

The Highland Licensing Committee

Meeting – 14 May 2013

Agenda Item	7.1
Report No	HLC/027/13

Application for a Late Hours Catering Licence – Dingwall Report by Alaisdair H Mackenzie, Legal Manager

Summary

This Report relates to an application for a Late Hours Catering Licence.

1.0 Background

1.1 On 26 November 2012 the Council, as Licensing Authority under the Civic Government (Scotland) Act 1982, received an application for renewal of the Late Hours Catering Licence held by Chi Hung Wan for Cookies Chinese Take Away, 76 High Street, Dingwall, IV15 9RY.

2.0 Process

2.1 Following receipt of the application the following agencies were consulted:-

- Northern Constabulary
- Highlands & Islands Fire and Rescue Service
- Planning and Building Standards Service
- TEC Services Environmental Health.

2.2 The Northern Constabulary, Planning and Building Standards and TEC Services Environmental Health have responded intimating no objection to the renewal of the licence.

2.3 The Fire and Rescue Service advised that they were unable to respond in the absence of the Fire Safety check list completed by the applicant. The Fire and Rescue Service subsequently advised that the check list when submitted was incomplete and that they were therefore still unable to respond to the consultation on this application.

2.4 The amended Fire Safety Check list has now been submitted and the Fire and Rescue Service are currently considering their response. At the time of writing this Report the response has not been received.

2.5 The applicant and the Fire and Rescue Service have been invited to attend or be represented at the meeting.

3.0 Timescale

3.1 In terms of the legislation the licensing authority must consider all applications within three months of being received and, in the case of a Public Entertainment Licence, make a determination within six months.

3.2 In the case of the application the six month period will elapse on 26 May 2013 and in the absence of a response to the consultation on this application from the Fire and Rescue Service the application cannot be determined under delegated powers.

4.0 **Determining Issues**

Section 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a Licensing Authority may refuse an application to grant or renew a licence where:

4.1

- The applicant or anyone else detailed on the application is not a fit and proper person
- 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
- Where the application relates to a premise, vehicle or vessel that the location, character or condition of the same is not suitable
- The nature and extent of the proposed activity is not suitable
- The kind of persons likely to be in the premises are not suitable
- Where there is the possibility of undue public nuisance, public order or public safety
- Where there is other good reason.

5.0 **Powers**

5.1 The Committee may grant the licence subject to the standard conditions, in which case it would last for three years; grant the licence for a shorter period as considered appropriate; or, refuse the application.

5.2 If minded to grant the licence the Committee may attach such reasonable conditions, in addition to the standard conditions, as they think fit.

6.0 **Recommendation**

Members are **invited** to determine the above application in accordance with the Hearings Procedure.

Designation: Legal Manager
Officer Reference: Linda Hay LHC21003
Date: 30 April 2013

Background Papers: Civic Government (Scotland) Act 1982