

**ANGUS COUNCIL**

**SPECIAL CIVIC LICENSING COMMITTEE – 12 JUNE 2013**

**NEW APPLICATION**

**REPORT BY THE STRATEGIC DIRECTOR - RESOURCES**

**ABSTRACT**

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

**1. RECOMMENDATION**

It is recommended that the Committee consider and determine the application for a new licence or new licences as detailed in the attached **Appendix**, in terms of one of the following options:-

- (i) to grant the application subject to standard conditions;
- (ii) to grant the application subject to 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 3.

**2. BACKGROUND**

The Council has received applications for new licence(s) 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.

**3. LEGAL IMPLICATIONS**

The Committee may only refuse the application if, in their opinion:-

- (a) the applicant, or any person responsible for the management of the activity, is either:-
  - (i) for the time being disqualified by a Court from holding a licence under the Civic Government (Scotland) Act 1982; or
  - (ii) is 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/she made the application;

- (c) where the licence applied for relates to an activity using premises, a vehicle or a vessel, which are 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.

#### **4. RISKS**

This report does not require any specific risk issues to be addressed.

#### **5. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### **6. HUMAN RIGHTS IMPLICATIONS**

In dealing with the applications as set out in this report, the Council will have regard to any human rights issues in relation to the applicants.

#### **7. EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

#### **8. CONSULTATION**

The Chief Executive, the Head of Law and Administration, the Head of Finance and the Angus Area Commander, Police Scotland have been consulted on the content of this report.

#### **9. NOTIFICATION**

The applicant(s) have been notified of the terms of this report. They have also been advised of their entitlement to attend this meeting.

**MARK ARMSTRONG**  
**STRATEGIC DIRECTOR - RESOURCES**

**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.

L&A SCH/IMS

**(1) AJAY KUMAR – LATE HOURS CATERING LICENCE (LHC10)**

An application for a Late Hours Catering licence was received on 15 March 2013 from Ajay Kumar, 4F Tullideph Street, Dundee, DD2 2PQ in respect of the premises Five in One, 126 Castle Street, Forfar, DD8 3HS

A letter of objection dated 9 April 2013 has been received from Mr and Mrs Ferguson, 124 Castle Street, Forfar DD8 3HS. Copies of the letter shall be circulated at the meeting.

The Civic Licensing Committee of 23 May 2013 agreed that the application be deferred to allow further investigations regarding the concerns raised.

The Council's current guidelines allow late hours catering on Sunday to Thursday between the hours of 11.00pm and 12 midnight and on Friday and Saturday between the hours of 11.00pm to 1.00am

The applicant has requested guideline hours.

The Committee is asked to determine the application in accordance with Section 1 of the Report.