

Shetland Islands Council



Executive Manager: Jan-Robert Riise
Director: Christine Ferguson

Governance and Law
Corporate Services Department
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Shetland
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If calling please ask for
Leisel Malcolmson
Direct Dial: 01595 744599

Date: 10 February 2020

Dear Sir/Madam

You are invited to the following meeting:

Licensing Committee
Council Chamber, Town Hall, Lerwick
Monday 17 February 2020 at 10.30am., or immediately following the Shetland Islands
Area Licensing Board meeting.

Apologies for absence should be notified to Leisel Malcolmson at the above number.

Yours faithfully

Executive Manager – Governance and Law

Chair: I Scott
Vice-Chair: G Smith

AGENDA

- (a) Hold circular calling the meeting as read.
- (b) Apologies
- (c) Declarations of Interest – Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest and include some information on the nature of the interest. Advice may be sought from Officers prior to the meeting taking place.

(d) Confirm the minutes of the meeting held on 13 January 2020 (attached).

Item

1. Street Traders Licence Application STL/19/04 – Reconsideration by
Licensing Authority
ES-02-20



MINUTE

A&B – PUBLIC

Licensing Committee

Council Chamber, Town Hall, Lerwick

Monday 13 January 2020 at 10.00 am

Present:

M Bell S Flaws
I Scott C Smith
G Smith

Apologies:

A Cooper C Hughson
S Leask

In Attendance (Officers):

D Manson, Licensing Standards Officer
Sgt. B Mulholland, Police Scotland
D Robertson, Team Leader - Environmental Health
P Wishart, Solicitor
L Malcolmson, Committee Officer

Chair

Mr I Scott, Chair of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

01/20 Minutes

The minutes of the Licensing Committee held on 16 December 2019, having been circulated, were confirmed on the motion of Mr C Smith, seconded by Mr G Smith.

02/20 Street Traders Licences – Review of Standard Licence Conditions

The Committee considered a report by the Team Leader – Environmental Health (ES-01-20-F) that presented the findings from a review of street trader licensing conditions by the Environmental Health Service.

The Team Leader – Environmental Health introduced the report and advised on the review undertaken and explained the original purpose for regulating

street trading. He explained that some difficulties in other Local Authority areas during the 1980s had led to the introduction of Licensing Conditions. The Team Leader – Environmental Health advised that many of the street trader applications received were for the sale of food and as a service Officers are keen to ensure that any vehicle or stall used for the preparation of food is safe and complaint. He said that it is important that street trading activity is regulated and known to the Authority in order to provide reassurance to customers that traders are trading in approved locations and have been properly vetted. The Team Leader – Environmental Health said that no standard template or set of street trading licence conditions has ever been officially published and so far each Local Authority has developed its own over time through regular contact and consultation with each other. However some conditions have had to be adapted to suit local conditions. He provided an example of “Condition 23”, and the application of the 50m distance between traders and explained that some other authorities specify a greater separation distance whereas other local authorities do not apply any restriction. The Team Leader – Environmental Health went on to say that businesses should be encouraged to trade. He said that “Condition 23” does allow a degree of flexibility where the Committee also has the option of removing or varying any condition as it sees fit, however consistency of application and approach becomes more challenging in those cases. In summary, the Team Leader – Environmental Health said that the Council’s conditions had been in place for a considerable time and had served it well and it is Officers view that they have a legitimate purpose and are reasonable. Therefore the report does not recommend any material changes.

During consideration the Team Leader – Environmental Health advised that the reference in the Standard Licensing Conditions to the continental market was just an example. He also advised that he would look into the stalls set up in the Toll Clock shopping centre to ensure that they comply with the necessary regulations.

During debate, Mr Bell referred to the meeting that requested this review and wished to make it clear, that at that time, he did not suggest that the 50m distance was wrong as had been reported in the press. He said that he had been aware that the Standard Licensing Conditions had been in place for 20 years and in fairness to applicants and stakeholders he believed a review should be carried out. He said that the review demonstrated that the conditions appear to be appropriate and proportionate.

Mr Bell said that the conditions do not require to be changed and moved accordingly. Mr C Smith seconded.

Decision:

The Committee agreed that the Street Traders Licensing Conditions do not need to be changed.

The meeting concluded at 10.10 am.

CHAIR



Meeting(s):	Licensing Committee	17 February 2020
Report Title:	Street Traders Licence Application STL/19/04 – Reconsideration by Licensing Authority	
Reference Number:	ES-02-20-F	
Author / Job Title:	David Robertson / Team Leader – Environmental Health	

1.0 Decisions / Action required:

- 1.1 That the Licensing Committee reconsider the decision to refuse the application by Dr Mary MacGregor for a licence to act as a street trader, and in so doing consider the contents of this report and appendices including objections/representations, and EITHER:
- 1.1.1 GRANT the licence; or
 - 1.1.2 REFUSE to grant the licence; AND
 - 1.1.3 STATE the reasons for the decision.

2.0 High Level Summary:

- 2.1 Dr Mary Macgregor, trading as Bakka, submitted an application to the Council for grant of a street traders licence on 18 March 2019. Notice of the application was sent to Police Scotland, Scottish Fire and Rescue Service, Development Services, Trading Standards, Roads and Environmental Health on 1 May 2019.
- 2.2 Representations/objections to the application were received. In accordance with the Council's Scheme of Delegations, where objections are received, the application is required to be determined by the Licensing Committee. The application was considered and refused on 24 June 2019 (Min. Ref 08/19).
- 2.3 The applicant appealed to the Sheriff by way of a summary application in terms of Schedule 1, paragraph 18 of the Civic Government Act 1982. On 27 November 2019 the Sheriff upheld the appeal, and the application was remitted to the Licensing Authority for reconsideration of their decision, within 3 months from the date of the Sheriff's decision, namely by 27 February 2020.

3.0 Corporate Priorities and Joint Working:

- 3.1 By helping to preserve public order and safety and to help prevent crime the licensing function contributes to making Shetland a place where everyone is able to thrive; living well in strong, resilient communities; and where people and communities are able to help plan and deliver solutions to future challenges (Shetland's Partnership Plan 2018-2028). It also contributes to Scotland's National Performance Framework which seeks to encourage thriving and innovative businesses, with quality jobs and fair work for everyone.

4.0 Key Issues:	
4.1	The application, STL/19/04, submitted by Dr Macgregor, trading as Bakka, is to trade knitwear from a van in the locations as outlined in Appendix 1. The applicant has stated that location A in Irvine Place, is her preferred location.
4.2	The Council's street trader licence standard licence conditions are attached in Appendix 2. Condition 23 states that the Trader shall not engage in street trading within 50 metres of any establishment or premises in which the same or similar class and description are sold or offered for sale. The representations/objections indicate location A is within 50 metres of several traders selling knitwear. All distance restrictions for each location are detailed on the map attached in Appendix 3.
4.3	The applicant's intention is to trade from the locations between 0830 and 2200hrs on any day of the week when there are suitable cruise ships visiting Lerwick and for peak sales periods such as Christmas and Up Helly Aa. The suitability is determined by the applicant and the days would be irregular.
4.4	Should the applicant wish to trade for longer than 28 days, planning permission will be required.
4.5	Four representations/objections have been received from the following persons, attached as Appendix 4: <ul style="list-style-type: none"> i. Steven Cooper, Aurora, ii. Joanna Coe, Ninians,; iii. Emma Miller, Living Lerwick, and iv. Evelyn Leask, Anderson and Co.
4.6	Dr Macgregor does not believe that her knitwear is a similar product to knitwear sold by other traders and has provided a statement attached as Appendix 5.
4.7	Should the Licensing Committee determine to grant the application for a licence it may (either or both), (a) disapply or vary any standard conditions so far as applicable to the licence, (b) impose conditions in addition to any mandatory or standard conditions which the licence is subject.
5.0 Exempt and/or confidential information:	
5.1	None
6.0 Implications :	
6.1 Service Users, Patients and Communities:	None
6.2 Human Resources and Organisational Development:	None

6.3 Equality, Diversity and Human Rights:	None	
6.4 Legal:	See Appendix 6 for relevant legislative provisions.	
6.5 Finance:	None	
6.6 Assets and Property:	None	
6.7 ICT and new technologies:	None	
6.8 Environmental:	None.	
6.9 Risk Management:	The decision of the Committee may be appealed to the Sheriff.	
6.10 Policy and Delegated Authority:	<p>Section Two of the Council's Scheme of Administration and Delegation at 2.5.1 states: "Subject to the provisions of this Scheme, and the delegation to any officer, the Committee is authorised to discharge the powers and duties of the Council in accordance with the Licensing Scheme of Delegations attached as Appendix 2 to this Scheme".</p> <p>Appendix 2 gives authority to the authorised officer under the Scheme to inter alia determine applications under the Civic Government (Scotland) Act 1982 and states: "Where the authorised officer receives an objection or adverse representation to a proposal under the above legislation and conditions cannot address the issue(s) raised; or the proposal is recommended for refusal for reasons other than a clear technical failure to comply with legislative requirements, the matter will be referred to the Licensing Committee for determination."</p>	
6.11 Previously considered by:	Licensing Committee	24 June 2019 (Min. Ref. 08/19)

Contact Details:

David Robertson, Team Leader – Environmental Health, 01595 744841
david.robertson@shetland.gov.uk

Appendices:

- Appendix 1 – Dr Mary Macgregor’s application to the Council for grant of a street traders licence, 18 March 2019 with plans of locations - STL/19/04
- Appendix 2 – Shetland Islands Council Standard Licence Conditions for Street Traders
- Appendix 3 – Map showing distance restrictions for each site location
- Appendix 4 – Four representation/Objection received
- Appendix 5 – Statement from Dr Mary Macgregor
- Appendix 6 – Relevant legal provisions for street trader licence applications

Background Documents: None

END



Shetland Islands Council
Civic Government (Scotland) Act 1982
Section 39

FEE PAID	£
CERT. OF COMPLIANCE.	
RECEIPT NO.	
DATE RECEIVED	
RECEIVED BY	

PLEASE COMPLETE IN BLOCK CAPITALS

APPLICATION FOR GRANT/RENEWAL OF LICENCE TO ACT AS A STREET TRADER

APPLICANT DETAILS (IF SOLE TRADER)

Full Name (including title)	DR MARY MACGREGOR
Home Address	BAKKA, [REDACTED]
Postcode	[REDACTED]
Telephone Number	[REDACTED]
Mobile Number	[REDACTED]
E-mail	[REDACTED]
Date of Birth	[REDACTED]
Place of Birth	GLASGOW
Do you plan to carry out the day to day management of the business?	YES/ NO

If NO, please provide the Full Name, Private Address & Postcode, Contact number and Date of Birth & Place of Birth of the person responsible for the day to day management *:

* This person must also complete an Individual Street Traders Application Form

APPLICATION DETAILS (IF A BUSINESS / COMPANY / PARTNERSHIP / GROUP)

Full Name of Business/Partnership, etc	BAKKA		
Address of Registered or Principal Office	AS ABOVE		
Postcode			
E-mail			
Telephone Number			
Nature of Business	Firm/Partnership	Organisation /Group	
SOLE TRADER	Limited Company	Company Number:	

Please Complete details of ALL Directors, Partners, Committee Office Bearers or other persons responsible for the management of the business. Continue on a separate sheet if necessary

Full Name	
Home Address	
Postcode	
Date of Birth	
Place of Birth	
Position Held	

Full Name	
Home Address	
Postcode	
Date of Birth	
Place of Birth	
Position Held	
<p>*Note: All employees or agents acting as street traders require individual Street Traders Licences.</p> <p>Please provide the Full Name, Private Address & Postcode, Contact number and Date of Birth & Place of Birth of the person responsible for the day to day management :</p> <p style="text-align: center;">MARY MACARELOR</p>	



Have all applicants been UK Resident/s for 10 years or more? YES/ NO
If No, provide name/s of applicant/s:
N.B. if it appears to the licensing authority that the applicant may have been a UK resident for a continuous period of not less than 10 years then further enquiries will be made prior to processing the application.

CRIMINAL CONVICTIONS				
Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in this form ever been convicted of any crime or offence? Please note that any foreign convictions should be declared. If no, please write NONE below.				
Name	Date	Court	Offence	Sentence

PREVIOUS LICENCE	
Have any persons named in this form held or does currently hold a Street Trader Licence?	YES/ NO
If YES, which Authority issued it?	SIC
What was the reference number?	STL/17/07

LICENCE DETAILS		
Type of Licence is being applied for:	Grant	X
	Renewal	
Days of the week and the hours during each day when it is proposed to act as a street trader. IRREGULAR RECURRING CRUISE LINERS IN PORT PEAK SALES PERIODS ETC. E.G. CHRISTMAS & UP HELL YAA	DAY	HOURS BETWEEN
	Monday	8-30 AM 10: PM
	Tuesday	8-30 AM ———
	Wednesday	—————
	Thursday	—————
	Friday	—————
	Saturday	—————
	Sunday	—————

Nature of goods/services in which it is proposed to trade.	KNITWEAR	
Address of the premises where the goods will be stored when not being offered for sale.	BAKKA, DALE OF WALLS.	
Type of vehicle	PEUGOT BOXER VAN L4H3	
Registration Number/Chassis Number, etc	MF19 KVV	
Description and dimensions of the vehicle, kiosk, trailer or stall*	VEHICLE HAS ELECTRIC STEP W GRAB RAIL AT SIDE DOOR. STALL INSIDE	
Trading name of vehicle, kiosk, trailer or stall*	BAKKA	
<p>*Note: You must attach a photograph of the vehicle, showing all markings/identification, etc. If the unit is altered (i.e. new logo added) then updated photos must be provided. You may email these to ehadmin@shetland.gov.uk</p>		
<p>State trading locations by reference to specific locations or street names or a map if necessary of where you propose to trade.*</p> <p>*(Please attach written consent from the owner, either from private landowner or Council Roads section)</p>	SEE MAP	
PROPOSED FOOD BUSINESS – CERTIFICATE OF COMPLIANCE DETAILS (additional fee)		
<p>Details of food hygiene training of person in day to day management of unit</p> <p>(enclose copy of certificate)</p>		
Details of handwashing facilities. (refer to Guidance)		
<p>Details of refrigerated facilities available for storage of perishable food:</p> <p>(a) In the vehicle/kiosk/trailer or stall</p> <p>(b) In other premises</p> <p>(c) Method to monitor temperatures</p>		
Address of the premises where utensils and equipment used in the food business is cleaned.		
Details of chemicals to be used for cleaning and disinfection		
<p>Do you have a food safety management system?</p> <p>If no, then you must complete a written system prior to operating.</p>		YES/NO
If yes, give details & enclose copies of proposed temperature records.		

I declare that the particulars given by me on this form are correct to the best of my knowledge and belief. I hereby make application to Shetland Islands Council for the grant or renewal of a street trader's licence.	
Date	18 March 2019
Signature of applicant or agent	
Agents Address	

N.B. Any person who in or in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.

Data Protection:

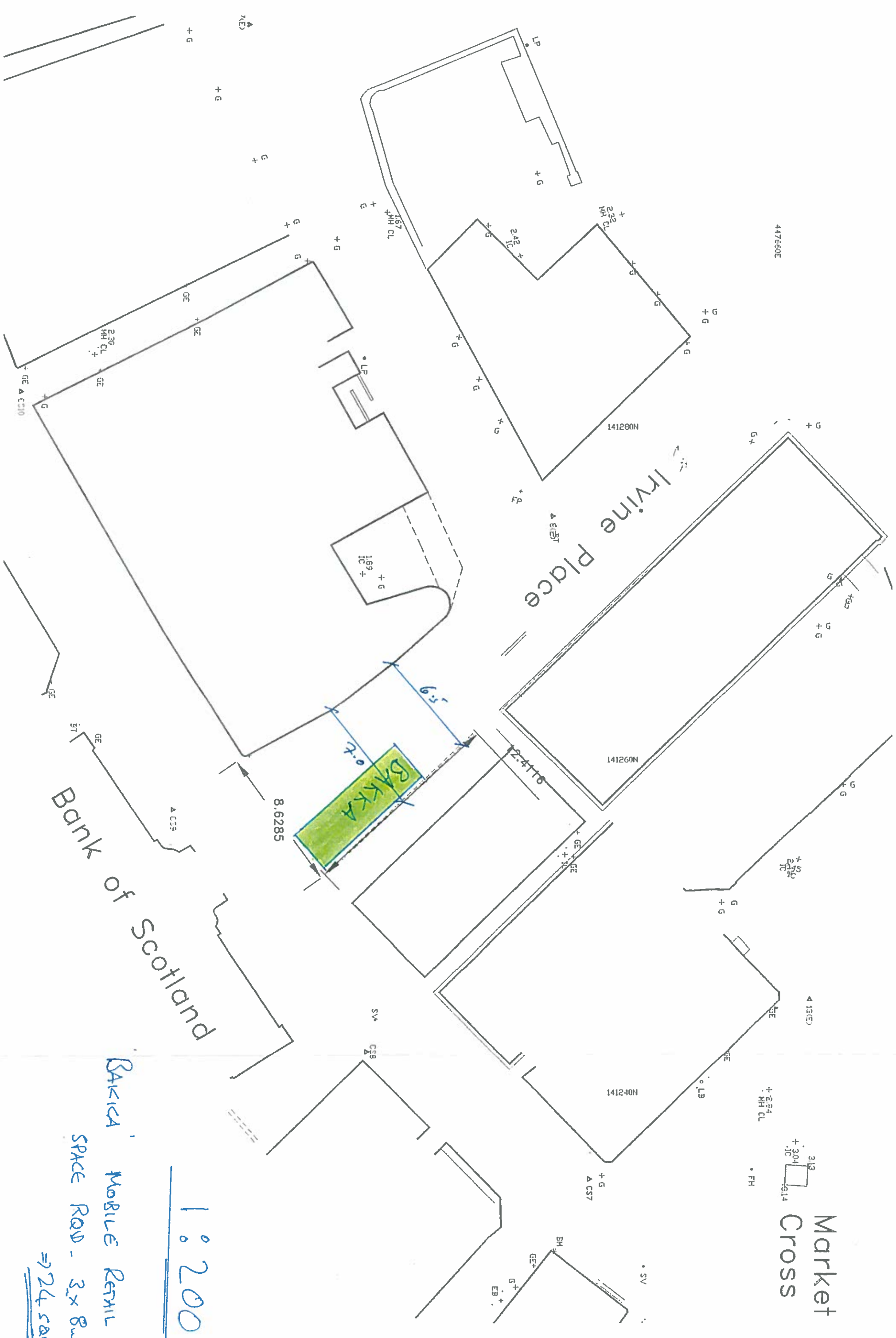
Shetland Islands Council will use the information about you on this form to process your licensing application. In processing your application, the information you have provided may be shared between Council departments and with other agencies where necessary. By signing this form you consent to the Council sharing your information in this way. The Council has a duty to process your information fairly and in accordance with the provisions of the Data Protection Act 1998. We will ensure that the information we hold is accurate, up to date, is kept as long as necessary and is otherwise shared only where we are legally obliged to do so. You can request access to the personal information held about you by the Council by writing to the Head of Governance and Law, Legal Department, 8 North Ness Business Park, Lerwick, Shetland.

Checklist prior to submission of Application Form	
Fee (Non- Refundable)	59.55
2 Colour Passport Photos	
Photo/s of mobile vehicle (email to ehadmin@shetland.gov.uk)	Attached/Emailed ✓
Food Hygiene certificate of Applicant or Person in Day to Day Management (for Food Compliance Certificate)	N/A
Location plan	✓
Letter of Consent from Landowner	

PLD 1/5/19

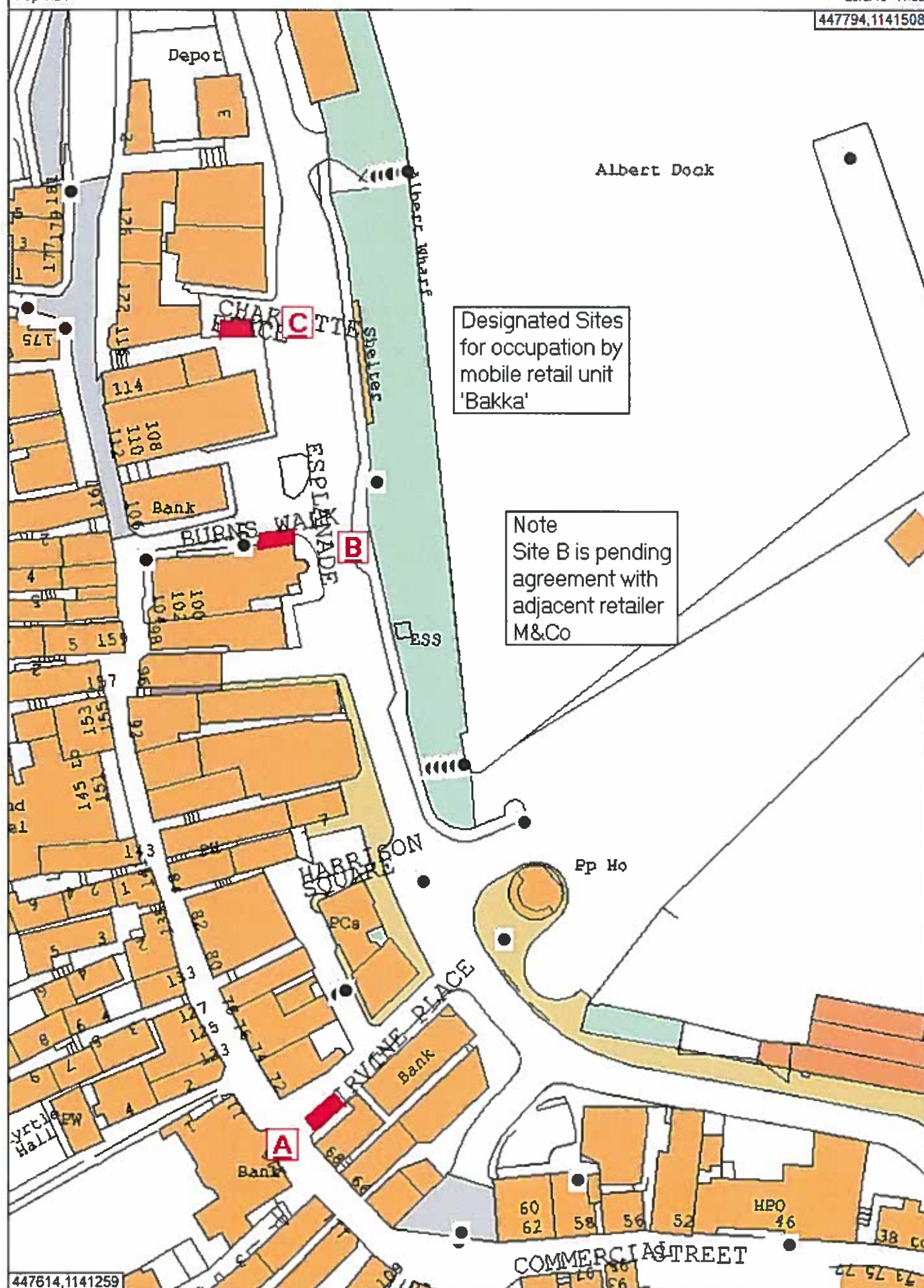
This form is to be lodged with Environmental Health, Old Anderson High School, Lovers Loan, Lerwick, Shetland, ZE1 0BA. Please note the fee is an application fee; it will not be refunded in the event of the licence application being either withdrawn or refused.

Location A (Preferred)



1:200

BAKKA Mobile Retail
Space Req. - 3x8m
⇒ 24 sqm





Shetland Islands Council
Civic Government (Scotland) Act 1982 Section 39

STREET TRADERS LICENCE - NOTES FOR GUIDANCE

These notes have been written to help you with the licensing application form and to draw your attention to some other things you may have to do in connection with your application. If you need any more help please contact Environmental Health on 01595 745250 or ehadmin@shetland.gov.uk or come along Old Anderson High School, Lovers Loan, Lerwick, Shetland.

The Civic Government (Scotland) Act 1982 ("the Act") introduced compulsory licensing of certain activities and also the option to licence other activities.

Who is a Street Trader

The Act defines 'street trading' as doing any of the following things in a public place:

- (a) Hawking, selling or offering or exposing for sale any article; and
- (b) Offering to carry out or carrying out for money or money's worth any service:

to any person in the public place and it includes doing any of these things in or from a vehicle or in or from a kiosk or moveable stall not entered in the valuation roll except where it is done in conjunction with or as part of a retail business being carried on in the premises abutting the public place.

A Street Trader's Licence is not required

- (a) For the sale of newspapers only, milk, coal, coke or solid fuel;
- (b) Any activity in respect of which a certificate under the Pedlar's Act 1971 has been granted; or
- (c) Organising a public charitable collection as defined in Section 119 of the Act.

Please note that if a street trader operates a business which includes meals and refreshment's supplied during the day and also between 11pm and 5am then they need both a street trader's licence and a late hours catering licence.

Certificate of Compliance requirements for food businesses – Also see Annex 1 attached

If the proposed trading includes a food business and involves a vehicle, kiosk, trailer or moveable stall you must hold a Certificate of Compliance in terms of The Food Safety Act 1990. Complete the details on page 3 of the application. There is an additional fee for this. A Certificate of Compliance will not be issued unless the mobile food unit complies with the Food Hygiene National Standards.

How long is the licence for?

A full licence is granted for 3 years.

What is the fee?

A list of the fees is enclosed with the application. The fee is non-refundable and must be paid along with the application form. Please do not send cash. Cheques and postal orders should be made payable to: "Shetland Islands Council". Card payments can be made at the Environmental Health Office.

Who will be consulted?

All applications will be submitted to the Scottish Fire and Rescue Service, Police Scotland and other relevant council services.

What conditions will be applied to my licence

The premises will be required to comply with the Standard Licence Conditions and Mobile Traders Food Hygiene National Standards attached and these will form part of the Licence being granted. The Council may also add specific conditions. This will include the times and days of the week you will be permitted to operate.

Photographic Identification – Persons & Vehicle/Stall

Two passport size photographs must be supplied. They should be recognisable and there should be no hats /head covering or glasses worn. The photograph will be used to produce the identification badge for individuals working as a Street Trader & must be worn as part of the licence conditions.

You must attach a photograph of the vehicle showing all markings /identification, etc. or emailed to ehadmin@shetland.gov.uk, If the unit is altered (i.e. new logo added) then updated photos must be provided.

STANDARD LICENCE CONDITIONS

LICENCE & BADGE

- 1 The Trader shall be permitted to trade only on the specified days and at the specified times. All orders must be completed and the mobile food unit be closed by the specified time on the licence.
- 2 The Trader shall display their licence at all times in such a position that it can be clearly seen by members of the public.
- 3 The Trader shall keep their licence at all times clean and legible, and shall exhibit it on demand to any authorised officer of the Council or Police Officer.
- 4 The Trader while street trading shall wear the means of identification issued to them by the Council displayed conspicuously on their outer garment with the lettered side outermost so that the whole writing thereon shall be distinctly visible, and shall exhibit said means of identification to any authorised officer of the Council or Police Officer on request. The means of identification shall include the Trader's name, photograph and licence number and the date on which the licence expires.
- 5 The Trader shall not in any way alter, erase or deface their licence or means of identification and shall when reasonably required, produce them for examination by any authorised officer of the Council or Police Officer.
- 6 The Trader shall not lend or allow any other person to use their licence or means of identification.
- 7 If the Trader changes their address they shall, within fourteen days thereafter, give notice thereof to the Council and produce their licence to the Environmental Health Office, who shall endorse thereon the particulars of such change of address.
- 8 If the Trader ceases to act as a street trader or if their licence has expired the Trader shall, within seven days thereafter, give notice thereof to the Council and deliver their licence and means of identification to the Environmental Health Office at which time the licence shall be deemed to have been surrendered in terms of Paragraph 13(1) of Schedule 1 to the Civic Government (Scotland) Act 1982.

VEHICLE OR STALL

- 9 The Trader who uses a vehicle or stall for the purposes of street trading shall not trade from the vehicle or stall until it has been approved by the Council and if selling food it has received a Certificate of Compliance issued by the Council. For mobile food units, the National Standards are attached detailing the requirements (Annex 1 at Page 4).
- 10 The Trader shall store or keep all goods to be used in connection with their trading only in the premises, vehicle or stall approved by the Council for that purpose.
- 11 A vehicle or stall used by the Trader shall have displayed clearly on it the name and address of the owner of the vehicle or stall.
- 12 The Trader when using a vehicle or stall while engaged in street trading shall:
 - (a) not cause any obstruction on any road or footway;
 - (b) ensure that the vehicle or stall does not stand for trade within a distance of 20 metres from any pedestrian crossing or roundabout;
 - (c) at all times conduct their business and maintain and position their vehicle or stall in such a manner that no danger is likely to arise to any person;
 - (d) ensure at all times that the vehicle or stall can be easily removed; and
 - (e) ensure that the vehicle and its position causes no risk to Health & Safety of the public.
- 13 Where the licence has been granted in relation to a specific vehicle the licence holder shall not modify or replace the said vehicle without previously having notified the Environmental Health Office in writing and having received the appropriate Certificate of Compliance with Food Safety.
- 14 The Trader shall when reasonably required present their vehicle or stall for inspection by any authorised officer of the Council.

LITTER & NOISE

- 15 The Trader shall at all times keep themselves and their clothing clean and maintain any vehicle or stall used for the purpose of street trading in a clean and proper condition to the satisfaction of any authorised officer of the Council.
- 16 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 road, footpath or footway or an adjoining property within a fifty metre radius of their vehicle or stall, to the satisfaction of the Environmental Health Office.
- 17 The Trader shall provide, while engaged in street trading in one location for a period exceeding 30 minutes, a litter bin in a public place adjacent to their vehicle or stall for the deposit of paper, garbage, or other refuse by their customers, and empty and service their bin, to the satisfaction of the Environmental Health Office.
- 18 The Trader shall provide in their vehicle or stall a container for waste material of a type approved by the Council.
- 19 The Trader shall ensure that their trading is conducted in such a manner as it does not give rise to nuisance or disturbance from fumes, smell, noise or any other cause to local residents or members of the public.

SALE OF FOOD

- 20 The Trader, who uses their vehicle or stall to conduct a food business within the meaning of the Regulations made under the Food Safety Act 1990, shall:
 - (a) store goods to be used in connection with the food business only in premises or a vehicle approved by the Council; and
 - (b) provide and maintain in good working order equipment for the effective washing and rinsing of all equipment, utensils and vessels approved by the Council in accordance with the National Standards.
- 21 The Trader licensed to sell food shall comply at all times with the requirements of Regulations made under the Food Safety Act 1990. The street trader shall not sell food unless specifically licensed to do so, and shall sell only those classes of foods as approved by the Council and as detailed in their licence.

GENERAL

- 22 The trader must not trade from this vehicle/stall on a site for more than 28 days in total in any calendar year without planning permission from the Planning Authority. Please contact the planning department on (01595) 744293.
- 23 Except as otherwise directed by the Council, the Trader shall not engage in street trading within 50 metres of any establishment or premises in which the same or similar class and description are sold or offered for sale. The Council may, direct that the terms shall not apply to the Trader in a particular road or locality or area, (e.g. Continental Market) and such a direction shall not be effective until it is endorsed by the Executive Manager of Environmental Services on the licence.
- 24 Any requirements of the Scottish Fire and Rescue Service shall be complied with and adhered to during the duration of their licence.
- 25 The Trader shall ensure that at their premises all means of escape remain clear and free from obstruction at all times. This includes fire exit doors inside and outside buildings and thoroughfares. Firefighting equipment in the premises should not be obstructed or covered over.
- 26 The Trader shall comply with any reasonable order or instruction given by a Police Officer or authorised officer of the Council:
 - (a) for the prevention of obstruction or annoyance to the public or to the occupiers of any premises;
 - (b) in connection with any emergency or disturbance; or
 - (c) on any occasion when such Officer in their discretion may consider it necessary in the public interest to give such order or instruction.

Introduction

This document only relates to mobile food units where the operation of such requires a Street Trader's Licence under the Civic Government (Scotland Act) 1982 (as amended).

For the purposes of this document, the term "mobile traders" includes mobile premises, kiosks, stalls, vehicles, trailers and other such premises. All such categories shall be referred to within this document as "mobile food units".

Structural and operational requirements

These standards cover only structural requirements for Mobile Food Units. The text represents structural aspects which shall be considered as core requirements for the assessment for a Certificate of Compliance. Operational matters which can only be assessed during normal trading are not included within this standard.

Notification of the Food Authority [Registration]

The food business operator must ensure that the Food Authority in which the mobile food unit is normally based (even when not trading) is notified of the existence of that food business. The information duly requested must be provided by the food business operator in order to enable relevant details to be entered on the register of food premises held by the Food Authority.

Any other premises used for preparation of food which is to be sold from a mobile food unit must be registered as such by the Food Authority within which it is located.

Street Trader's Licence

In order for a person to obtain a Street Trader's Licence under Section 39 of the Civic Government (Scotland) Act 1982, the mobile food unit operated by that person must be subject of a valid Certificate of Compliance from a Food Authority.

A copy of the current street traders licence must be displayed on the mobile food unit and any identification badge worn as required.

Certificate of Compliance

In order to obtain a Certificate of Compliance under Section 39 of the Civic Government (Scotland) Act 1982, the mobile food unit must be inspected by the Food Authority which has registered that food business/mobile food unit.

If the trader/unit is not registered in Scotland, the inspection and issue of a Certificate of Compliance must be undertaken by the Scottish Food Authority in which the application for a Street Trading Licence is made, or another authority to which an application for a street trader's licence in respect of this activity is or has been made.

Period of validity

Any Certificate of Compliance so granted will be valid for a period of 3 years.

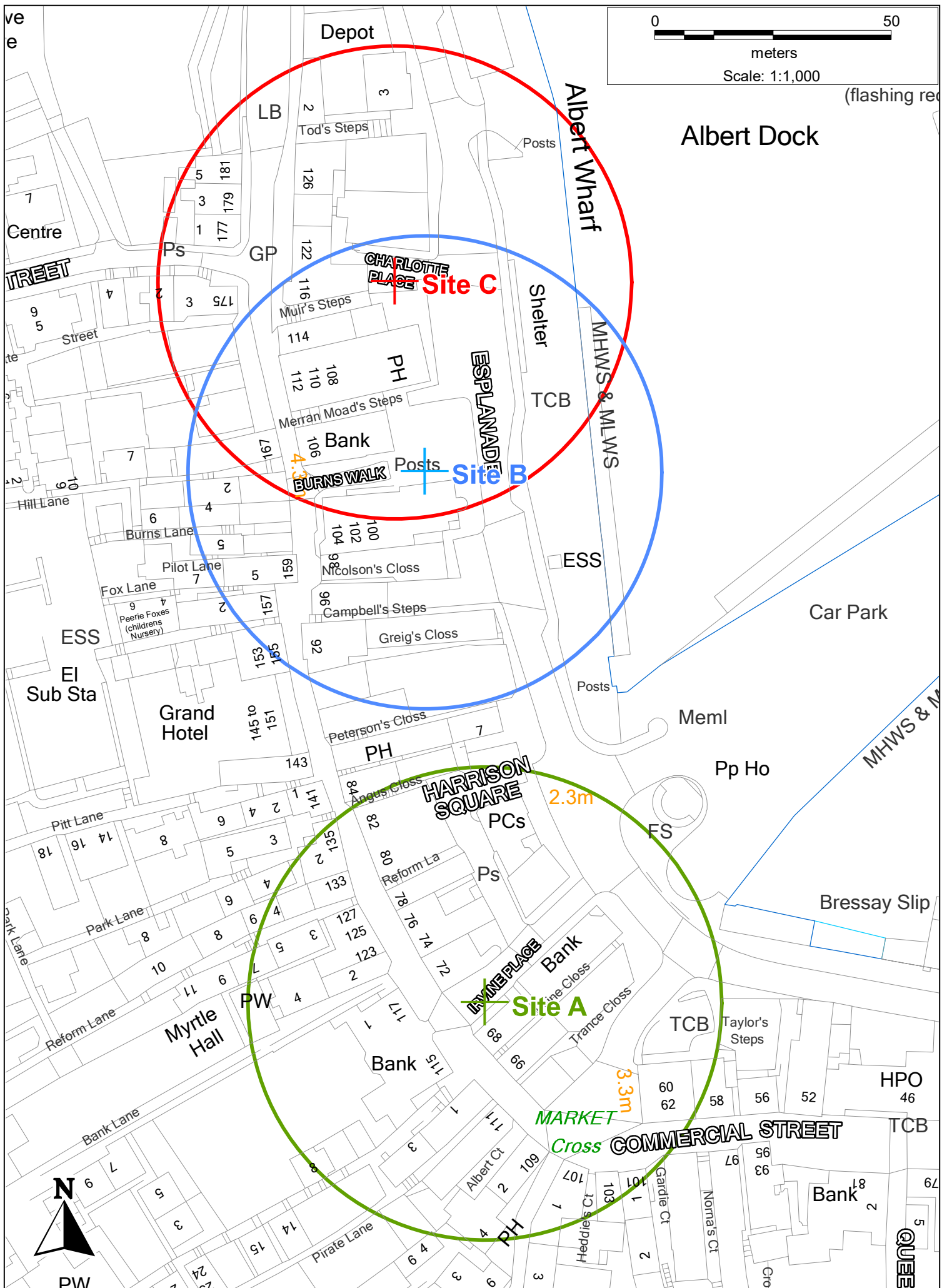
Inspection for a Certificate of Compliance and issue of certificate does not preclude the subsequent inspection of the mobile food unit by any Food Authority while the unit is trading within its jurisdiction.

MOBILE TRADERS FOOD HYGIENE NATIONAL STANDARD	
GENERAL FOOD HYGIENE REQUIREMENTS	
1.0	WATER SUPPLY
	<p>Legal References:</p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(c)(d)(e)&(f)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VII, (1)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VII, (4)</i></p>
1.1	General
1.1.1	Mobile food units must be provided with an adequate, piped supply of hot and cold water or warm water at a suitably controlled temperature.
1.1.2	All water supplied to hand, equipment and food washing facilities must be potable water.
1.1.3	<p>Potable water must be used:</p> <ul style="list-style-type: none"> • for cleaning food; • for cleaning surfaces which may come into contact with food; • for cleaning hands; • for using as an ingredient in food and drinks; • for cooking of food; • any other operations where there is a risk of contaminating foodstuffs
1.1.4	Ideally, mains water or a suitably treated private supply should be used. Where there is no direct connection to a suitable supply, containers may be used. This water must be potable.
1.1.5	A “piped supply” includes the use of a tap mechanism that delivers hot and cold water independently or provides warm water via a mixer tap that is manually (or sensor) controlled. The practice of using jugs etc to transfer water to sinks or wash basins is not acceptable.
1.1.6	The supply must be from a tap or taps at adequate pressure and temperature
1.1.7	The supply must provide a sufficient volume of water, by capacity or means, for the trading hours.
1.1.8	<p>Containers used for holding water and any associated pipework must be:</p> <ul style="list-style-type: none"> • made of food grade materials and be enclosed; • capable of being cleaned and disinfected; • readily identifiable as being for water use only and visibly different from any containers used for receipt and storage of waste water; • of sufficient capacity to store enough water for the business’ potable water needs
1.2	Hot water
1.2.1	The pipe work must be affixed and deliver the water supply directly to all sinks. The practice of using jugs etc. to transfer water to a sink(s) is not acceptable.
1.2.2	Where services are readily available, a constant piped supply or an instantaneous water heater (gas/electric) can be used. Alternatively, insulated containers for hot water storage would be acceptable provided they are of suitable capacity and capable of storing the water at an adequate temperature and deliver water to the sink(s) via fixed pipework.
1.3	Ice
1.3.1	Utensils must be made from durable materials that will not present a foreign body hazard.
2.0	WASH BASINS
	<p>Legal References:</p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(a)</i></p>

2.1	Wash Basin Provision
2.1.1	All units must be provided with an adequate number of wash basins designated for the purpose of maintaining personal hygiene.
2.1.2	The wash basin must be located in an accessible position and available for use.
2.1.3	A suitable and sufficient supply of liquid soap and single-use paper towels for hand-drying must be provided.
2.1.4	The wash basin must be provided with an adequate, piped supply of hot and cold water or warm water at a suitably controlled temperature in order to facilitate hand washing under running water.
2.1.5	Waste water from the wash basin must be piped to a suitable closed container which is readily identifiable as being designated for that purpose. For example, it could be clearly marked 'Waste Water'. (See Section 7 – Waste)
3.0	SINKS
	Legal References: <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(c)</i>
3.1	Sink Provision
3.1.1	Sinks must be located in an accessible position.
3.1.2	The requirement for sinks is in addition to wash basins. The provision of a sink or sinks is for the washing of food and the cleaning and disinfecting of work tools and equipment and is not for the washing of hands.
3.1.3	Sinks must be of sufficient size to accommodate all equipment that requires to be washed during trading.
3.1.4	The minimum provision for sinks in each Unit Category is as listed in 3.1.5 below. Categories 1 and 2 are defined below.
3.1.5	<ul style="list-style-type: none"> Category 1 Unit - No sink required Category 2 Unit – Minimum of 1 Sink Required <p>A sink will not be required in a Category 2 Unit in the following circumstances:</p> <ul style="list-style-type: none"> Where food is only served and not prepared (where “prepared” means processed by washing, cooking, reheating or assembling etc, so as to be ready to serve or eat with little or no further preparation); and Where there is an adequate provision of multiple/duplicate items of equipment, e.g. knives, spoons, tongs etc; and Where adequate alternative arrangements have been made for the cleaning and disinfection of non-replaceable food contact surfaces in the event of spillage or other contamination.
3.1.6	Where no sink is provided and ready-to-eat food is sold, e.g. fruit, signage is required to advise customers that such items must be washed prior to consumption.
4.0	STRUCTURE AND EQUIPMENT
	Legal References: <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(b)</i> <i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter V(1)(a)(c&d)</i>
4.1	Equipment Standard – Installation and Maintenance
4.1.1	Food equipment, work surfaces and fittings must be constructed using smooth surfaces that allow effective cleaning/disinfection.
4.1.2	All internal surfaces must be constructed and/or finished with washable materials.
4.1.3	Food equipment, work surfaces and fittings must be installed so that they allow access for cleaning or they must be capable of being moved or dismantled to allow such access.

4.1.4	Walls immediately behind and adjacent to food preparation surfaces and equipment must be capable of being cleaned and, in high risk food areas, disinfected.
4.1.5	Tables, work surfaces, food display cabinets, counters, equipment, utensils and display containers must be in good repair in order to be easy to clean and must be kept clean and maintained in good condition at all times. Surfaces coming into direct contact with food or are in such close proximity that they could contaminate the food if dirty must be capable of being disinfected and should be duly disinfected as appropriate.
5.0	PROTECTING FOOD FROM CONTAMINATION
	<p>Legal References:</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(f)&(h)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter V, (1)(b)&(c)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter X</p>
5.1	Layout/Structure
5.1.1	The unit must be large enough for the type of operation carried out. In particular, there must be sufficient space to prevent contamination of foods to facilitate adequate cross contamination prevention procedures.
5.2	Food Protection
5.2.1	Layout, facilities and equipment must be capable of protecting food from any contamination likely to render the food unfit for human consumption, injurious to health or contaminated in such a way that it would be unreasonable to expect it to be consumed in that state.
5.2.2	All wrappings, containers etc. in contact with food must be made of food grade material.
6.0	PEST CONTROL
	<p>Legal References:</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(h)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (4)</p>
6.1	Exclusion of Pests
6.1.1	Mobile food units must be designed to prevent the access of pests.
7.0	WASTE
	<p>Legal References:</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (1)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(f)</p> <p>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter VI (1-4)</p>
7.1	Waste - General
7.1.1	A suitable receptacle must be provided for the storage of waste materials on the unit.
7.2	Waste – Receptacles and Containers
7.2.1	The internal and external surfaces of non-disposable waste containers must be washable and in good repair.
7.3	Liquid Waste/Drainage
7.3.1	Where liquid waste cannot be linked directly to the mains drainage system, holding containers may be used. These containers must be readily identifiable so that their intended use is understood and that they are visibly different from potable water containers.

7.3.2	Waste water must be collected in a readily identifiable sealed container. It must not be discharged directly onto the unit's stance or surrounding area. It must be disposed of to a suitable drainage system at the end of each trading day. This excludes the disposal down surface water drains.
8.0	TEMPERATURE CONTROL
	<p>Legal References:</p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter III, (2)(g)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (5)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (6)</i></p> <p><i>EC Regulation 852/2004, Article 4(2) and Annex II, Chapter IX, (7)</i></p>
8.1	Temperature Control – Facilities and Equipment
8.1.1	Mobile food units must be provided with suitable and adequate temperature controlled storage facilities for perishable and frozen foodstuffs.
8.1.2	Where temperature controlled storage facilities are used, suitable means of monitoring temperatures must be provided.
9.0	VENTILATION
	<p>Legal References: <i>None</i></p> <p><i>Note – No specific provision for the provision or adequacy of ventilation exists in relation to mobile vehicles from a food safety perspective.</i></p>
9.1	Every mobile food unit must be provided with sufficient ventilation, not including the open service hatch of the unit.
9.2	Ventilation openings and mechanisms must be washable and be designed to prevent the entry of dust and all pests.
10.0	LIGHTING
	Legal References: <i>None</i>
10.1	Vehicles must be provided with sufficient natural lighting and suitably protected artificial lighting to allow for the hygienic preparation and service of food and the effective cleaning of the vehicle.



Designated Sites for occupation by mobile retail unit 'Bakka' with 50m radius zones.



Shetland Islands Council
Environmental Health Service
Old Anderson High School
Lovers Loan
Lerwick
Shetland

02/05/19

Street Trader Application – Objection

To whom it may concern,

Living Lerwick project staff and Directors have been made aware of an application for a street trader licence by Dr Mary Macgregor to trade knitwear items from a van on Irvine Place.

We understand that a planning application has been submitted in relation to this to allow her to trade in this location for more than the standard 28 days per calendar year as normally set by the street trader licence. We will be in touch with the Planning Service regarding this.

In relation to the street trader licence, Living Lerwick, as the Business Improvement District management agency would like to enter a formal objection to the licence being granted.

The reason being, it is our responsibility to keep the town centre a viable and vibrant business area. There are three established businesses selling knitwear items within 50 metres of the area of the proposed trading site. Under section 23 of the guidance on street trader licences, this is not permitted, "except as otherwise directed by the Council." Her current trading location already breaches this guidance, however we were not aware of the application prior to the existing licence being granted as Council officers are not permitted to 'canvas' for input from anyone other than Police Scotland and the Roads Service.

In order to keep Lerwick town centre trading in these difficult times, the BID agency seeks to ensure the best possible trading conditions for our members. Having a temporary trader set up on busy days to sell similar goods to her neighbours, but without having to pay the high overheads faced all year round by the established businesses, is not a fair playing field and we do not feel the Council should condone this.

We would be grateful if this could be taken into consideration during the application process.

Yours sincerely

A black rectangular box redacting the signature of Emma Miller.

Emma Miller
Project Manager
On behalf of Living Lerwick Directors

Gardiner Kay@Environmental Health & Trading Standards

From: pottingers@aol.com
Sent: 02 May 2019 14:13
To: Environmental Health Administration Team
Subject: Street Trader Licence Application - Mary Macgregor

Good Afternoon,

In response to Street Trader Licence Application - Mary Macgregor

It has been brought to our attention that 'the trader must be at least 50 metres from any establishment or premises in which the same or similar class and description are sold or offered for sale'

I believe that the premises of Anderson & Co come within this distance and that we are offering for sale goods of a similar class and description.

I hope you will take this into consideration when you make your decision.

It is the case that should this have been an application for renting a premises on Commercial Street we would have had no objection.

Yours faithfully,

J Evelyn Leask.
Anderson & Co



60 - 62 Commercial St

Leamington

CV10 0BN

AURORA

HAND CRAFTED JEWELLERY FROM ORKNEY

06.05.2019

Dawn Manson Ch.EHO MREHIS
Lead Environmental Health Officer
Shetland Islands Council
Old Anderson High School
Lovers Loan
Lerwick
Shetland
ZE1 0BA

Dear Ms Manson

I am writing to lodge an objection to application ref: 2019/107/PPF

My objection is in relation to clause 23 on the Shetland Islands Council Civic Government (Scotland) Act 1982 Section 39 Street traders Licence.

"the Trader shall not engage in street trading within 50 metres of any establishment or premises in which the same or similar class and description are sold or offered for sale."

My premises at 82 Commercial St, Lerwick ZE1 0DL - where we sell a selection of knitwear - sits less than 50 meters away from the proposed siting of the van.

If you require any further information, please contact me

Yours sincerely

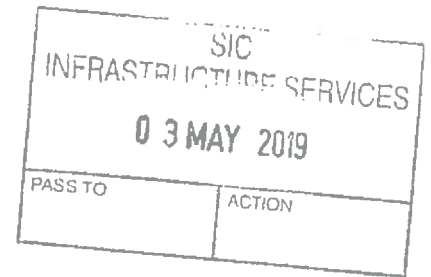


Steven cooper
Director – Aurora Jewellery

www.aurora-jewellery.co.uk

Aurora Orkney Ltd, Company Number 306537 registered in Edinburgh. VAT REG 901 326 761 Registered Office: The Workshop, Old Finstown Rd, St Ola, Orkney Isles KW15 1TR

Tel | 01856 871 861 email | info@aurora-jewellery.co.uk



2nd May 2019

Environmental Health
Shetland Islands Council
Old Anderson High School
Lovers Loan
Lerwick
Shetland
ZE1 0BA

Dear Sir / Madam

We're writing regarding the Street Traders Licence application to site a mobile trading unit at Irvine Place, Lerwick.

We'd like to note that the proposed trading area is within a 50-meter radius of our premises at 80 commercial street, Lerwick, and this would be a facility trading the same or similar category of goods as we do. We are a business employing year round local staff, which trades in the loss making months to trade profitable in the summer months.

We feel it is objectionable for someone to trade from a mobile unit, only on high foot days in competition to existing businesses that incur trading cost year round.

Yours Sincerely

Joanna Coe

80 Commercial Street, Lerwick, Shetland, ZE1 0DL
Proprietor Joanna Hunter | VAT No: 842 4316 43
Joanna Hunter Knitwear is a trading name of NINIAN
T: +44 (0)1595 696655 | E: info@ninianshetland.co.uk | W: www.ninianshetland.co.uk

This is the relevant part of the email which I sent to Living Lerwick.

First of all, before starting BAKKA I took a good look at the sector to see if there were any gaps at all where I could position myself so as not to compete with any existing business. A lack of Fair Isle products in the fine gauge sector had been identified in a report of the Shetland knitting industry a few years previously, so I decided that that would be what I would do.

My work only uses the oldest traditional patterns and colours, mostly found in garments in the archives of the National Museum of Scotland and the Shetland Museum and Archives.

I use a luxury modern yarn, the market leader, 100% superfine merino. And the Italian company has dyed the yarn to match the old natural dyes and I only use these five colours in all my work. All the other knitwear producers in Shetland use modern patterns and modern bright colours.

It is very important to me that I am treading on noone's toes. I wouldn't have got my start-up grant from the SIC through Business Gateway if I had been just another Fair Isle knitwear business producing in Shetland wool. You have to be proposing something that noone else is doing.

Furthermore, my 2019 Collection introduces a completely new fabric which I am calling reversible Fair Isle. Gone are the loops on the reverse side of the fabric, instead you have the same pattern as the right side but with the colours inverted. For me it is the way forward, the future. I am the only person I know certainly in Shetland and probably in the world producing work like this; the edges require a lot of hand-finishing which make it a true craft. It is totally contemporary 21C Fair Isle: where traditional heritage meets modern functionality.

I will bring samples of this Collection to the Committee Meeting.

Second, at the beginning of the season I go around the textile shops to see what their offering currently is. That way, when there is a visitor who comes to see what I've got but wants something completely different (which is often the case because I don't use Shetland wool and also I am expensive), I can send them to A or B or C etc or all of them depending on what they are looking for. I just want the visitor to have a good time ashore and give Lerwick a good rating when they fill out the questionnaire onboard after the ship leaves port.

Third, if you talk to the cruise visitors and engage, many of them live in very hot parts of the world and only wear wool when they go on their summer cruise. So they buy no knitwear at all. I believe that this is the main reason why sales are low for knitwear on certain days. I know engagement takes time and is tiring, but it's very rewarding from a market research point of view.

I am trying to bring more life to the street.

Finally, BAKKA is my livelihood. My business needs to survive and flourish and I am working hard to try to ensure this.

Appendix 6

Relevant Legal Provisions for street trader licence applications

The Civic Government (Scotland) Act 1982 (“the Act”) makes provision for the licensing and regulation of certain activities.

Section 39 of the Act provides for the regulation of street trading which means, in accordance with that section: 39 “(2) In this section “street trading” means doing any of the following things in a public place—

- (a) hawking, selling or offering or exposing for sale any article;
- (b) offering to carry out or carrying out for money or money's worth any service, to any person in the public place and includes doing any of these things there in or from a vehicle or in or from a kiosk or moveable stall not entered in the valuation roll except where it is done in conjunction with or as part of a retail business being carried on in premises abutting the public place.”

Schedule 1 of the Act (“the Schedule”) sets out the procedural provisions in respect of the licensing system.

Paragraph 1 of the Schedule states—

“(1) An application to a licensing authority for the grant or renewal of a licence shall be—

- (a) made in writing in such form as may be determined by the licensing authority; (b) signed by the applicant or his agent; and (c) accompanied by such fee as the authority may charge under paragraph 15 below.”

Paragraph 3 of the Schedule deals with objections and representations and states—

“(1) Any objection or representation relating to an application for the grant or renewal of a licence shall, subject to sub-paragraph (2) below, be entertained by the licensing authority if, but only if, the objection or representation—

- (a) is in writing; (b) specifies the grounds of the objection or, as the case may be, the nature of the representation; (c) specifies the name and address of the person making it; (d) is signed by him or on his behalf; (e) was made to them within 28 days of whichever is the later or, as the case may be, latest of the following dates—
 - (i) where public notice of the application was given under paragraph 2(7) above, the date when it was first so given; (ii) where the application relates to a licence for an activity which is wholly or mainly to be carried out in premises and the authority have specified a date under paragraph 2(6) above, that date; (iii) in any other case, the date when the application was made to them.”

Paragraph 5 of the Schedule deals with disposal of applications and states –

“(1) Where an application for the grant or renewal of a licence has been made to a licensing authority they shall, in accordance with this paragraph—

- (a) grant or renew the licence;
- (c) refuse to grant or renew the licence.

(1A) In granting or renewing a licence under sub-paragraph (1)(a), a licensing authority may (either or both)—
(a) disapply or vary any standard conditions so far as applicable to the licence,
(b) impose conditions in addition to any mandatory or standard conditions to which the licence is subject.

(2) Subject to sub-paragraph (2A), the conditions referred to in sub-paragraph (1A)(b) above shall be such reasonable conditions as the licensing authority think fit and, without prejudice to that generality, may include—
(a) conditions restricting the validity of a licence to an area or areas specified in the licence; and (b) in relation to the grant of a licence, where that licence is intended to replace an existing licence, a condition requiring the holder of the existing licence to surrender it in accordance with paragraph 13 below.

(2ZA) A variation made under sub-paragraph (1A)(a) or condition imposed under sub-paragraph (1A)(b) has no effect so far as it is inconsistent with any mandatory condition to which the licence is subject.

(2A) The conditions referred to in sub-paragraph (1A)(b) above shall not relate to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of Part 3 of the Fire (Scotland) Act 2005 (asp 5).

(3) A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified under section 7(6) of this Act, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii) the nature and extent of the proposed activity;

(iii) the kind of persons likely to be in the premises, vehicle or vessel;

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

(d) there is other good reason for refusing the application;
and otherwise shall grant the application.”

Paragraph 18 of the Schedule deals with appeals and states:

(1) Subject to sub-paragraph (2) below, a person who may, under this Schedule, require a licensing authority to give him reasons for their decision may appeal to the sheriff against that decision.

(2) A person shall be entitled to appeal under this paragraph only if he has followed all such procedures under this Schedule for stating his case to the licensing authority as have been made available to him.

(3) A licensing authority may be a party to an appeal under this paragraph.

(4) An appeal under this paragraph shall be made by way of summary application and shall be lodged with the sheriff clerk within 28 days from the date of the decision appealed against.

(5) On good cause being shown, the sheriff may hear an appeal under this paragraph notwithstanding that it was not lodged within the time mentioned in sub-paragraph (4) above.

(6) For the purposes of an appeal under this paragraph, the sheriff may, in the case of a decision of a licensing authority for which reasons have not been given by the authority under paragraph 17 above, require the authority to give reasons for that decision, and the authority shall comply with such a requirement.

(7) The sheriff may uphold an appeal under this paragraph only if he considers that the licensing authority, in arriving at their decision—

- (a) erred in law;
- (b) based their decision on any incorrect material fact;
- (c) acted contrary to natural justice; or
- (d) exercised their discretion in an unreasonable manner.

(8) In considering an appeal under this paragraph, the sheriff may hear evidence by or on behalf of any party to the appeal.

(8A) On an appeal under this paragraph relating to a taxi driver's licence or a private hire car driver's licence, the sheriff is not entitled to entertain any question as to whether—

- (a) a person should be, or should have been, granted leave to enter or remain in the United Kingdom, or
- (b) a person has, after the date of the decision being appealed against, been granted leave to enter or remain in the United Kingdom.

(9) On upholding an appeal under this paragraph, the sheriff may—

- (a) remit the case with the reasons for his decision to the licensing authority for reconsideration of their decision; or
- (b) reverse or modify the decision of the authority,
and on remitting a case under sub-sub-paragraph (a) above, the sheriff may—
 - (i) specify a date by which the reconsideration by the authority must take place;
 - (ii) modify any procedural steps which otherwise would be required in relation to the matter by or under any enactment (including this Act).

(10) In considering an appeal under this paragraph against suspension or revocation of a licence the sheriff may, pending his decision on the appeal, order the recall of any order by the licensing authority under paragraph 11(10) or of any order

made by the authority under paragraph 12 above but he shall not do so unless he is satisfied that all steps which in the circumstances were reasonable have been taken with a view to securing that notice of the appeal and an opportunity of being heard with respect to it have been given to the authority.

(11) The sheriff may include in his decision on an appeal under this paragraph such order as to the expenses of the appeal as he thinks proper.

(12) Any party to an appeal to the sheriff under this paragraph may appeal on a point of law from the sheriff's decision to the Court of Session within 28 days from the date of that decision.