

# MINUTE

# A&B – PUBLIC

**Licensing Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Monday 13 January 2020 at 10.00 am**

**Present:**

M Bell S Flaws  
I Scott                      C Smith  
G Smith

**Apologies:**

A Cooper                      C Hughson  
S Leask

**In Attendance (Officers):**

D Manson, Licensing Standards Officer  
Sgt. B Mulholland, Police Scotland  
D Robertson, Team Leader - Environmental Health  
P Wishart, Solicitor  
L Malcolmson, Committee Officer

**Chair**

Mr I Scott, Chair of the Committee, presided.

**Circular**

The circular calling the meeting was held as read.

**Declarations of Interest**

None

01/20      **Minutes**

The minutes of the Licensing Committee held on 16 December 2019, having been circulated, were confirmed on the motion of Mr C Smith, seconded by Mr G Smith.

02/20      **Street Traders Licences – Review of Standard Licence Conditions**

The Committee considered a report by the Team Leader – Environmental Health (ES-01-20-F) that presented the findings from a review of street trader licensing conditions by the Environmental Health Service.

The Team Leader – Environmental Health introduced the report and advised on the review undertaken and explained the original purpose for regulating street trading. He explained that some difficulties in other Local Authority areas during the 1980s had led to the introduction of Licensing Conditions.

The Team Leader – Environmental Health advised that many of the street trader applications received were for the sale of food and as a service Officers are keen to ensure that any vehicle or stall used for the preparation of food is safe and compliant. He said that it is important that street trading activity is regulated and known to the

Authority in order to provide reassurance to customers that traders are trading in approved locations and have been properly vetted. The Team Leader – Environmental Health said that no standard template or set of street trading licence conditions has ever been officially published and so far each Local Authority has developed its own over time through regular contact and consultation with each other. However some conditions have had to be adapted to suit local conditions. He provided an example of “Condition 23”, and the application of the 50m distance between traders and explained that some other authorities specify a greater separation distance whereas other local authorities do not apply any restriction. The Team Leader – Environmental Health went on to say that businesses should be encouraged to trade. He said that “Condition 23” does allow a degree of flexibility where the Committee also has the option of removing or varying any condition as it sees fit, however consistency of application and approach becomes more challenging in those cases. In summary, the Team Leader – Environmental Health said that the Council’s conditions had been in place for a considerable time and had served it well and it is Officers view that they have a legitimate purpose and are reasonable. Therefore the report does not recommend any material changes.

During consideration the Team Leader – Environmental Health advised that the reference in the Standard Licensing Conditions to the continental market was just an example. He also advised that he would look into the stalls set up in the Toll Clock shopping centre to ensure that they comply with the necessary regulations.

During debate, Mr Bell referred to the meeting that requested this review and wished to make it clear, that at that time, he did not suggest that the 50m distance was wrong as had been reported in the press. He said that he had been aware that the Standard Licensing Conditions had been in place for 20 years and in fairness to applicants and stakeholders he believed a review should be carried out. He said that the review demonstrated that the conditions appear to be appropriate and proportionate.

Mr Bell said that the conditions do not require to be changed and moved accordingly. Mr C Smith seconded.

**Decision:**

The Committee agreed that the Street Traders Licensing Conditions do not need to be changed.

The meeting concluded at 10.10 am.

CHAIR