

COMMITTEE: LICENSING

DATE: 17 November 2010

DIRECTOR: STEWART CARRUTH

TITLE OF REPORT: REVIEW OF STREET TRADERS' LICENCES

REPORT NUMBER: CG/10/002

1. PURPOSE OF REPORT

To explain to the Committee the current system in place with regards to all aspects of street traders' licences and to make suggestions for change to update the practice and procedure relating to these licenses.

2. RECOMMENDATIONS

That the Committee:

- (i) Considers whether it wishes to revoke (or otherwise) the current requirement whereby all applications for new hot food sites and new applicants for existing hot food sites require to be advertised in a local newspaper.

If it does wish to revoke the requirement for advertising, that it decides which measure(s) (if any) it wishes to have in place.

- (ii) Maintains current practice whereby hot food applications for new sites must be brought before the Committee for determination;
- (iii) Revokes the current 100 metre rule detailed in Condition 10 (Conditions Applicable to Street Trader's Licence – 'the Conditions') annexed as Appendix A to this report;
- (iv) Maintains its current guideline prohibiting street trading in the City Centre;
- (v) Adopts in principle a new condition prohibiting the siting of street trading stances which sell any type of food and/or drinks within a specified radius of the outer boundary of a school at all times;
- (vi) If the Committee adopts the new condition as per (v) above, it should determine what that specified radius will be;
- (vii) Adopts in principle the amended current conditions as detailed in

Appendix B of this report;

- (viii) Maintains all nine zones in relation to street traders' licences for mobile vans pending a potential change in legislation.
- (ix) Maintains the current one year duration for a street trader's licence.

3. FINANCIAL IMPLICATIONS

None.

4. SERVICE & COMMUNITY IMPACT

- (i) With regards to the siting of street trading stances which sell food and drink within a specified radius outside schools, school children may be less likely to visit these stances to purchase unhealthy food. This could have a positive impact on the promotion of childrens' health.
- (ii) Following a twenty eight day consultation period from 2 to 30 March 2010, five responses were received. These responses are annexed at Appendix C to this report.
- (iii) A list of those who were consulted is detailed in Appendix D.

5. OTHER IMPLICATIONS

None.

6. REPORT

6.1 Introduction

Section 39 of the Civic Government (Scotland) Act 1982 ('the Act') provides that a street trader's licence is required for street trading by a person, whether on his own account or as an employee. This means that a licence is required for persons who are both employers and employees.

Street trading is defined as hawking, selling or offering or exposing for sale any article, or offering to carry out, or carrying out for money or money's worth any service in a public place. It includes doing any of these things from a vehicle, a kiosk or a moveable stall not entered in the valuation roll.

For any activity which involves the sale of food, a street trader must have a Food Safety Certificate issued by the environmental health service of the Council.

6.2 Hot Food Sites

6.2.1 Advertising

In terms of the Act, all applicants for licences where the activity is carried on from premises must display a notice for a period of 21 days indicating that they have applied for a licence.

However, as street trading stances do not constitute premises for the purposes of this provision, these stances do not require to display this notice. The effect of this is that persons in the vicinity may not be aware of the application being made.

The Act imposes various advertising obligations on a Licensing Authority, but none in respect of street traders' licences. The Committee does have the power, if it thinks fit, to require advertising of any application for the grant or renewal of a licence to be done in a local newspaper. If the Committee wishes to advertise, it must therefore advertise in a newspaper. Applications are currently advertised in the Citizen freepaper. The applicant pays the advertising cost (currently £200 per site) in addition to the licence fee.

The main problem with advertising in the Citizen is that it does not enjoy city wide distribution.

Moving advertising to the Press and Journal or Evening Express for wider circulation would cost the applicant £558 and £384 respectively.

If the Committee does decide to retain the current system, it could advertise all applications for hot food sites/new applicants for existing food sites on the Council's website in addition to the newspaper. Whilst it is not statutorily obliged to do so, this would constitute a free advertising forum for applicants and would ensure that applications are being advertised on a wider basis.

However, the Committee may wish to consider stopping the advertising of these applications all together. Within the past three year period, no objections/representations have been received in relation to these type of adverts.

6.2.2 Determination of Applications by the Committee

All applications for new hot food sites must come before the Committee for determination even if there are no objections or

representations to the application. The reason for this is the potential for public nuisance, especially from smells, litter and generator noise.

Licences for existing sites with new applicants are dealt with by delegated powers.

It may be considered that it is unnecessary for these applications to be determined by the Committee when there are no objections or representations and these applications are adding unnecessarily to the Committee's sometimes already heavy workload.

Determination of these applications by the Committee allows the Committee to 'monitor' the placing of new hot food sites throughout the city and informs Members as to whether or not hot food vans are being given permission to trade within their wards for the first time. This may be particularly important if the Committee agrees to the recommendation that advertising of hot food sites be revoked. Determination by the Committee could be the only channel by which the Committee has knowledge of these applications.

It is recommended that there is no change to current practice in respect of new sites.

6.2.3 The 100 Metre Rule

In terms of condition 10, a licence holder must not engage in street trading within 100 metres of any other licence holder/establishment/premises which sells or offers similar goods/articles/services.

The primary rationale for this rule seems to be public nuisance (e.g.: excess footfall within a concentrated area, litter and smells emanating from premises) and public safety.

All new applications received are checked on a mapping system to identify whether the proposed location meets the 100 metre requirement.

Provision of Services Regulations 2009

The Provision of Services Regulations 2009 (SI 2009/2999) ('the Regulations') implements EU Directive 2006/123/EC into UK law. The Regulations came into force on 28 December 2009 and apply UK wide.

The general aim of the Regulations is to facilitate the provision of cross border services for individuals and businesses across the European Economic Area ('EEA') by removing barriers to the right to trade. Street trading falls within the Regulations.

Regulation 22 provides, amongst other requirements, that a local authority cannot make access to, or the exercise of, a service activity subject to 'quantitative or territorial restrictions, in particular in the form

of limits fixed according to population or *of a minimum geographical distance between persons providing the service*' (italics my emphasis).

The general effect of Regulation 22 in relation to street trading is that a local authority cannot impose a minimum geographical distance between street traders. However, there are exceptions to this general rule if three conditions are met. These three conditions are (i) non-discrimination, (ii) necessity and (iii) proportionality. If all three conditions are met then the prohibition on imposing a minimum geographical distance between persons providing a service could be lawful.

In terms of Regulation 21, a Local Authority cannot make access to, or the exercise of, a service activity subject to an economic need or market demand. This means that a Local Authority cannot take into consideration whether, for example, there is sufficient market demand or economic need for the siting of two fish vans in a particular area.

It is recommended that the Committee revokes the 100 metre rule as it arguably falls foul of the Regulations, with the exception of street traders outside schools.

6.3 Schools

The 100 metre rule also applies to the siting of street trading stances in relation to schools.

It is not entirely clear where the measurement of a 100 metre distance commences and ends in relation to a school. For example, a school may be defined as the school building only. Alternatively, it may include the building, surrounding playground and fenced outer boundary. It may not be clear to licence holders or enforcing agencies whether or not this condition is being breached. The licence holder may therefore be of the opinion that s/he is adhering to the 100 metre requirement. However, the Committee may think that s/he is in breach of it.

The closer the food stance is to the school the greater the temptation it may be for pupils to leave the school to purchase the food.

The Council has a legal obligation to adhere to the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008/265. However, these nutritional requirements apply to school meals and other food and drink provided on school premises. They do not apply to premises outside schools or to street traders.

The Licensing Authority has received complaints with regard to the location of street traders which sell food near to schools. For example, concerns have been raised that pupils have been leaving school playgrounds during school break to purchase food from hot food vans.

This raises safety concerns. Health concerns have also arisen. For example, a Local Authority ought to be discouraging unhealthy eating and the location of a burger van within a 100 metre radius of a school is contrary to any healthy eating initiative that may be promoted by the Local Authority

It is arguable that the imposition of the 100 metre rule in relation to the proximity of a school may not be in breach of Regulation 22 as the three conditions that may make this rule lawful (non-discrimination; necessity and proportionality) could be met. The non-discrimination condition seems uncontentious. It may also be easier to argue the necessity exception in relation to schools (i.e. the rule must be justified by an overriding reason relating to the public interest, which includes public health). It is arguable that the rule could be regarded as necessary to promote the health of school children (thus meeting the public interest/public health criteria). The third exception that requires to be met - proportionality – may also be easier to argue. In essence, this condition stipulates that the rule must be suitable for attaining the objective and must not go beyond what is necessary to achieve that objective. The objective in this case is promotion of school childrens' health. It is arguable that the rule is suitable and does not go beyond what is necessary. The Committee is imposing a reasonable geographical distance to facilitate achievement of the public health objective.

Currently there are two ice cream van traders who operate regularly outside schools. However, there are currently nine ice cream vans in total that hold street trader licences and operate within zones.

There is currently one hot food van trading within the immediate vicinity of the outer boundary of a school. If a specified radius is adopted as a policy, approximately fifteen hot food traders would be affected by this policy.

It is recommended that the Committee adopts a new condition (condition 21 at Appendix B) of not allowing street trading by food vans providing food and/or drinks of any description within a specified radius of an outer school boundary. The Committee would need to decide what this radius will be. Applicants would still be able to make an application to the Committee requesting relaxation of this policy. Each case would be determined on its own merits. This policy would not apply retrospectively. It would only apply upon the renewal of existing licences or upon the grant of new ones.

Maps delineating the siting of street traders stances within a 100, 200 and 400 metre radius of both primary and secondary schools are available for members to peruse should they so wish.

6.4 City Centre Street Trading

The current guideline in place with regards to city centre street trading is as follows:

'That no street trading be permitted in Union Street or any pedestrianised area in the City Centre save where a special case can be made out by the applicant or the licence holder as to why the guideline should not apply' (meeting of the Licensing Committee 30 September 1994).

The rationale for this general prohibition on city centre street trading is consideration of safety issues in relation to suitable available physical space within the city centre. From a safety perspective, it is not desirable that physical structures obstruct a pathway where there is excess footfall unless there is sufficient physical space to accommodate that structure. This also prevents partially sighted and those without sight from being obstructed in their movement.

Within the city centre designated 'gold zones' were previously created by the Council in partnership with the commercial business sector. They constitute key pedestrianised areas in the city centre (examples include St Nicholas Square; Belmont Street and George Street precinct) which benefit from a more rigorous regime of cleanliness and street maintenance and are deemed to enhance the visual amenity of the area.

There was a general prohibition at one point on street trading in these gold zones though on three occasions to date this prohibition has been relaxed (a German Food Stall, Coffee Stall and two Santa Hat Stalls all situated in St Nicholas Square).

There currently is no corporate consensus as to whether these zones are still in existence and, if they are, for what purpose.

The Licensing Authority has the power to impose 'conditions restricting the validity of a licence to an area or areas specified in the licence.' This provision enables the Committee to zone areas for the purpose of street trading. The Regulations prohibit zoning for the purposes of trading.

The Scottish Government have advised that some amendments are needed to the 1982 Act to ensure compliance with the Regulations. It remains to be seen whether the specific zoning provision will be amended in this regard.

It is recommended that until the 1982 Act is reviewed no change is made to street trading in the city centre.

6.5 Ice Cream and other mobile vans: Zoning

There are currently nine zones within the Aberdeen City area that apply to all mobile vans. Applications in relation to zones one to eight are generally granted via delegated powers provided there are no issues with it. An application in relation to zone nine (the city centre area) requires to be determined by the Committee. There are currently no ice cream van vendors operating within the city centre zone.

The procedure is that a prospective applicant calls the licensing team and indicates a general area in which they wish to trade. They are then advised which zone they ought to apply for. The licence issued specifies 'Area of Trade' and indicates the permitted zone(s). If a vendor wishes to add a zone to their licence, they require to apply for variation of the licence. A plan is attached to the licence detailing all nine zones.

The current system is uncontentious and works well.

It is recommended that zoning for mobile vans remains in place until the legal position is clarified i.e. the Scottish Government amends the zoning provision in the 1982 Act to ensure compliance with the Regulations.

6.6 Duration of Licence

A street trader's licence is currently granted/renewed for a one year period. There are no identifiable problems with this

It is recommended that the one year duration of the licence remains unchanged.

7. **AUTHOR DETAILS**

Caroline Treanor
Solicitor
ctreanor@aberdeencity.gov.uk
Tel: 01224 523173

8. **BACKGROUND PAPERS**

Civic Government (Scotland) Act 1982
Provision of Services Regulations 2009/2999
Directive 2006/123/EC

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONDITIONS APPLICABLE TO STREET TRADER'S LICENCE

1. In these Conditions:-

- a) "the licence holder" means the person named in the licence.
- b) "the Council" means the Aberdeen City Council.
- c) "Head of Legal and Democratic Services " means the Head of Legal and Democratic Services of Aberdeen City Council
- d) "Director of Housing and Environment" means the Director of Housing and Environment of Aberdeen City Council.

2 a) The licence holder shall, immediately on receiving his licence, and before commencing trading, sign his licence in the space provided.

b) The licence holder shall at all times whilst he is engaged in the work of street trading, have with him his licence and the badge of identification issued by the Council and he shall exhibit his licence, on demand, to any person. The badge of identification issued by the Council shall include a recent photograph showing a true likeness of the licence holder, and he shall display his badge of identification at all times while so engaged conspicuously on the outer front, upper portion of his outermost garment with the inscribed side of the badge clearly visible. The Council shall require from the licence holder, at the time of issue of his licence and badge of identification such sum as may be specified from time to time by them.

- 1. The licence holder shall not lend or allow any other person to use his licence, or badge, if provided.
- 2. The licence holder shall not in any way alter, erase or deface his licence and shall, when required produce it for examination by the Head of Legal and Democratic Services at the Town House, Aberdeen.
- 3. Where the goods or articles to be sold or which are to be offered for sale by the licence holder are intended for human consumption, the licence holder shall not store such goods or articles in any premises or vehicle until the said premises or vehicle has been approved by the Director of Housing and Environment for the purpose.

1. Where the licence allows the holder to sell from a stationary structure in any specified place in any street, the said structure shall be of a form which can be speedily and easily removed, and where such stalls are used for the sale of food they shall contain equipment for the proper cleaning and sterilising of all utensils and vessels used in connection therewith as shall be satisfactory to Director of Housing and Environment and shall comply at all times with the requirement of "the Food Safety Act, 1990".
2. The licence holder 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. In the event of the licence holder trading at a particular location for a period exceeding thirty minutes he shall place at that location a litter bin or other receptacle for the deposit of paper, garbage or other refuse by customers.
3. The licence holder shall at all times, when exercising his trade, keep himself and his clothing clean and keep and maintain any moveable structure, vehicle or receptacle used for the purpose of street trading in a clean and proper condition to the satisfaction of Director of Housing and Environment. On written notice signed by Director of Housing and Environment himself or by an Authorised Officer, being given to the licence holder that he has become unsuitable in respect of the unsatisfactory condition of his clothing or person, or that the vehicle or receptacle is unsuitable, the licence holder shall immediately cease trading until he remedies the cause of complaint to the satisfaction of Director of Housing and Environment or until the said notice is withdrawn; and such notices shall be recorded in a register kept for the purpose and available during normal office hours for public inspection and shall be reported to the Council for information as soon as may be.
4. The licence holder shall comply with any order or instruction given by an Police Officer in uniform for the prevention of obstruction or annoyance to the public or to the occupiers of any premises or in connection with any emergency or disturbance or on any occasion when such Officer in his discretion may consider it necessary in the public interest to give such order or instruction.
5. Except as otherwise directed by the Council the licence holder shall not engage in street trading within 100 metres of any other licence holder or establishment or premises in which are sold or offered for sale any goods or articles or services of the same or similar class and description as those to be sold or offered for sale by him, when operating outwith a recognised market. The Council may in their sole discretion and on application direct that the terms hereof shall not apply to the licence holder in a particular street or locality or area but such a direction shall not be effective until it is endorsed by the Head of Legal and Democratic Services on the licence.
6. If the licence holder ceases to act as such for the unexpired period of his licence, or his licence is suspended by the Council, or if his licence has

expired he shall, within three days thereafter deliver his licence and badge to the Head of Legal and Democratic Services and shall be in contravention hereof if he shall fail to deliver both or either his licence and/or badge within said period of three days.

1. The licence holder shall be permitted to exercise his trade only within the areas indicated in this licence.
2. The licence holder shall comply with the provisions of the Code of Practice on Noises from Ice-Cream Van Chimes etc, 1982, made by the Secretary of State for Scotland by Statutory Instrument under Section 71 of the Control of Pollution Act, 1974.
3. On being granted a licence for the first time the licence holder shall be furnished by the Head of Legal and Democratic Services with a badge. In the event of the badge being damaged or lost while in his possession a replacement badge will be issued on further payment of the prescribed amount.
4. The licence holder shall be bound to renew his badge on being notified by the Head of Legal and Democratic Services that the badge is considered to be defaced or illegible, on payment of the appropriate amount for a replacement badge in terms of Condition 14 hereof, failing which the licence may be suspended at the sole discretion of the council.
5. Where the licence has been granted in relation to a specific vehicle or trailer the licence holder shall not modify or replace the said vehicle without previously having notified the Director of Housing and Environment in writing and having received the appropriate certificate granted upon the provisions of Section 39(4) of the Civic Government (Scotland) Act, 1982.
6. On a certificate of compliance being issued by the Council in respect of a street traders' vehicle or trailer, a number shall be allotted to it by the Director of Housing and Environment.
7. The licence holder shall ensure that any number allotted to his vehicle by the Director of Housing and Environment shall be painted in a straight line at the foot of the nearside of the vehicle, near the front of the vehicle in figures not less than 2.5cm in height, or proportionate breadth and in a colour conspicuously different from that of the bodywork of the vehicle.
8. The licence holder shall collect and remove any paper, garbage or other waste including waste water, fats and oils, produced or used by his/her business and shall arrange for the disposal of such waste in an acceptable manner, complying with the Environmental Protection Act 1990 and the Sewerage (Scotland) Act 1968. Waste water shall not be disposed of into a surface water drain. Fats and oils shall not be disposed of into the sewerage system or a surface water drain.

NOTE In terms of Section 30 of the Children and Young Persons (Scotland) Act, 1937, no person under the age of seventeen years shall engage or be employed in street trading.

Head of Legal and Democratic Services

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONDITIONS APPLICABLE TO A STREET TRADER'S LICENCE: NEW

1. DEFINITIONS:-

- a) Head of Legal and Democratic Services means Head of Legal and Democratic Services and/or his/her authorised representative
- b) "Corporate Director" means the Corporate Director, Corporate Governance, Aberdeen City Council or his/her authorised representative
- c) the Council" means Aberdeen City Council and/or an authorised officer of that Council.
- d) "the licence holder" means the person named in the licence.
- e) "Licensing Authority" means the Licensing Committee of Aberdeen City Council
- f) "relevant person" means a police officer or authorised officer of the Council
- g) 'stance' means any vehicle, kiosk or moveable stall not entered in the valuation roll to which the licence relates
- h) "street trading" shall have the same meaning ascribed to it in section 39 (2) Civic Government (Scotland) Act 1982

CONDITIONS:

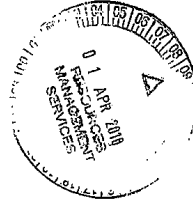
- 2. **Subject to paragraph 16 of Aberdeen City Council's Employment of Children Byelaws (made 18 October 2001) which provide that a child aged 14 years or over may engage in street trading in certain circumstances, the holder of a street trader's licence shall not be less than sixteen years of age.**
- 3. A licence holder shall at all times, whilst engaged in the work of street trading, have with them their licence and identity badge issued to them by the Council. Upon reasonable request by a relevant person, the licence holder shall produce their licence and/or identity badge to that relevant person.
- 4. A licence holder shall display both licence and identity badge on the stance and/or on the licence holder's outer person in a place that shall

be both visible and conveniently read by members of the public.

5. A licence holder shall not at any time lend to nor allow any other person to use their licence, and/or identity badge.
6. A licence holder shall not in any way alter, erase or deface their licence and/or identity badge. Where said licence/identity badge becomes illegible for any reason, the licence holder shall apply to the Council as soon as is reasonably practicable for a replacement.
7. A licence holder's identity badge shall remain the property of the Council at all times. Within seven days of the occurrence of any of the following, the licence holder shall return said identity badge to the Licensing Authority:
 - a. If the licence holder ceases to act for any reason for the unexpired period of their licence;
 - b. the licence is suspended by the Council ;
 - c. the licence expires and no application for renewal of said licence is made or
 - d. any other reason upon reasonable request by the Licensing Authority.
8. The stance from which a licence holder trades shall be positioned in a place whereby no danger shall or be likely to arise to any member of the public at any time.
9. The stance from which a street trader hawks, sells or offers or exposes for sale their goods shall be of a form that can be removed within a reasonable timeframe if so required upon reasonable request by a relevant person.
10. A licence holder shall trade only from the stance specified in the licence.
11. A licence holder shall provide a bin or other suitable receptacle for the deposit of litter. Said bin/receptacle shall be placed within a reasonable distance from the stance in a place that is easily accessible by members of the public.
12. A licence holder shall carry out their street trading activity in a public place in a manner that does not at any time cause any type of obstruction, nuisance or annoyance to any member of the public nor affect their safety in any way.
13. A licence holder shall operate only on the days and hours of operation as specified in the licence. On the terminal hour of trading, where it is reasonable and practical to do so, the stance shall be dismantled and removed by the licence holder.
14. A licence holder shall, if so required during trading hours and upon the

terminal hour each day, ensure the collection and removal of any litter found in a public place within a fifteen metre radius of each side of their stance.

15. A licence holder shall comply with any reasonable instruction given by a relevant person in relation to his/her street trading activity.
16. A licence holder shall exercise their trade only within the areas specified in their licence.
17. A licence holder shall not commence their street trading activity until all necessary consents have been applied for and obtained from the Council and/or any other relevant body.
18. Where applicable, the licence holder shall comply at all times with the provisions of the Code of Practice on Noises from Ice-Cream Van Chimes etc, 1982, issued under Section 71 of the Control of Pollution Act 1974.
19. Where a licence is granted in respect of food in terms of section 39(4) of the Act, then, prior to subsequent renewal of that licence, the licence holder shall ensure that the stance to which the licence relates is inspected by an authorised person(s) from the Council's Environmental Services. Any recommendation(s)/direction(s) made subsequent to that inspection shall be implemented by the licence holder within the specified time frame.
20. Where applicable, a licence holder shall ensure that any STT (Street Trader) number allocated to their stance by the Council's Environmental Services is painted on said stance in a position that can be conveniently and easily read by members of the public and shall be no less than 5cm both in height and breadth.
21. **Subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a [YET TO BE DETERMINED] radius of the outer boundary of a school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose.**
22. If, throughout the duration of the licence, a licence holder is convicted of any offence, they shall, within fourteen days of said conviction, notify the Licensing Authority in writing of that conviction.



T: 01224 20 87 29
F: 01224 31 87 87
E: info@fyfemoirassociates.com
W: www.fyfemoirassociates.com
58 Queens Road,
Aberdeen,
AB15 4YE

Mr S Carruth
Director
Legal & Democratic Services
Aberdeen City Council
Ground Floor
Town House
Broad Street
Aberdeen AB10 1AQ



ID 7631

29th March 2010
GF/Mc510

Dear Sir

Aberdeen City Council Licensing Committee
Section 39 Civic Government (Scotland) Act 1982
Street Traders' Licences
Review

We act on behalf of Walter McDonald, 2 Forvie Path, Bridge of Don, Aberdeen, AB22 8TG who has in total traded for 46 years as a Hot Food Van Trader and for 41 years held a licence for street trading at certain areas of the City.

Having read the Report "Review of Street Traders' Licences" (Report No: CG/10/002), Mr McDonald wishes to submit an objection to the recommendation that the Committee revokes the current 100 metre rule detailed in Condition 10 as suggested at Para 2.3 under the heading of "Recommendations".

The reason for the objection to the removal of the 100 metre rule is that without this rule in place, any number of licenced traders could turn up at a site for which the current licence holder has a paid a fee and operated the site within current legislation.

No protection would then be given to the trader who had operated the site for, in many circumstances, several years potentially allowing any number of traders to congregate in the same area previously operated by only one licence holder.

Removal of the 100 metre rule gives no protection of a licenced trader's rights to income and the potential loss of revenue may be significant.

The removal of the 100 metre rule may cause friction between traders who may encroach on areas currently allocated to licence holders.

Please accept this letter as a formal objection by Mr McDonald to the removal of the 100 metre rule.

Mr McDonald is also of the opinion that the Committee should continue to bring hot food applications for new sites before the Committee for its determination.

Mr McDonald's Licence Number is 019.

Yours faithfully
For and on behalf of
Fyfe Moir & Associates



Graham Fyfe

fm
**Fyfe Moir &
Associates**
Accountants & Tax Advisers



ABERDEEN
CITY COUNCIL

ABERDEEN CITY COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CERTIFICATE OF COMPLIANCE

WHEREAS the application by **Walter McDonald, 2 Forvie Path, Bridge of Don, Aberdeen, AB22 8TG** for a Street Trader's Licence consists of or includes food business within the meaning of Regulations made under Section 1(3) of the Food Safety Act 1990 namely

The Selling of Hot Food, Crisps and Soft Drinks

and involves the use of a vehicle namely

A converted Vauxhall Movano 2.5 diesel van , Registration: W629 SKM

I, Head of Service – Shelter & Environment, on behalf of Aberdeen City Council, hereby certify that the afore-mentioned

Vehicle when inspected on the 3rd February 2010

complied with the requirements of all relevant regulations made under Section 16 of the Food Safety Act 1990.

pp *Oliver Mitchell*
.....
HEAD OF SERVICE – ENVIRONMENT

STT/03/01

This Certificate expires on 31st March 2011



Our Ref. ALM/MAC/STT/03/01
Your Ref.
Contact Allison Middleton
Email Commercial@aberdeencity.gov.uk
Direct Dial 01224 522214
Direct Fax 01224 523887

8 February 2010

Mr W McDonald
2 Forvie Path
Bridge of Don
ABERDEEN
AB22 8TG



Trading Standards and
Commercial Premises
Housing and Environment
Aberdeen City Council
3rd Floor
St Nicholas House
Broad Street
Aberdeen AB10 1BX

Tel 01224 523800
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir

**Civic Government (Scotland) Act 1982
Street Trader's Certificate of Compliance
STT/03/01 – Trading As: Walter's Fast Food (Vehicle Registration: W629 SKM)**

I refer to your recent application for a Certificate of Compliance. I can confirm that at the time of the visit on Wednesday 3 February 2010, your vehicle, on inspection, was found to be satisfactory and as such please find the Certificate of Compliance enclosed.

Yours faithfully

Allison Middleton

Head of Service - Housing and Environment

Enc.



PETE LEONARD - DIRECTOR

AGE POSITIVE
Scotland



Your Ref:
Our Ref: WG
Contact: W Gordon
Email: licensing@aberdeencity.gov.uk
Direct Dial: 01224 52237
Direct Fax: 01224 522491

1 February 2010

Walter McDonald
2 Forvie Path
Bridge Of Don
Aberdeen
AB22 8TG



ABERDEEN
CITY COUNCIL

Office of City Solicitor
Corporate Governance
Aberdeen City Council
Ground Floor
Town House
Broad Street
Aberdeen AB10 1AQ
Tel 01224 522000
Minicom 01224 522381
DX 529450 Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR RENEWAL OF STREET TRADER LICENCE**

I acknowledge receipt of the above application which was lodged on 01 February 2010.

Your application is receiving attention and I shall be in touch with you again in due course regarding the matter.

If any objection or material representations are received in relation to the application I will notify you of these as soon as I receive them.

Please note that any licence granted would be subject to the Council's standard conditions relating to this type of licence. If you would like a copy of these conditions please contact this office.

Yours faithfully

City Solicitor

STEWART CARRUTH
DIRECTOR



22/03/10

Ref: Objections to new Council Michael Gardiner
Proposals licensing, 12, Burnland Place
: ie St Macher Academy Elwick, Airedale
Dear Caroline Treasurer, AB82 6JU ST.HSD
& Legal and Democratic Services, m 07859073767

Following our telephone conversations on Fri 5th March '10' & March '10' regarding mail received by myself Titled: "Review of Street Traders Licenses" dated 2nd March '10', a comprehensive and detailed acquisition of objections regarding the above, follow.

I feel that it is unfair to change the current legislation of licensing regarding Ice Cream Vans at school, because the proposal of an "Half Milk" rule as mentioned in the Draft 6.3.1 and subsequent items of health & safety concerns as 6.3.1 b (iii) & (iv) & suggestions for change v(ii) are, I feel unreasonable.

I enclose copies of a petition/questionnaire I carried out over a space of only 2 days, and during that time received a fantastic response with 300 pupils signing form 1. I also found, that of that figure 82% of them either cycled or walked (as form 2 shows) to school. Now considering all Health Organisations promote walking as the best form of exercise, I think these pupils are doing not to badly in this category.

Form 3 regarding parental approval; all returned slips wanted the Ice Cream Van to remain at school, & finally Form 4 Showed me that 85% of them further afield to get their lunch, than remain at school facilities provided, and use the Ice Cream Van for snacks which are never ever considered to be unhealthy in any balanced diet. I also offer healthy snacks, such as baked crisps, cereal bars, water, milk & fruit etc, after reviewing all these results I would hope, with your consideration that licensing, regarding myself, would & should continue unchanged.

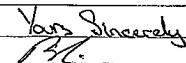
My Ice Cream Van has been in my family for 49 years and has stood beside the school for 15 years, I have just recently acquired the Van in the last 6 months from a family member at a great expense, and if I had known that there was to be a possibility of not having "school trade" I would not have taken on the business and I feel if council is to agree on changing the legislation to a "half mile" they should at least have a phase in period over a few years so that I, and others able relying on "school trade" have a chance set up other jobs, as taking away school trade will close a few businesses down.

As far as I know only Aberdeen City Council are proposing these measures as Aberdeenshire Council's are not.

These pupils are not babies, and if there is a demand for the service I provide they should be allowed to continue having it on their doorstep.

Also if the school or council are so concerned about health issues they maybe getting teachers who smoke at school gates, with children in there vicinity, moved to a "half mile" radius of the school, I think that would be a healthier option.

Council's & Governments can waste millions of pounds promoting this & that but messages don't get through regarding health issues, and then you target small issues as myself & business, to try and be seen as politically correct, but if you take my Van out of the equation, the pupils will not remain in school for lunch or snacks, because they choose not to, and will go further away from the school to get what they had on their doorstep, which I would of thought would increase safety concerns.

Yours Sincerely


Michael Corliss

From: "Skinner, Barry" <Barry.Skinner@grampian.pnn.police.uk>
To: <ctreanor@aberdeencity.gov.uk>
Date: 26/03/2010 14:00
Subject: FW: REVIEW OF STREET TRADERS' LICENCES
Attachments: 068LetStreetTradersConsultation.doc

RESTRICTED-

Caroline

In John Soutar's absence he has asked me to respond to you.

I have read over the Draft and in summary have no adverse comment to make.

Regards,

Barry Skinner

Barry Skinner | Sergeant | General Enquiries Department | Grampian Police

Telephone 01224 306466 | Email Barry.Skinner@grampian.pnn.police.uk | Address Police HQ, Queen Street, Aberdeen, AB10 1ZA

-----Original Message-----

From: Carole Milne [mailto:CAMILNE@aberdeencity.gov.uk]

Sent: 02 March 2010 16:30

To: Annette Bruton; Alan Milne; Alan Donnelly; Andrew Gilchrist; Aileen Malone; Andrew May; Bill Cormie; Barney Crockett; Carole Jackson; Callum McCaig; Ciaran Monaghan; George Adam; Gordon Graham; Gordon Leslie; Gordon McIntosh; George Penny; Gordon Spance; Ivor Churcher; Irene Cormack; Ian Yull; Jennifer Stewart; John Corall; John Stewart; Jackie Dunbar; Jennifer Leing; Jim Farquharson; James Hunter; Jim Noble; James Kiddle; John West; John Reynolds; Jillian Wisely; Kato Dean; Kirsty West; Kevin Stewart; Len Ironside; Marie Boulton; Mike Cheyne; Martin Greig; Muriel Jaffrey; Mark McDonald; Norman Collie; Neil Cooney; Neil Fletcher; Peter Stephen; Pete Leonard; Ronald Clark; Richard Robertson; Raymond Morrison; Stewart Carruth; Scott Cassie; Tom Moore; Wendy Stuart; Willie Young; Yvonne Allan; Soutar, John;
carol.knight@grampianfrs.org.uk
Subject: REVIEW OF STREET TRADERS' LICENCES

You have been identified as a consultee with regards to the above. Please see attached letter which is self explanatory.

Council's incoming and outgoing e-mail is subject to regular

monitoring.

This communication is intended for the person(s) or organisation named and may be confidential in nature, legally privileged and protected in law. If you are not the intended recipient please advise us immediately and do not disclose, copy or distribute the contents to any person. Failure to comply with these instructions may constitute a criminal offence.

Unless expressly stated to the contrary, the sender of this e-mail is not authorised by Grampian Police to make any representations in relation to, nor to negotiate or enter into, any agreement on behalf of Grampian Police.

Grampian Police has made all reasonable efforts to check that any attached file(s) is/are free of computer viruses but does not accept any responsibility for any damage, howsoever arising, as a result of their transmission to the recipient's computer. It is the responsibility of the recipient to ensure that all such attachments are free of viruses.

This communication is intended for the person(s) or organisation named and may be confidential in nature, legally privileged and protected in law. If you are not the intended recipient please advise us immediately and do not disclose, copy or distribute the contents to any person. Failure to comply with these instructions may constitute a criminal offence.

Unless expressly stated to the contrary, the sender of this e-mail is not authorised by Grampian Police to make any representations in relation to, nor to negotiate or enter into, any agreement on behalf of Grampian Police.

Grampian Police has made all reasonable efforts to check that any attached file(s) is/are free of computer viruses but does not accept any responsibility for any damage, howsoever arising, as a result of their transmission to the recipient's computer. It is the responsibility of the recipient to ensure that all such attachments are free of viruses.

From: Tom Moore
To: Carole Milne
Date: 11/03/2010 15:35
Subject: Re: REVIEW OF STREET TRADERS' LICENCES

Carole

Just to report that I have no comments to make regards the proposals

Tom

>>> On 02/03/2010 at 16:30, in message <488D3CEA.6648.00BC.0@aberdeencity.gov.uk>, Carole Milne <CAMILNE@aberdeencity.gov.uk> wrote:
You have been identified as a consultee with regards to the above. Please see attached letter which is self explanatory.

From: Gordon McIntosh
To: Carole Milne
Date: 09/03/2010 09:58
Subject: Re: REVIEW OF STREET TRADERS' LICENCES

Carole

In 2.5 how many existing licences will this proposal impact on?

Happy with half mile from school boundary and that it be half mile from nearest part of the school perimeter.

One question though - should it be miles or kms/mtres?

Gordon

Gordon McIntosh
Director of Enterprise, Planning and Infrastructure

Aberdeen City Council
9th floor
St Nicholas House
Broad Street
Aberdeen
AB10 1AX
Email - gmcintosh@aberdeencity.gov.uk
Direct Dial - 01224 522941

Tel - 01224 522000
www.aberdeencity.gov.uk

List of Consultees

- Ward Councillors
- Grampian Police
- Grampian Fire and Rescue Service
- City Centre Manager
- Environmental Services, Aberdeen City Council (ACC)
- Trading Standards, ACC
- Director of Housing and Environment, ACC
- Director of Enterprise, Planning and Infrastructure, ACC
- Director of Education, Culture and Sport, ACC
- Head of Service, Office of Chief Executive
- Community Safety Manager
- Roads Manager
- Building Standards Manager
- Street Trader Licence Holders
- Aberdeen City Centre Association
- Aberdeen Waldorf School, Craigton Road, Cults, Aberdeen
- Albyn School, 17-23 Queens Road, Aberdeen
- The Hamilton School, 55-57 Queen's Road, Aberdeen
- International School of Aberdeen, 296 North Deeside Road, Aberdeen
- Robert Gordon's College, Schoolhill, Aberdeen
- St. Margaret's School, 17 Albyn Place, Aberdeen