

Agenda item	<b>11.3</b>
Report no	<b>HLC/166/25</b>

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 28 October 2025**

**Report title: Application for the renewal of a street trader licence – Patrick Blanchard (Ward 18 – Nairn and Cawdor)**

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

**1. Purpose/Executive Summary**

1.1 This report relates to an application for the renewal of a street trader licence.

**2. Recommendation**

2.2 Members are asked to determine the application in accordance with the Council's hearing procedure.

### **3. Background**

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

### **4. Application**

4.1 On 30 January 2025 an application for the renewal of a street trader licence was received from Patrick Blanchard.

4.2 In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 29 October 2025. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued for a period of 1 year. The application is before this Committee as this is the last meeting before the determination date expires.

### **5. Process**

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

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

5.2 All Agencies/Services have confirmed no objections to the application. The applicant's mobile food unit certificate of compliance expired on 19 April 2025 so Mr Blanchard must submit his new certificate, despite this being requested several times by the Licensing staff he has still not submitted it.

5.3 Until the above outstanding matter has been addressed, the Principal Solicitor Regulatory Services is not currently in a position to issue the licence under delegated powers. As detailed in paragraph 4.2, the application requires to be determined by 29 October 2025.

### **6. Determining issues**

6.1 Paragraph 5(3) of Schedule 1 of the Act states that a licensing authority shall 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.

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

**7.3** A copy of this report has been sent to the applicant who has been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

## **8. Policies**

**8.1** The following policies are relevant to this application:

**8.2** Standard street trader licence conditions. A copy of these can accessed at [Street trader licence | Street Trader Conditions of Licence \(highland.gov.uk\)](https://www.highland.gov.uk/street-trader-licence) or a hard copy can be supplied where requested.

## **9. Implications**

**9.1** Not applicable.

Date: 1 October 2025

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Ref: ST

Background Papers: Civic Government (Scotland) Act 1982