

ANGUS COUNCIL

CIVIC LICENSING COMMITTEE – 26 SEPTEMBER 2013

NEW APPLICATIONS

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 Legal and Democratic Services, the Head of Corporate Improvement and Finance and the Divisional Commander, Tayside Division of 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

(a) McDonalds Restaurants Ltd, Westway Retail Park, Arbroath – Late Hours Catering Licence

An application for a Late Hours Catering Licence has been received from McDonalds Restaurants Ltd in respect of the restaurant and drive-thru at Westway Retail Park, Arbroath.

The applicant currently has a Late Hours Catering Licence which permits trade on Sunday – Thursday 11.00pm – 12.00 midnight and Friday and Saturday 11.00pm – 5.00am (Drive-Thru Only).

The applicant now requests a licence permitting both the restaurant and the drive-thru to be open between the hours of Monday – Sunday 11.00pm – 5.00am. Members should note that this is the maximum limited hours under a Late Hours Catering Licence and this will allow both the restaurant and drive-thru to operate 24 hours per day seven days per week. Police Scotland has submitted a letter of representation in respect of the application. A copy of the letter will be circulated at the meeting.

The Council's current guidelines allow late hours catering premises to open between 11.00pm – 12 midnight Sunday to Thursday and 11.00pm – 1.00am on Friday and Saturday. Any requests for hours outwith these guidelines require to be considered by the Civic Licensing Committee.

Apart from the Police representation, no objections/representations have been received in respect of the application which was received on 2 August 2013.

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

(b) McDonalds Restaurants Ltd, Halfpenny Burn, Orchardbank Forfar – Late Hours Catering Licence

An application for a Late Hours Catering Licence has been received from McDonalds Restaurants Ltd in respect of the restaurant and drive-thru at Halfpenny Burn, Orchardbank, Forfar.

The applicant currently has a Late Hours Catering Licence permitting trade Sunday – Thursday 11.00pm – 12 midnight and Friday and Saturday 11.00pm – 1.00am (Drive-Thru only).

The applicant now requests a licence permitting both the restaurant and the drive-thru to be open between the hours of Monday – Sunday 11.00pm – 5.00am. Members should note that this is the maximum limited hours under a Late Hours Catering Licence and this will allow both the restaurant and drive-thru to operate 24 hours per day seven days per week.

The Council's current guidelines allow late hours catering premises to open between 11.00pm – 12 midnight Sunday to Thursday and 11.00pm – 1.00am on Friday and Saturday. Any requests for hours outwith these guidelines require to be considered by the Civic Licensing Committee.

No objections/representations have been received in respect of the application which was received on 2 August 2013.

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