
Report To: GENERAL PURPOSES BOARD

Date: 14 August 2013

Report By: HEAD OF LEGAL & DEMOCRATIC SERVICES

Report No: LA/1050/13

Contact Officer: LINDSAY CARRICK

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**Subject: APPLICATION FOR LATE HOURS CATERING LICENCE
Malthurst Retail, Malthurst Imperial Filling Station, Regent Street,
Greenock**

1.0 INTRODUCTION

- 1.1 In terms of Section 42 of the Civic Government (Scotland) Act 1982 a late hours catering licence is required for the use of premises between the hours of 11.00 p.m. and 05.00 a.m. for the sale to or consumption by the public of food. In terms of the Council's Resolution using premises for late hours catering is an activity which the Council Licence.
- 1.2 An application for a Late Hours Catering Licence has been made by Malthurst Imperial, Vincent House, 4 Grove Lane, Epping to allow the operation of a takeaway facility between the hours of 11.00 p.m. and 5.00 a.m. Mondays to Sundays at the premises known as Malthurst Imperial Filling Station, Regent Street, Greenock.
- 1.3 The current hours permitted under the present licence are as follows;
- (a) Sundays to Thursdays 11.00 p.m. to 12 midnight
 - (b) Fridays and Saturdays 11.00 p.m. to 1.00 a.m.
- 1.4 The policy hours operated by Inverclyde Council are as follows;
- (a) Sundays to Thursdays 11.00 p.m. to 00.30 a.m. the following morning
 - (b) Fridays and Saturdays 11.00 p.m. to 01.30 a.m.
- 1.5 The application was advertised in the Greenock Telegraph and in addition to this the applicant advertised the making of the application by a notice displayed on the premises.
- 1.6 The Inverclyde Council as Licensing Authority has a period of six months to determine an application therefore the application must be determined by 20 November 2013.

2.0 CONSULTATIONS

- 2.1 Consultations have been undertaken with Strathclyde Police, Strathclyde Fire & Rescue Service, Head of Regeneration & Planning Services and Head of Safer & Inclusive Communities none of whom has made any objection to the application.
- 2.2 The applicant has also been advised that he may be present or represented at the meeting to be heard in support of his application should the Board decide to hear him.

3.0 LEGAL POSITION

3.1 The Panel will recall that the provisions in the Act regarding the refusal of an application stipulate that a Licensing Authority shall refuse an application where, in their opinion, certain given grounds apply including:-

- (a) Where a licence applied for relates to an activity consisting of or including the use of those premises where those premises are not suitable or convenient for the conduct of the activity having regard to;
 - (i) The location, character or condition of the premises;
 - (ii) The nature and extent of the proposed activity;
 - (iii) The kind of persons likely to be in the premises;
 - (iv) The possibility of undue public nuisance; or
 - (v) Public order or public safety; or
- (b) There is other good reason for refusing the application;

4.0 CONCLUSION

4.1 The Board are asked to consider the matter in the light of the foregoing and to determine whether or not the application may be granted.

Lindsay Carrick
Legal & Democratic Services