

Agenda item	11.3
Report no	HLC/56/26

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 12 May 2026

Report title: Application for the renewal of a street trader's licence – Sheila Fraser (Ward 12 – Aird & Loch Ness)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

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

2. Recommendation

2.1 Members are asked to determine the application in accordance with the Council's 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 Mrs Sheila Fraser applied for the renewal her street trader's licence on 26 August 2026 in relation to the sale of soft drinks, pre-packed snacks, coffee and cake.

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 25 May 2026. 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.

5.0 Consultation

5.1 The application was circulated to Police Scotland, Environmental Health Service and Roads and Infrastructure Service.

5.2 There have been no objections received from Police Scotland or the Roads and Infrastructure Service.

6.0 Certificate of Compliance

6.1 In order for the Environmental Health Service to be able to sign off the application they require to inspect the vehicle and issue it with a Certificate of Compliance.

6.2 At the time of writing the applicant had not applied to the Environmental Health Service for a certificate of compliance.

6.3 In view of this the Principal Solicitor (Regulatory Services) is unable to issue the licence under delegated powers.

7.0 Determining issues

7.1 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.

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

8.0 Implications

8.1 Not applicable.

Date: 21 April 2026

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982