

# Licensing Sub-Committee of the Regulatory Committee

**1.30pm, Monday, 3 February 2020**

## **Application for Street Trader's Licence**

**Executive/routine**

**Council Commitments**

N/A

**Wards**

City Centre Ward (11)

### **Executive Summary**

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First Scotland East which operates Bright Bus Tours has applied for a Street Trading Licence (Appendix 1) to allow the street team to retail tickets from hand held devices in a number of locations throughout the city.

The locations identified by First Scotland East are within areas where the current Street Trading Policy makes a presumption against street trading. The application seeks an exemption to policy.

## Application for Street Trader's Licence

### 1. Recommendations

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- 1.1 After hearing from Council Officers and the relevant licence holder, it is recommended that the committee considers whether it is appropriate to grant this licence; and if minded to do so to attach additional conditions which:
  - 1.1.1 Limit the area in which tickets can be sold to Waverley Bridge only; and
  - 1.1.2 Limit the number of employees authorised to sell tickets on Waverley Bridge

### 2. Background

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- 2.1 The Council licenses Street Trading under the Civic Government (Scotland) Act 1982. A Street Trading Licence is required by a person who, whether on his own account or as an employee, in a public place hawks, sells or offers or exposes for sale any article.
- 2.2 On 9 December 2004 the City of Edinburgh Council adopted a policy on Street Trading in the city. This policy was updated on 1 February 2016 and was reaffirmed by committee on 21 October 2019 (Appendix 2).
- 2.3 The policy lays out presumptions in favour of or against street trading in certain areas of the city.
- 2.4 In terms of the policy, mobile street trading is not considered suitable in ward 11. Waverley Bridge is not currently considered a suitable location for street trading of any type.
- 2.5 Public Service Vehicle (PSV) operators are regulated by and require a licence to operate from the Traffic Commissioner's Office. This includes those who run tour bus services. The Traffic Commission does not have any specific legislative provisions which regulates ticketing. However, the conduct of staff who work for operators may, depending on the context and circumstances, affect an operator's reputation or fitness to hold a licence.
- 2.6 The activity (selling tickets) proposed by First Scotland East falls within the definition of 'street trading' and 'licensable activity'. The actual bus tour service and the tours they provide do not fall within the terms of street trading and the council has no power to regulate this part of the activity.

### 3. Main report

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- 3.1 On 1 July 2019 the Licensing Service received an application for a Street Trader's Licence from Mr Noel Gordon Bannerman of First Scotland East, which operates Bright Bus Tours. The application is to allow a street team to retail tickets from hand held devices in a number of locations throughout the city, including Waverley Bridge, George IV Bridge, the Royal Mile, Victoria Street, Holyrood Gait and Horse Wynd (Appendix 1). The intended hours of trading are 0800 to 1830 daily.
- 3.2 The trading areas proposed in the application are areas of high footfall. Concern has been expressed in the past regarding congestion and interaction with other street activity.
- 3.3 The local Roads team has raised a number of concerns and has asked for:
  - 3.3.1 a risk assessment and method statement for this application; and
  - 3.3.2 a more specific and detailed locations of trading areas.In addition the Roads team has proposed that the licence:
  - 3.3.3 restricts the number of traders on Waverley Bridge, which should include a restriction on the overall number of traders currently operating in this area;
  - 3.3.4 restricts trading in other locations; and
  - 3.3.5 should perhaps run as a trial for the first year.
- 3.4 The application specifies areas where there is a presumption against street trading within the current street trading policy parameters. It would be normal to require a separate application for each of the trading areas proposed. If granted, a mobile Street Trading Licence of this type would create a precedent for this type of trading in the city centre (ward 11). This that has been considered highly desirable by street traders in the past, as it would allow unrestricted trade in the city centre. The committee is asked to note that similar applications from sellers of goods have been refused in the past
- 3.5 The committee is asked to consider whether or not:
  - 3.5.1 the proposed trading locations are suitable (Appendix1);
  - 3.5.2 to depart from policy and allow mobile trading within the city centre (ward 11);
  - 3.5.3 to limit trading to specific locations and to require individual applications for each location; and
  - 3.5.4 to limit the number of employees at specific locations.
- 3.6 The onus is on the applicant to make a case for exemption. The applicant has been invited to attend or to be represented at the meeting.

#### **4. Measures of success**

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

#### **5. Financial impact**

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- 5.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2019.

#### **6. Risk, policy, compliance and governance impact**

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- 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**

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

#### **8. Sustainability impact**

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

#### **9. Consultation and engagement**

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- 9.1 None

#### **10. Background reading/external references**

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- 10.1 None

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## 11. Appendices

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- 11.1 Appendix 1 – Application forms and associated documentation
- 11.2 Appendix 2 - Street Trading Policy & Street Trading and Market Operators conditions