

Agenda item	9.1
Report no	HLC/033/17

THE HIGHLAND COUNCIL

Committee: **THE HIGHLAND LICENSING COMMITTEE**

Date: **9 June 2017**

Report title: **Application for the grant of a late hours catering licence – McDonald's Restaurant, Inshes Retail Park, Sir Walter Scott Drive, Inverness (Ward 19 – Inverness South)**

Report by: **The Principal Solicitor – Regulatory Services**

1. Purpose/Executive Summary

1.1 This Report relates to an application for the grant of a late hours catering licence.

This application is subject to a formal hearing procedure.

2. Recommendation

2.2 Members are asked to determine the application in accordance with the Council's Hearings Procedure.

3. Background

- 3.1 A late hours catering licence, issued under the Civic Government (Scotland) Act 1982, is required for premises which sell food during any of the hours between 11.00pm and 5.00am.

4. Application

- 4.1 An application for the grant of a late hours catering licence was received on 4 April 2017 from Craigton Foods Ltd in relation to the premises at McDonald's Restaurant, Inshes Retail Park, Sir Walter Scott Drive, Inverness. The business consists of a restaurant, takeaway and drive thru facilities.

- 4.2 A location plan of the premises is detailed in Appendix 1.

- 4.3 The applicant has applied for the following hours for late hours catering:
11.00pm to 2.00am daily.

They have also indicated that the restaurant will open from 5.00am daily.

5. Process

- 5.1 Following receipt of this application a copy of the same was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Scottish Fire and Rescue Service
- Highland Council Environmental Health Service
- Highland Council Building Standards Service
- Highland Council Planning Service

- 5.2 Police Scotland, the Fire Service and the Building Standards and Environmental Health Services have confirmed that they have no objections to the licence being issued.

- 5.3 The Planning Service have advised that there is a restriction in operating hours under planning consent 14/04516/FUL. Condition 20 restricts the opening times from 5.00am to 12 midnight in the interests of residential amenity. This condition applies to the restaurant, takeaway and drive thru facilities.

6. Objections

- 6.1 Part of the process of applying for a late hours catering licence involves the applicant displaying a notice at the premises for a period of 21 days. This notice invites members of the public to submit objections and/or representations in relation to the application if they so wish. Any objections or representations must be submitted within 28 days of the notice being displayed.

- 6.2 Twelve letters of objection have been received in relation to this application, as detailed below.

- Mr M MacKintosh
- Mr Calum MacIver
- Ms Valerie Lee

- Householder
- Ms Claire Grant
- Mr Stewart Gilliland
- Ms Sarah Fullerton
- Mr G Fredericks
- Mr Steve Blythe
- Ms Jean Pumford
- Inverness South Community Council
- Culcabock and Drakies Community Council

A copy of the letters of objections are attached in appendix 2

7. Policy hours

- 7.1 The Licensing Committee previously agreed policy hours for all late hours catering premises located in settlements (other than Inverness City Centre) which have late opening liquor licences (i.e. after 1.00 am).
- 7.2 The Committee also agreed separate policy hours for premises located within Inverness City Centre.
- 7.3 Other premises, such as the one subject to this report, do not have any set policy hours and are determined on their own merits.

8. Determining issues

- 8.1 Paragraph 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:
- (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.
- 8.2 If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

- 8.3 A copy of this Report has been sent to the applicant and the objectors who, in the terms of Paragraph 4(2) of the Civic Government (Scotland) Act 1982, have been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

9. Policies

- 9.1 The following policies are relevant to this application:

Late hours catering licence conditions.

- 9.2 A copy of these can accessed at
http://www.highland.gov.uk/downloads/file/3463/late_hours_catering_conditions_of_licence

or a hard copy can be supplied where requested.

10. Implications

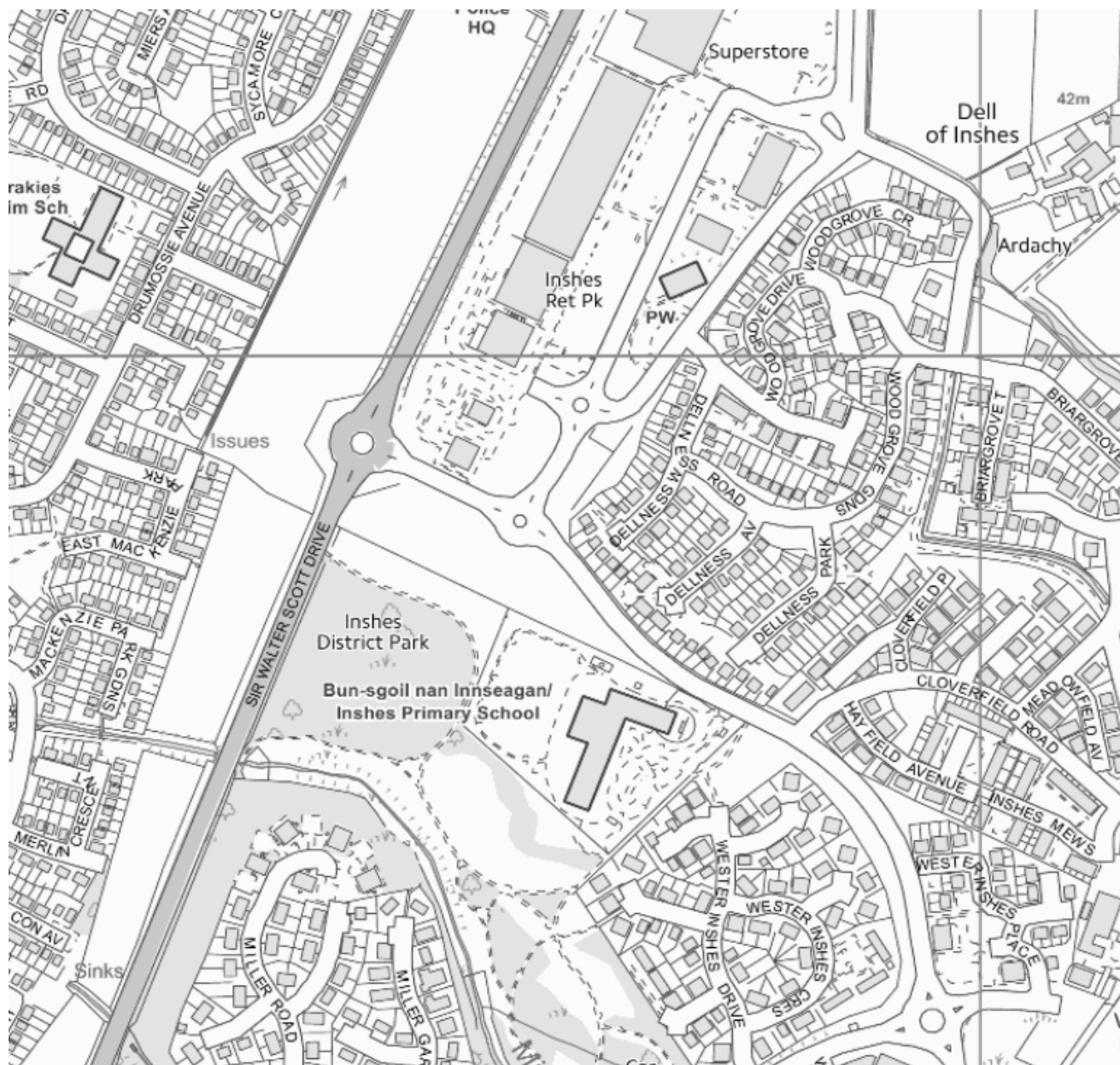
- 10.1 Not applicable.

Date: 15 May 2017

Author: Mike Elsey

Background Papers: Appendix 1 – Location plan
Appendix 2 – Letters of objection

Location plan of McDonald's Restaurant, Inshes Retail Park, Sir Walter Scott Drive, Inverness.



Legal Manager
Chief Executives Service
Highland Council
Town House
Inverness
IV1 1JJ

27th April 2017

To whom it may concern

Objection of extended opening hours at McDonald's Restaurant , Inshes Retail Park

I wish to object to the extended opening hours proposed for the above location.

Please find below the reasons for the objection:

1. As the location of the restaurant is mainly accessed by vehicles this would cause more noise in the mainly residential area. Many children's bedrooms look onto McDonald's.
2. More people, especially younger people will be draw to the area to hang out, especially when an establishment like McDonald's is open, there is already an issue with 'boy racers' hanging around the car parks causing A LOT of noise.
3. There will also be an increase of litter which effects the local environment.
4. Residents have not been informed of any plans by McDonald's since before it was built especially the fact that it is a 2 storey building that looks directly into homes and gardens.
5. If the restaurant is open in the early hours of the morning when generally people are intoxicated there may be an increase of damage to the surrounding areas and homes.

As a matter of interest when McDonald's initially applied for their planning permission what opening hours were approved and why are they now allowed to apply for extending hours?

Yours sincerely,



RECEIVED
- 2 MAY 2017

Legal Manager
Chief Executives Service
Highland Council
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Yours sincerely,

[Redacted Signature]

CALUM MACIVER

14 DELLNESS Way
INVERNESS
IV2 5HB

RECEIVED

2 MAY 2017

Legal Manager
Chief Executives Service
Highland Council
Town House
Inverness
IV1 1JJ

27th April 2017

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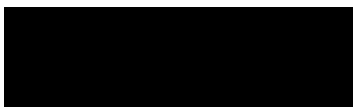
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11 Delness Way, Inverness IV2 5HB

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[Redacted signature]

12 DELLNESS WAY
102 54B

RECEIVED
- 2 MAY 2017

Legal Manager
Chief Executives Service
Highland Council
Town House
Inverness
IV1 1JJ

27th April 2017

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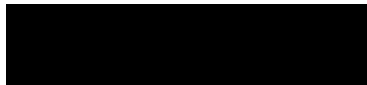
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Yours sincerely,



CLAIRE GRANT
15 DEWNESS WAY
INVERNESS
IV2 5HB.

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- 2 MAY 2017

Legal Manager
Chief Executives Service
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[Redacted Signature]

21 Deerness way
Inverness
IV2 5HB

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[Redacted signature block]

9 Dellness Way
Inverness
IV2 5HB

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2 MAY 2017

Legal Manager
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Inverness
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[Redacted Signature]

G. FREDERICKS
17 DELLNESS WAY
INVERNESS
IV2 5HB

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2 MAY 2017

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Yours sincerely,

[Redacted signature]

S. BLYTHE

20 DELLNER WAY,
INVERNESS
IV2 5HB

RECEIVED
- 2 MAY 2017



Culcabock & Drakies Community Council



Please reply to:

Mrs. Janet Home, MBE.,
54 Old Perth Road,
Inverness.
IV2 3RL.

1 May, 2017.

Legal Manager,
Chief Executive Service,
Highland Council,
Town House,
Inverness.
IV1 1JJ.

Dear Sir/Madam,

Application for Extended Hours by
McDonald's Restaurant, Walter Scott Drive, Inverness

We write to object to the extension of hours applied for by McDonald's Restaurant.

Since the opening of this restaurant we are very aware that Inshes District Park has suffered an increase in damage to the equipment and also in litter and feel that a further increase in hours would exacerbate this even further. We have also received complaints about litter along the Walter Scott Drive.

Whilst the park is not in our Community Council area many families and youngsters from Drakies and further afield use it.

Our Community Council would, therefore, wholeheartedly support Inverness South Community Council in their effort to have extended hours refused as the existing hours would appear to be more than adequate.

Yours faithfully,



Chairman.

2, Druid Temple Way,
Inverness, IV2 6UQ.

Legal Manager,
Chief Executives Services,
Highland Council,
Town House,
Inverness, IV1 1JJ
29th April 2017 .



LATE NIGHT OPENING McDONALD'S RESTAURANT.

Dear Sir/Madam,

It has just come to my notice that McDonald's Restaurant, Inshes Retail Park has applied to extend their opening hours to 5am --2am 7 days a week.

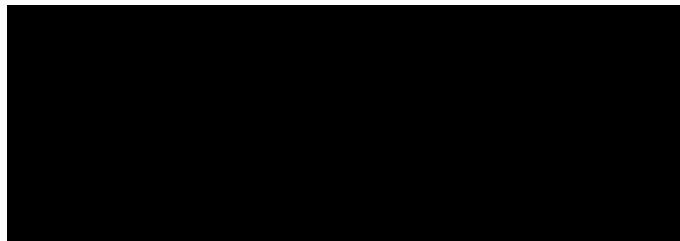
I wish to object to these long hours. There are no Public Houses, or Clubs nearby ,the A9 Trunk road is a distance away, anyone using these early morning opening hours will have to come by Transport. Inshes Retail Park is surrounded by residential property and the extra Traffic at those hours will be a nuisance to the residents.

I am a Trustee of Inshes Park, since McDonalds have opened there has been increased litter and vandalism in the Park at considerable cost to the Highland Council, Inverness South Community Council and the Park Association. Money which could have been spent on other projects.

The present opening hours are suitable for the needs of the area.

Yours truly,

Jean Pumford



RECEIVED

03 MAY 2017

60 Cedarwood Drive
Milton of Leys
Inverness
IV2 6GU

Legal Manager,
Chief Executives Service,
Highland Council
Town House,
Inverness, IV1 1JJ

28th April 2017.

Late Night Catering – McDonalds Restaurant

Dear

It has come to the attention of the Inverness South Community Council by members of the public that McDonalds Restaurant has applied for a Licence for Late Night Catering from 05.00 to 02.00 hours 7 days a week.

We As a community Council as statutory consultees were not informed of this application and did not see any public notice in any newspaper only the notice on the door of the premises.

We wish to object to this application on grounds of it being an inconvenience to the local residents late at night and especially early in the morning, causing noise and encouraging undesirables to hang around. Since the opening of the restaurant there has been more litter (not just round the restaurant but further afield). There has also been more vandalism in Inshes District Park (reported to the Community Council and the police).

There is also the possibility of increased traffic with large delivery lorries using this facility early in the morning or using the area for overnight parking.

Yours truly,


Bob Roberts
Secretary
Inverness South Community Council.