

Civic Government (Scotland) Act 1982
Application for a Second Hand Dealer's Licence
2/2 Butlerfield Industrial Estate, Bonnyrigg

Report by Director,

1 Purpose of Report

To present an application for a licence for consideration.

2 Background

On 15 May 2013, Weesweep Advantage Autos and Mr S Williams, Bonnyrigg applied for a Second Hand Dealer's Licence, in respect of the sale of second hand cars, at Unit 2/2, Butlerfield Industrial Estate. A copy of a plan showing the site is attached (**Appendix 1**).

3 Consultations

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

The Police raise no objection.

The Fire Officer states that at the last audit, the fire safety measures were found to be unsatisfactory he advised the duty-holder of the deficiencies. It is his belief that they do not cause public safety concerns.

The Planning Officer advised that planning permission is required for the change of use. In the absence of guidance, it is not possible to assess whether the premises are suitable and convenient for the purpose. As at the date of writing, no application has been made for planning permission.

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.

4 November 2013

Contact Person:	Mr R Atack	Tel No: 0131 271 3161
Background Papers:	File C G 10.21 - Application	