

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

17 DECEMBER 2009

AMENDMENT TO CONDITIONS FOR STREET TRADERS' LICENCES (WHEELED BIN CLEANERS)

Report by Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To invite the Licensing Panel to consider amending conditions currently attached to Street Traders' Licences (Wheeled Bin Cleaners) to ensure that all steps are taken during the winter months to reduce the risks caused by freezing water and its impact on the environment.

2. BACKGROUND

- 2.1 At the meeting of Cabinet on 21 October 2009 a report was considered on the review of the Council's Winter Emergency Response Policy which review had been carried out by the Council's Governance and Scrutiny Committee. In terms of that report a winter emergency response action plan was agreed within which it was remitted to the Licensing Panel to consider the introduction of an additional condition to the standard conditions attached to Street Traders' Licences for Wheeled Bin Cleaners. The purpose of the introduction of such an additional condition would be to ensure that all reasonable steps be taken by such licence holders to reduce the risks caused by freezing water and its impact on the environment.
- 2.2 In terms of Schedule 1, Paragraph 5 of the Civic Government (Scotland) Act 1982, a licensing authority may on the grant or renewal of a licence impose such reasonable conditions as the authority thinks fit. All licences issued by East Ayrshire Council have a number of conditions attached.
- 2.3 The conditions presently attached to Street Traders' Licences in respect of Wheeled Bin Cleaners accompany this report and are detailed at Appendix 1.

3. PROPOSED CONDITION

- 3.1 It is considered necessary and appropriate that Wheeled Bin Cleaners are made aware of and acknowledge the potential risks arising from excess water gathering in areas of wheeled bin cleaning operations and freezing during winter months. Failure on the part of operators to take action to prevent such risks arising could thereby create unnecessary additional hazards for both pedestrians and motor vehicles. In these circumstances it is considered appropriate and reasonable that a suitable condition be added to the list of conditions already attached to such licences.
- 3.2 In the event that the addition of such a condition is approved by the Licensing Panel it would only become applicable to individual wheeled bin cleaners on

the renewal of existing licences. Accordingly, it would take a period of three years before all such street traders would become subject to the condition.

3.3 The suggested wording of the proposed additional condition is:-

“The licence holder will require to ensure that, particularly during the winter months, all reasonable steps are taken to prevent the unnecessary gathering of excess water in any area of operation which on freezing could result in the creation of additional hazards for pedestrians and motor vehicles.”

4. FINANCIAL IMPLICATIONS

4.1 Nil

5. LEGAL IMPLICATIONS

5.1 in terms of Schedule 1, Paragraph 5 of the Civic Government (Scotland) Act 1982 a licensing authority may on the grant or renewal of a licence impose such reasonable conditions as the authority thinks fit.

6. RECOMMENDATIONS

6.1 The Licensing Panel is invited to consider the proposal to introduce an additional condition in the terms specified in paragraph 3.3 above to be added to the existing conditions currently imposed on street traders licences issued to wheeled bin cleaners.

Elizabeth Morton

Depute Chief Executive/Executive Director of Corporate Support

9 December 2009

LIST OF BACKGROUND PAPERS

Cabinet Report of 21 October 2009 on the review of the Council's winter emergency response policy.

Any person wishing further information on this report should telephone David Mitchell, Head of Legal, Procurement and Regulatory Services on Telephone number 01563 576061 or e-mail david.mitchell@east-ayrshire.gov.uk

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