



### 3.0 RECOMMENDATIONS

- 3.1 The Board are asked to decide whether or not they wish to hear the applicant in support of his 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 to vary the existing hours of the late hours catering licence for the premises known as Three in One, 17 Kempock Street, Gourock has been made by Mr Hamid Ghareh. The hours of the existing licence are noted below.

Sundays to Wednesdays	11pm to 12 Midnight
Thursdays	11pm to 12.30am
Fridays & Saturdays	11pm to 1am
24, 26 December & 2 January in each year	11pm to 1am

The hours of variation applied for are noted below.

Sundays to Thursdays	11pm to 12.30am
Fridays & Saturdays	11pm to 1.30am

The Board will note that the hours applied for are within policy.

- 4.2 This is the fourth time that an application made by Mr Ghareh has been referred to the General Purposes Board. When applying for the renewal in 2013, Mr Ghareh asked to increase his hours to 1.30am on Fridays and Saturdays, 1.15am on Thursdays and 12.15am on Sundays to Wednesdays. The application was referred to the Board following receipt of three public objections. The Board decided to refuse the additional hours and grant the licence with the existing hours.

Mr Ghareh's renewal application lodged earlier in 2016 was also referred to the Board following receipt of a public objection. The Board decided at its meeting on 10 August 2016 to grant the renewal of Mr Ghareh's licence.

### 5.0 IMPLICATIONS

#### Finance

- 5.1 There are no financial implications.

#### Legal

- 5.2 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 Mr. Ghareh has recourse to the Sheriff Court in the event he wishes 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 made any objection to the application.

6.2 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 Kempock Street, Greenock

### **7.0 LIST OF BACKGROUND PAPERS**

None

**Tel:**  
**Mobile:**

3 IN ONE  
17, KEMPOCK ST, GOUROCK

OBJECTION

Dear Sir,

After monitoring this establishment carefully, especially at weekends, I am strongly objecting to the application for extended hours.

I am surprised that a "businessman" finds it so difficult to adhere to the conditions laid down by the Council Licensing. I'm further surprised that his solicitor does not insist upon it, for the benefit of his client.

This shop should close its door at 1am (Fri – Sat) as does every other establishment in Kempock St.

There is a distinct absence of Police and the crowd, of whom the majority are intoxicated, quickly turn it into a kind of rammy.

The shop does not close at the specified time and members of the public are still being served as late as 1.25am.

He seems to have scant regard to the close proximity of residents, who have to endure the noise, including taxis stopping and doors slamming.

He blatantly ignores the rules which I am sure are quite clearly laid out in the terms of his licence, and I for one hope this extension until 1.30 is refused.

I dread the weekends and this shop encourages noise, litter, lack of respect for residents.

I was born in Gourock, education in Gourock and love this town, and like to see the effort being put in to making Gourock inviting, but this continually making your own rules as to when you close your shop is to the absolute detriment of the town.

The proprietor does not reside in Gourock, and has never given employment to anyone local.

I live in hope.

Yours sincerely

Maggie (McQuilkin)

21<sup>st</sup> Sept 2016

**Councillor Chris McEleny**  
**Ward 5 – Inverclyde West**  
Municipal Buildings  
Greenock  
PA15 1LX

**Inverclyde**  
council

**Leader of the Opposition**



Mr. G Malone  
Head of Legal & Property Services

Direct Line: 01475 712975  
Email:  
Our Ref: CM/sc  
Your Ref:  
Date: 14 September 2016

Dear Mr. Malone

I would be grateful if you would note and forward my representation of support in favour of the 3 in 1 extended hours application in Gourrock to the members of the General purposes board.

At the moment people in Gourrock are not afforded the same access to food facilities as people living in neighbouring Greenock, where some take-aways are open until 1.30am and I believe one is even open until 2 am.

The existing policy allows for opening to 1.30am on Friday evenings and Saturday evenings, therefore, I see no reason that an exception should be made to deny the application against policy.

Furthermore, from my experience on the Inverclyde licensing board I have heard examples over the years of how access to food at the end of the evening can have a direct effect on crime reduction. Patrons of nearby licensed premises are more likely to go home after a night out if they have been able to purchase food at the end of the night.

I believe this is common in Greenock and leads to no adverse effects and helps facilitate people getting home safely at the end of the night.

Yours sincerely

Chris McEleny  
Councillor