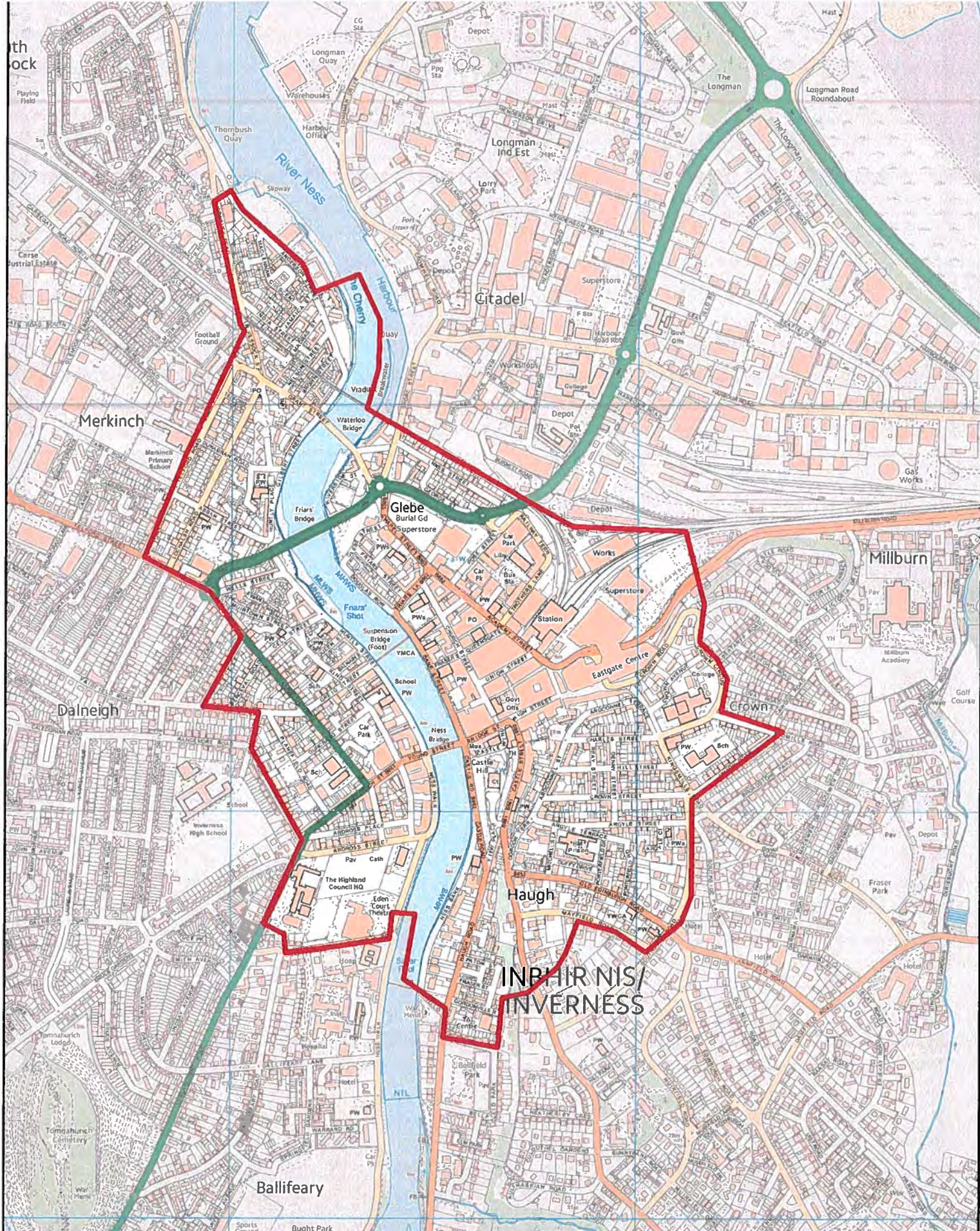
Author: Michael Elsey

Background Papers: Civic Government (Scotland)Act 1982

Appendix 1 – Site plan of Falcon Square, Inverness

Appendix 2 – Map of Street Traders Inverness City Centre Zone





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Highland Council
Civic Government (Scotland) Act 1982
Street Traders Licence - Schedule of Conditions
Condition 1 - Inverness - Exempted Area

