

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 27 MARCH 2025**

**RENEWAL APPLICATION**

**REPORT BY ACTING DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE**

**1. ABSTRACT**

The purpose of this report is to present an application for the renewal of a licence under the Civic Government (Scotland) Act 1982 which require to be determined by the Committee.

**2. ALIGNMENT TO THE COUNCIL PLAN AND COUNCIL POLICIES**

Not applicable

**3. RECOMMENDATION**

It is recommended that the Committee considers and determines the application for the renewal of a licence as detailed in the attached Appendix, in terms of one of the following options: -

- (i) to renew the application;
- (ii) to renew the application subject to standard and/or any additional conditions;
- (iii) to defer the application for a period not exceeding 6 months from the date of the application; or
- (iv) to refuse the application on one or more of the grounds referred to in Paragraph 5.

**4. BACKGROUND**

The Council has received applications for renewal of a licence under the Civic Government (Scotland) Act 1982 which require to be determined by the Committee because one or more of the following apply: -

- (i) there has been an objection or a representation received in respect of the application; or
- (ii) the application does not comply with the policy adopted by Angus Council; or
- (iii) the function is not delegated to Officers; or
- (iv) the applicant has a conviction(s), a spent conviction(s) or a pending case.

**5. LEGAL IMPLICATIONS**

- 5.1 Schedule 1 of the 1982 Act contains provisions in respect of the processing and determining of applications for licences under the 1982 Act.
- 5.2 In particular, Paragraph 5 of Schedule 1 to the 1982 Act provides that where an application for the grant or renewal of a licence has been made to a licensing authority they shall, in accordance with that paragraph: -
  - (a) grant or renew the licence; or
  - (b) refuse to grant or renew the licence.

- 5.3 In granting or renewing a licence 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.

With limited exception, the conditions referred to in the sub-paragraph above shall be such reasonable conditions as the licensing authority think fit and, without prejudice to that generality, may include conditions restricting the validity of a licence to an area or areas specified in the licence.

- 5.4 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 by a Court from holding a licence under the 1982 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.

## **6. FINANCIAL IMPLICATIONS**

There are no financial implications arising out of this report.

## **7. RISK MANAGEMENT**

There are no risks to the Council arising from the terms of this Report.

## **8. ENVIRONMENTAL IMPLICATIONS**

There are no direct environmental implications arising from the recommendations of this Report.

## **9. EQUALITY IMPACT ASSESSMENT, HUMAN RIGHTS AND FAIRER SCOTLAND DUTY**

In dealing with the application, the Committee will have regard to any human rights and/or equalities issues in relation to the applicant and any objectors.

**10. CHILDREN'S RIGHTS AND WELLBEING IMPACT ASSESSMENT**

A Children's Rights and Wellbeing Impact Assessment has been undertaken and a full assessment is not required as the "General Principles" do not apply to this proposal.

**11. NOTIFICATION**

The applicant has been notified of the terms of this Report. They have also been advised of their entitlement to attend the meeting should they wish.

**NOTE:** No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.

**REPORT AUTHOR:** **Stuart McQueen**, Team Leader, Licensing & Regulation – Legal Team 1

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**(a) STREET TRADER – HAYLEY WILKES (ST20)**

<b>Name of Proposed Licence Holder</b>	<b>Type of Licence</b>	<b>Application received</b>
Hayley Wilkes	Street Trader (Fixed Pitch)	23/01/2025

A renewal application for a Street Trader's licence was received on 23 January 2025 from Hayley Wilkes.

The application is for a fixed pitch at 2 Dewar Place, Arbroath, DD11 3LS, selling hot and cold food and drinks for the following days and hours: -

Wednesday to Saturday	08.00 to 20.00
Sunday	12.00 to 18.00

Licensing received an email on 10 February 2025 from Mag Anderson, objector. A copy of said email is attached to this report.

The Committee is asked to determine the application in accordance with Sections 3 to 5 of the Report.

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Sent:  
To:  
Subject:

[REDACTED] >  
10 February 2025 17:13  
LAWLicensing  
Application for street traders licence

I am writing regarding a proposal for a fixed street traders licence from Hayley Wilkie at Wee cook pies unit 2 Dewar place Arbroath, my concern is traffic congestion as this is already a busy area with constant HGV deliveries, employees cars parked on main road and daily drop off and pick up of vehicles to HPS garage where the pitch will be directly opposite, there is also three other very busy units 1,3 and 4 who have limited parking spaces which results on public parking on main road to access these units which already makes it very difficult for HGV and other large vehicles to manoeuvre, I am concerned this fixed pitch request is going to add more traffic, more parking on main road where there is a lot of dog walkers and children going to local school.

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From Mag Anderson