

Report

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Report to:	Licensing Committee
Date of Meeting:	7 July 2010
Report by:	Executive Director (Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 Application for Grant of a Street Trader's Licence S Brown, 38 Speirs Road, Lochwinnoch
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1 Purpose of Report

1.1. The purpose of the report is to:-

- ♦ consider the application by S Brown, 8 Speirs Road, Lochwinnoch for the new grant of a Street Trader's Licence in the Rutherglen and Cambuslang area.

2 Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the application be refused.

3 Background

- 3.1. Before a person can operate as a Street Trader, they require to apply to the Council for the appropriate licence.
- 3.2. In terms of the Civic Government (Scotland) Act 1982, where a certificate of compliance for a kiosk/vehicle selling food has not been lodged in terms of Section 39 (4) of the Act, the application must be refused.
- 3.3. In terms of the legislation "street trading" means doing any of the following things in a public place:-
- a) hawking, selling or offering or exposing for sale any article;
 - b) offering to carry out or carrying out for money or money's worth any service to any person in a public place.
- 3.4. In terms of the Civic Government (Scotland) Act 1982, each application requires to be dealt with on its own individual merits.

4 Present Position

- 4.1. An application has been received from S Brown, 38 Speirs Road, Lochwinnoch for the new grant of a street trader's licence. The applicant has requested to trade in the Rutherglen and Cambuslang areas Monday to Sunday from 10.00am to 10.00pm and proposes to sell ice cream, soft drinks and confectionery. To date the applicant has not submitted a certificate of compliance.

5 Employee Implications

- 5.1. None.

6 Financial Implications

6.1. None.

7. Other Implications

7.1. The risk to the Council is that it fails to fulfil its duty to protect the public. This is mitigated by the application process and by holding a hearing to establish all of the background facts relating to the application. There are no apparent implications in terms of sustainable development.

8 Equality Impact Assessment and Consultation Arrangements

8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

8.2. In all cases, when an application under the Civic Government (Scotland) Act 1982 is received, it is copied to Strathclyde Police, Trading Standards, Planning and Building Services, Environmental Services and Housing Benefits for consultation.

Robert McIlwain
Executive Director (Corporate Resources)

22 June 2010

Link(s) to Council Objectives and Values

- ◆ Objectives:
Improve Community Safety

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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LICENSING COMMITTEE – 7 JULY 2010

Licensing of Street Traders				
<u>Name & Address of Applicant</u>	<u>Area of Trade</u>	<u>Days and Hours</u>	<u>Comments</u>	<u>Recommendation</u>
Scott Brown 8 Speirs Road Lochwinnoch	Rutherglen and Cambuslang Areas	Monday to Sunday 10.00am to 10.00pm	New Grant of a street trader's licence. Proposing to Sell: Ice cream, soft drinks and confectionery No Certificate of Compliance received.	Refuse