

**Civic Government (Scotland) Act 1982  
Second Hand Dealer - Application for Licence for 24 High Street,  
Penicuik**

Report by Director, Corporate Resources

**1 Purpose of Report**

To present an application for a licence for consideration.

**2 Background**

On 15 May 2012, Terncove Ltd trading as We - Pay and Mr S Buchanan, Edinburgh applied for a Second Hand Dealer's Licence, in respect of the second hand textiles , clothes,Bags, CDs and Books at 24 High Street Penicuik. A copy of a plan showing the site is attached (**Appendix 1**).

**2 Objection**

Mr D Henderson, Cairnbank Road Penicuik objects to the grant of the application as described in the attached letter (**Appendix 2**).

In his submission, Mr Henderson drew attention to the fact that the statutory notice had been posted in such a fashion that was not readily legible. The applicant posted the Notice again in a more prominent position.

**3 Consultations**

The Police, Fire Officer and Planning and Trading Standards Officers were consulted.

The Police and Trading Standards Officer raise no objection.

The Fire Officer states that if the Committee is minded to grant the application, the recommendations shown in **Appendix 3** should be adopted.

The Planning Policy and Environment Manager advised that whilst the premises are in a conservation area (and consultation with the Planning Authority is appropriate prior to any physical changes to the structure), no change of use is involved. As regards the wider picture, she advised that:-

(a) The "Conservation and Town Centres Officer has run a pilot town centre health check for Penicuik which covers a wide range of factors that influence people's perception of the town centre; and

(b) the potential for a Townscape Heritage Initiative/ Conservation Area Regeneration Scheme bid for Penicuik town centre has been investigated and, although it does not fit the deprivation criteria for THI/CARS, it is hoped that this may be something we could consider in the future, particularly as there is an increasing emphasis on the importance of a partnership approach within these schemes; and

(c) as regards the focus on the town centre as part of the Neighbourhood Plan for Penicuik, consideration is being given to “the formation of a Business Association for Penicuik and a mini stakeholder seminar to get an effective group to work with on delivery of business initiatives and to prioritise the actions contained in the Neighbourhood Plan”.

#### **4 Procedure**

In disposing of an application for the grant of the licence the Committee may (a) grant the licence unconditionally; (b) grant the licence subject to conditions; or (c) refuse to grant the licence.

The Committee may refuse the application if, in their opinion:-

- (i) the applicant or any other person responsible for the management of the activity is not a fit and proper person to be the holder of the licence;
- (ii) 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 of such a licence if he made application himself;
- (iii) where the application relates to premises, (or a site) those premises are not suitable or convenient for the activity having regard to (i) the location, character or condition of the premises (or site); (ii) the nature and extent of the proposed activity; (iii) the kind of persons likely to be in or on the premises (or site); (iv) the possibility of undue public nuisance; or (v) public order or public safety; or
- (iv) there is other good reason for refusing the application.

Otherwise the Committee must grant the application.

If the Committee grant conditionally or refuse the application, the applicant has the right of appeal to the Sheriff. The Sheriff may uphold an appeal only if he considers that the Licensing Authority in arriving at their decision (1) erred in law; (2) based their decision on any incorrect material fact; (3) acted contrary to natural justice; or (4) exercised their discretion in an unreasonable manner.

## **5 Conclusion**

The Committee is asked to consider and determine this application.

**20 September 2012**

**Contact Person:**

**Mr R Atack**

**Tel No: 0131 271 3161**

**Background Papers:**

**File C G 10.21**