

**Civic Government (Scotland) Act 1982  
Application for Street Trader's Licence  
Mrs S Scott, Rosewell****Report by Director, Resources****1 Purpose of Report**

To present information to the Committee to facilitate consideration of an application by Mrs Scott, Rosewell, for a Street Trader's Licence in respect of a site at the Bryans Industrial Estate.

**2 Background**

There are no objections to the grant of the licence. However, it has not been possible to ascertain whether the vehicle to which the application relates is suitable and or convenient for the activity. The applicant has been asked to provide information several times but has failed to do so. It is uncertain whether the applicant is still at the address from which she applied. The six month period allowed for consideration for such applications is just about to expire.

In the circumstances, arrangements for a Hearing have been made to enable the Applicant one last opportunity to provide information prior to the final determination of the licence. Subject to the moveable stall being suitable, applications are granted subject to conditions.

**3 Procedure for Considering Applications at Hearings**

The Standard Procedure for considering applications is as shown in a separate report.

**4 Disposal of Applications for Licences**

In disposing of an application for the grant of a 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 an application for a licence 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, those premises are not suitable or convenient for the activity having regard to –
  - (i) the location, character or condition of the premises;
  - (ii) the nature and extent of the proposed activity;
  - (iii) the kind of persons likely to be in the premises;
  - (iv) the possibility of undue public nuisance;
  - (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:-

- (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.

## **5 Conclusion**

There are no objections to the grant of the licence. However, it has not been possible to assess whether the premises are suitable and indeed whether the applicant is still interested. Further information has been requested in order to help demonstrate that the premises are suitable and convenient.

## **6 Recommendation**

The Committee is recommended to consider the terms of the report when considering the application. If the Committee is minded to grant the application subject to additional conditions, consideration should be given to which.

**3 February 2016**

**Contact Person:**

**R G Attack**

**Tel No: 0131 271 3161**