

Licensing Sub-Committee of the Regulatory Committee

1.30pm, Monday, 16 December 2019

Street Trader Application - David Woodford

Item number
Report number
Executive/routine
Wards

Executive Summary

Mr Woodford is an ice cream seller whose street trading activities appear to be causing nuisance and annoyance to neighbouring residents. Concerns have also been raised regarding his business affecting the safety of pedestrians and other road users. The location is opposite Holy Rood High School and at lunchtimes is attracting significant numbers of pupils around his van.

It is therefore requested that the Licensing Sub Committee considers applying an additional licensing condition identifying street locations near Holy Rood High School where Mr Woodford should not trade.

Street Trader Application - David Woodford

1. Recommendations

- 1.1 After hearing from the Council Officers and relevant licence holder, it is recommended that the committee:
 - 1.1.1 attaches an additional licensing condition restricting Mr Woodford's trading and preventing him from trading from the street locations near Holy Rood High School (Appendix 1).

2. Background

- 2.1 The Police and other persons can make comments or complaints about applications for various licences. Committee members can consider such comments and requests. They can decide to take no further action, issue a warning to the licence holder, suspend the licence or revoke the licence.

3. Main report

- 3.1 David Woodford was the holder of a Street Trader's Licence with the City of Edinburgh Council. The street trading activity for which Mr Woodford was licensed is the sale of ice cream, minerals and confectionary from his mobile unit. His last licence expired on 13 August 2019. A renewal licence application was received on 12 August 2019, however this was not accompanied by the appropriate payment and his cheque was unsigned. As a result, his renewal was late and the licence lapsed. Mr Woodford has now made the appropriate payment and his application is being processed as a new licence application.
- 3.2 The Zones from Mr Woodford was licensed to operate are Zones 4 and 5. Details of the specified Zones for street trading are attached as Appendix 2.
- 3.3 As an ice cream seller Mr Woodford must comply with the standard conditions of licence for street traders. These include:
 - 3.3.1 Condition 2: The licence holder shall not carry on business on any street as to unreasonably obstruct road users or affect their safety; and
 - 3.3.2 Condition 5: The licence holder shall on all occasions, when carrying on business, behave in a proper and civil manner, and not carry on business in such a way as to cause a nuisance or annoyance to any person.

- 3.4 In March 2019, a complaint was received by the Directorate alleging that Mr Woodford was causing nuisance and annoyance to residents close to Holy Rood High School, 55 Duddingston Road West, while selling goods from his mobile unit during the lunch period of the school.
- 3.5 An officer from the Licensing Enforcement Team visited the area on 18 March 2019 and found Mr Woodford operating from Meadowfield Drive. He was spoken to, advised of the complaint and reminded of his licence conditions. It was agreed after this discussion that Mr Woodford would move to another location.
- 3.6 A further complaint was received on 20 March 2019. This complaint concerned the location at 78 Duddingston Road West from which Mr Woodford was now trading. The complainant, who lives in proximity to this location, alleged that when operating from this location Mr Woodford was causing nuisance and annoyance to residents, as the school children were blocking the pavement and the entrance to homes. It is alleged that litter was also being dropped and placed into residents' hedges. Concerns were also raised for the school children's safety, as the location is on a main bus route.
- 3.7 On 21 March 2019 Mr Woodford was again visited by an officer from the Licensing Enforcement team. He was again reminded that the new location was also one about which complaints had been received. During the discussions he was made aware of nature of the complaints and advised that he should move to a location which would not cause annoyance or nuisance to any residents.
- 3.8 Despite several visits and follow-up discussions with officers, Mr Woodford has continued to trade from the location on Duddingston Road West. Because of this the matter is now being brought before the Licensing Sub Committee for its consideration when Mr Woodford's new licence is being determined.
- 3.9 Officers request that an additional licence condition should be attached, restricting the locations in the vicinity of Holy Rood High School from which the Licence holder is permitted to trade (Appendix 1). This should address the concerns described above.

4. Measures of success

- 4.1 Not relevant, as decisions on individual licences have to be considered on their own merits.

5. Financial impact

- 5.1 None.

6. Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.

6.2 The applicant has a right of appeal against any decision made. The appeal lies to the Sheriff Court

7. Equalities impact

7.1 There is no equalities impact arising from the contents of this report.

8. Sustainability impact

8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

9.1 None.

10. Background reading/external references

10.1 None.

Andrew Mitchell

Regulatory Services Manager

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

11. Appendices

11.1 Appendix 1 – Additional condition, listing street locations where Mr Woodford shall not trade

11.2 Appendix 2 – Specific trading zones for street traders

The licence holder shall not trade from the following Edinburgh street locations during published school term times:

The entire length of the following streets:

- Meadowfield Drive
- Meadowfield Gardens
- The Causeway
- Old Church Lane

And:

- Between 68 and 98 Duddingston Road West

SPECIFIED ZONES FOR STREET TRADERS

The specified zones in the City of Edinburgh District in which street traders are permitted to trade shall be the streets within the including and following boundaries (with the exception of Princes Street, George Street, Rose Street, the Mound Precinct and the Royal Mile.

1. Queensferry Road, Hillhouse Road, Telford Road, Groathill Road North, Ferry Road, Pennywell Road, Marine Drive.
2. Marine Drive, Pennywell Road, Ferry Road, Groathill Road North, Telford Road, Queensferry Road, Dean Park Crescent, Comely Bank Avenue, East Fettes Avenue, Ferry Road, Granton Road, Wardie Steps to Lower Granton Road.
3. Granton Road from Wardie Steps to Ferry Road, East Fettes Avenue, Comely Bank Avenue, Dean Park Crescent, Queensferry Road, Queensferry Street to Princes Street, Waterloo Place, Regent Road, Easter Road, Leith Links to Seafield Road.
4. Seafield Road, Leith Links, Easter Road, Regent Road, Waterloo Place, North Bridge, South Bridge southward to Lady Road, Peffermill Road, Duddingston Road West, Duddingston Road, Southfield Place, Brighton Place, Bath Street to Promenade.
5. Bath Street, Brighton Place, Southfield Place, Duddingston Road, Duddingston Road West, Niddrie Mains Road, Newcraighall Road.
6. Newcraighall Road, Niddrie Mains Road, Peffermill Road, Lady Road, Gilmerton Road.
7. Gilmerton Road from City Boundary, Craigmillar Park northwards to North Bridge, Princes Street, Lothian Road, Earl Grey Street, Home Street, Leven Street, Bruntsfield Place, Morningside Road, Comiston Road, Biggar Road.
8. Biggar Road, Comiston Road, Morningside Road, Bruntsfield Place, Leven Street, Home Street, Earl Grey Street, Lothian Road, Shandwick Place, West Maitland Street, Dalry Road, Ardmillan Terrace, Slateford Road, Lanark Road.
9. Lanark Road, Slateford Road, Ardmillan Terrace, Gorgie Road, Calder Road.
10. Calder Road, Gorgie Road, Dalry Road, Haymarket Terrace, West Coates, Roseburn Terrace, Corstorphine Road, St John's Road, Glasgow Road.
11. Glasgow Road, St John's Road, Corstorphine Road, Roseburn Terrace, West Coates, Haymarket Terrace, West Maitland Street, Shandwick Place, Queensferry Street, Queensferry Road.
12. In the north by the shire at South Queensferry, in the east by the Edinburgh City Boundary, in the south by the River Almond and in the west by the District Council Boundary.

13. In the north by the River Almond, in the east by the Edinburgh City Boundary, in the south by the Calder Road (A71) and in the west by the District Council Boundary.
14. In the north by the Calder Road (A71) in the east by the Edinburgh City Boundary and in the south east, south and west by the District Council Boundary.