

3

#### **AGENDA ITEM NO:**



Report To: General Purposes Board Date: 10 August 2016

Report By: Head of Legal and Property Report No: LP/090/16

**Services** 

Contact Officer: Lindsay Carrick Contact 01475 712114

Legal Services No:

Subject: Application for the Grant of a Late Hours Catering Licence

Pizza Cake (Greenock) Ltd

Premises – Domino's Pizza, 2-4 Brymner Street, Greenock

### 1.0 PURPOSE

1.1 The purpose of this report is to ask the Board to consider the application for a late hours catering licence for premises known as Domino's Pizza, 2-4 Brymner Street, Greenock.

### 2.0 SUMMARY

- 2.1 An application has been made by Pizza Cake (Greenock) Ltd for a late hours catering licence for the premises known as Domino's Pizza, 2-4 Brymner Street, Greenock.
- The Board may wish to note that Inverclyde Council's Policy for Late Hours Catering are as follows: a) Sundays to Thursdays 11pm to 12.30am. (b) Fridays and Saturdays 11pm to 1.30am. The hours applied for offering the catering facility are within the Council's policy however the service for deliveries until 2am is out with policy.
- 2.3 In terms of the Civic Government (S) Act 1982 this application requires to be decided upon within six months of the date of the application. Therefore a decision requires to be made no later than 19 November 2016.
- 2.4 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 11.00pm and 05.00am 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.

# 3.0 RECOMMENDATIONS

- 3.1 The Board are asked to decide whether or not they wish to hear the applicant in support of the application.
- 3.2 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.

# 4.0 BACKGROUND

4.1 An application for the grant of a late hours catering licence has been made by Pizza Cake (Greenock Limited) for premises known as Domino's Pizza, 2-4 Brymner Street, Greenock to allow for the operation of a late hours catering facility between the hours of 11pm to 12 midnight on Mondays to Sundays with a delivery service from 12 midnight until 2 am on Mondays to Sundays.

### 5.0 IMPLICATIONS

#### **Finance**

5.1 There are no financial implications.

## Legal

- The Board will note 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 grounds apply including:-
  - (a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management is either
  - (i) for the time being disqualified under section 7(6) of this Act, or
  - (ii) not a fit and proper person to be the holder of the licence;
  - (b) Where a 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 the premises or the 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
  - (c) There is other good reason for refusing the application.
- 5.3 Pizza Cake (Greenock) Ltd has recourse to the Sheriff Court in the event they wish to appeal any decision of the Board.

### **Human Resources**

5.4 There are no Human Resources implications.

### **Equalities**

5.5 There are no equalities implications.

### Repopulation

5.6 There are no repopulation implications.

## 6.0 CONSULTATIONS

- 6.1 Consultation has been undertaken with Police Scotland, Scottish Fire & Rescue Services, Head of Safer & Inclusive Communities and Head of Regeneration & Planning Services, none of whom has many any objection to the application.
- 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 at Brymner Street, Greenock.

#### 7.0 LIST OF BACKGROUND PAPERS

None