

AGENDA ITEM NO 12

REPORT NO 140/25

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 15 MAY 2025

NEW APPLICATIONS

REPORT BY ACTING DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

1. ABSTRACT

The purpose of this report is to present two new applications for a licence under the Civic Government (Scotland) Act 1982 which requires 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 consider and determine the application for grant of the licence as detailed in the attached Appendix, in terms of one of the following options: -

- (i) to grant the application;
- (ii) to grant 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 4.

4. BACKGROUND

The Council has received an application for grant of a licence under the Civic Government (Scotland) Act 1982 ("the 1982 Act") which requires 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 issues in relation to the applicant and any other relevant party.

10. CHILDRENS 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 extend in preparing this report.

REPORT AUTHOR: Stuart McQueen, Team Leader – Legal Team 1

EMAIL DETAILS: LEGDEM@angus.gov.uk

APPENDIX TO REPORT NO 140/25

CIVIC LICENSING COMMITTEE – 15 MAY 2025

(a) STREET TRADER – JASON THOMAS BAIRD (ST21)

Name of Proposed Licence Holder	Type of Licence	Application received
Jason Thomas Baird	Street Trader (Fixed Pitch)	28/11/2024

A new application for a Street Trader's (fixed pitch) licence was received on 28 November 2024 from Jason Baird.

The application is for a fixed pitch sites at Green Oak Business Centre and Orchardbank Industrial Estate, Forfar, selling hot and cold food and drinks on Monday to Saturday 07.00 to 14.00

An Environmental Health officer carried out an inspection on 20 December 2024 and emailed licensing to advise the van required some works completed before they could issue the certificate of compliance.

In an email on 19 February 2025 Mr Baird advised that the electrical work was completed and that a deep clean would be completed by the end of that week. Mr Baird also confirmed he would notify Environmental Health when completed. To date Mr Baird has not contacted Environmental Health.

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

APPENDIX TO REPORT NO 140/25
CIVIC LICENSING COMMITTEE – 15 MAY 2025

(b) STREET TRADER – JULIA GROVES (ST22)

Name of Proposed Licence Holder	Type of Licence	Application received
Julia Groves	Street Trader (Fixed Pitch)	18/02/2025

A new application for a Street Trader's (fixed pitch) licence was received on 18 February 2025 from Julia Groves.

The application is for a fixed pitch site at 3 Station Row, Easthaven, Carnoustie, DD7 6LN, selling cakes, biscuits, traybakes, and hot and cold drinks on the days and times detailed below –

Thursday and Friday 11.00 to 15.30
Saturday and Sunday 10.00 to 17.00

Two letters of objections have been received and copies are attached to this report.

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

Service Leader
Legal Department
Angus House

OS.03 CEG
002

Neil Bayley,
3 Tankerville cottages,
Easthaven,
DD7 6LR

2nd March 2025

Dear Service Leader

I am writing to object to the Street Traders licence for Lost Crumbs at 3 Station Row Easthaven. Its not that I don't think selling cakes is a good idea but it was a disaster when she did it before. The road was blocked with cars, people and bikes. Cars couldn't get in and out and even the buses couldn't get in and out of the village sometimes. Its just not a safe place and even though a lot of cars try and park on the pavement there still isn't room for the buses to get past. Cars even parked on the traffic island so it really isn't safe.

Yours sincerely



Neil Bayley

Mr Ian McDonald

2 Station Row

Easthaven

Carnoustie

DD7 6LN

3d March 2025

Service Leader – Legal & Democratic

Angus Council

Angus House

Sylvie Way

Orchardbank Business Park

Forfar

DD8 1AN

Dear Sir / Madam,

I write regarding the application by 'Lost Crumbs' (Julia Groves) for a street trader's licence at 3 Station Row, Easthaven DD7 6LN, with the purpose of registering my objections in the strongest possible terms.

Firstly, this would constitute a direct physical intrusion on my property and my privacy. This is evident from last year when the applicants raised a large gazebo, for the purpose of selling their goods, in the top part of their drive which opens onto the main road. This area is divided from my property only by a low wall. Therefore, any activity there imposes directly onto my property, and onto me, if I, or any member of my family, happen to be there. As my drive is adjacent to theirs and is the only exit from my property, I would have to encounter this every time I enter or leave my house. It would also limit how I might want to make use of this area of my property.

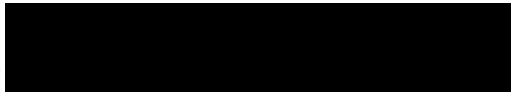
Secondly, as pointed out above, the site of their business transactions opens directly onto the main road and is located at a junction on a right-angled bend in the road. This is hazardous in itself, but will be made more-so, if people attempt to park there, which they will, to make purchases. Cars parked there not only block traffic, but also block a clear view of the road when exiting my drive. Furthermore, the junction and the main road are part of a main bus route and is only wide enough to allow one vehicle to pass at any time so that cars parked there can cause significant difficulties. The village can become very busy in the summer with people visiting the beach for various activities and traffic and parking can become a problem which directly affects residents without the potential for additional irresponsible parking.

Thirdly, the applicants own a large dog, a cross between a husky and an alsation, I believe, which barks frantically when anyone is at the front of the house. When the gazebo was set up last year, the dog was left in the house, looking out of the window, and barked incessantly for hours, without any intervention from the applicant, until I was forced to go outside and complain.

We rarely see the dog being exercised and, instead, it is allowed to defecate in the garden, which is, as I write, covered with the dog's excrement, which is very seldom, if ever, cleaned up. Generally speaking, this is not an appropriate environment for any business, but, going by the applicant's apparent attitude to hygiene, it is certainly not a business environment that should be producing food for sale to the public.

Finally, I believe that this sort of activity would detract from the general character and tenor of the village and would have an adverse effect, directly or otherwise, on a significant number of the village's residents.

Yours Sincerely

A black rectangular box redacting the signature of Mr Ian McDonald.

Mr Ian McDonald