

Agenda item	<b>13.1</b>
Report no	<b>HLC/099/23</b>

**THE HIGHLAND COUNCIL**

**Committee: THE HIGHLAND LICENSING COMMITTEE**

**Date: 28 November 2023**

**Report title: Application for the grant of a second hand vehicle dealers licence – Honest Bros Car Sales, Unit 8 Balmakeith Industrial Estate, Nairn (Ward 18 – Nairn and Cawdor)**

**Report by: Acting Principal Solicitor – Regulatory Services**

**1. Purpose/Executive Summary**

**1.1** This report relates to an application for the grant of a second hand vehicle dealers licence.

**2. Recommendation**

**2.1** Members are asked to determine the application in accordance with the Council's hearing procedure.

### **3. Background**

**3.1** On 9 March 2023 an application for the grant of a second hand vehicle dealers licence was received from Honest Bros Car Sales, Unit 8 Balmakeith Industrial Estate, Nairn.

**3.2** In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 8 December 2023. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued for a period of 1 year.

### **4. Process**

**4.1** Following receipt of the application a copy was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Scottish Fire and Rescue Service
- Highland Council Trading Standards Service
- Highland Council Building Standards Service
- Highland Council Planning Service

**4.2** All of the above Agencies/Services, other than the Planning Service, have confirmed that they have no objections to the licence being issued.

### **5. Observation**

**5.1** The Council's Planning Service submitted an observation dated 22 March 2023 in relation to the application on the basis that the planning consent is required for the operation of the business at this address. The applicant was advised on 24 March 2023 Planning permission was required. The applicant did seek to obtain Planning permission but was having difficulty in doing so.

### **6. Documentation**

**6.1** As part of the application process the applicant must submit display a 21-day public notice at the premises and submit a certificate of compliance to confirm they have done so. The applicant has confirmed the 21-day notice has been displayed but still has to submit the certificate of compliance.

### **7. Determining issues**

**7.1** Paragraph 5(3) of Schedule 1 of the Act states that a licensing authority may refuse an application to grant or renew a licence where:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;
- (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 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.

## **7.2**

If required the Acting Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

## **8. Policies**

**8.1** The following policies are relevant to this application:

**8.2** Standard second hand vehicle dealers licence conditions. A copy of these can accessed at [https://www.highland.gov.uk/directory\\_record/738765/second\\_hand\\_vehicle\\_dealers\\_licence/category/499/shop\\_and\\_trader](https://www.highland.gov.uk/directory_record/738765/second_hand_vehicle_dealers_licence/category/499/shop_and_trader) or a hard copy can be supplied where requested.

## **9. Implications**

**9.1** Not applicable.

Date: 8 November 2023

Author: Michael Elsey

Ref: SHVD

Background Papers: Civic Government (Scotland) Act 1982