

EAST AYRSHIRE COUNCIL

**LOCAL GOVERNMENT LICENSING PANEL
19 JANUARY 2006**

**AMENDMENT TO CONDITIONS FOR STREET TRADER'S AND LATE
HOURS CATERING PREMISES**

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To invite the Licensing Panel to consider amending conditions currently attached to Street Traders' or Late Hours Catering licences to take account of concerns regarding the amount of litter arising in the vicinity of such trading.

2. BACKGROUND

- 2.1 There have been a number of occasions recently where adverse comment has been expressed regarding the amount of litter left lying in the vicinity of Street Trader vehicles and Late Hours Catering premises.
- 2.2 In terms of Schedule 1 of the Civic Government (Scotland) Act 1982, a licensing authority may impose such reasonable conditions as the authority thinks fit. All licences issued by East Ayrshire Council have a number of conditions attached.
- 2.3 Condition 10 attached to a Street Trader's Licence requires that "The Trader shall collect and remove any paper, garbage or other refuse which may be produced or may accumulate in the course of trading, and shall not place or deposit the same or allow the same to be placed or deposited or to fall on any street, foot pavement or footway or an adjoining property. Without prejudice to the foregoing generality, the Trader, when trading at a particular location for any period exceeding ten minutes, shall place in the public place, a litter bin or other receptacle for the deposit of paper, garbage or other refuse by customers."
- 2.4 Condition 2 attached to a Late Hours Catering Licence states "The licensee shall take effective steps to ensure that the use of the premises for the purposes of Late Hours Catering does not detract from the amenity of the area in which the premises are located, and particularly of occupiers of houses and offices in that area, by reason of noise, vibration, smell or fumes or for any other reason." And Condition 6 states "The licensee shall take effective steps to ensure that the premises and all furniture, equipment and toilet facilities in them, are properly maintained in a safe and clean condition, and that all litter is collected and removed as soon as is reasonably practicable."

3 DISCUSSION

- 3.1 With a view to reducing the general litter associated with Street Trader and Late Hours Catering premises it is proposed that amendments be made to the current conditions.
- 3.2 Street Trader – add “The Trader will also be responsible for the collection and removal of any associated paper, garbage or other refuse within a 25 metre radius of the location of trading.”
- 3.3 Late Hours Catering – add “In particular, the Licensee, during and particularly prior to the close of late hours trading, shall remove and properly dispose of any litter arising from the business and dropped by clients as well as other refuse produced or accumulated in the course of trading, and lying on any street, foot pavement or footway within a radius of 25 metres of the trading premises.”

4. FINANCIAL IMPLICATIONS

- 4.1 Nil

5. LEGAL IMPLICATIONS

- 5.1 In terms of Schedule 1 of the Civic Government (Scotland) Act 1982 a licensing authority may impose such reasonable conditions as the authority sees fit.

6. POLICY IMPLICATIONS

- 6.1 Nil.

7. CONCLUSIONS

- 7.1 The Panel is invited to consider the proposals contained in this report. If approved, the new condition would be applied to any new grant of such a licence and to current licences as they come up for renewal.
- 7.2 Notwithstanding this, it would also be the intention to letter all current licence holders and seek their voluntary agreement to comply with the amendment to conditions.

8. RECOMMENDATIONS

- 8.1 It is recommended that the Panel consider the contents of this report and agree: -
 - (i) to accept the proposal to amend the current conditions applied in respect of Street Trader and Late Hours Catering Licences;

- (ii) to amend Condition 10 of the Conditions attached to a Street Trader Licence by adding “The Trader will also be responsible for the collection and removal of any associated paper, garbage or other refuse within a 25 metre radius of the location of trading.”; and
- (iii) to amend Condition 6 of the Conditions attached to a Late Hours Catering Licence by adding “In particular, the Licensee, prior to the close of late hours trading, shall remove and properly dispose of any litter arising from the business and dropped by clients as well as other refuse produced or accumulated in the course of trading, and lying on any street, foot pavement or footway within a radius of 25 metres of the trading premises.”

William Stafford
Executive Director of Neighbourhood Services

14 December 2005

WS/GS

LIST OF BACKGROUND PAPERS

Nil

Any person wishing to inquire into the above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or e-mail john.crawford@east-ayrshire.gov.uk.