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| Agenda item | 7.1 |
| Report no | HLC/013/23 |

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 14 February 2023

Report title: Application for the grant of a second hand vehicle dealers licence – Mack Motors Balloch Ltd Judes View, Cullernie Road, Inverness, IV2 7HU (Ward 17 – Culloden & Ardersier)

Report by: 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 15 December 2022 an application for the grant of a second hand vehicle dealers licence was received from Mack Motors Balloch Ltd. in respect of Judes View, Cullernie Road, Inverness, IV2 7HU.

3.2 In terms of the Civic Government (Scotland) Act 1982 (the Act) the Licensing Authority have 9 months from receipt of the application to determine the same, therefore this application must be determined by 14 September 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. Objection

5.1 The Council's Planning Service have submitted an objection dated 20 December 2022 in relation to the application on the basis that the planning consent is required for the operation of the business at this address. A copy of the Planning Service objection is attached as **Appendix 1**.

6. Determining issues

6.1 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.

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

7. Policies

7.1 The following policies are relevant to this application:

7.2 Standard second hand vehicle dealers licence conditions. A copy of these can be accessed at

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.

8. Implications

8.1 Not applicable.

Date: 25 January 2023

Author: Michael Elsey

Ref: SHVD

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1: Planning objection of 20 December 2022

Appendix 1

From: Bob Robertson (Planning (South)) <Bob.Robertson@highland.gov.uk>

Sent: 20 December 2022 08:33

To: Licensing <licensing@highland.gov.uk>

Subject: RE: Second Hand Vehicle Dealer's Application - Mack Motors Balloch at Judes View Culernie Road Inverness

Ref: Second hand vehicle dealer licence – Mack Motors Balloch at Judes View Culernie Road Inverness

Planning response – Objection – Planning Permission will be required for a Change of Use of the Land for Second Hand Vehicle Sales
Bob Robertson – Planning Team Leader Inverness Badenoch and Strathspey