
Report To: General Purposes Board **Date:** 9 November 2016

Report By: Head of Legal and Property Services **Report No:** LP/134/16

Contact Officer: Lindsay Carrick **Contact No:** 01475 712114
Legal Services

Subject: Application for the Renewal of a Late Hours Catering Licence
Mr. Lau Fong Chan
Premises – The Lucky House, 83-84 Shore Street, Gourock

1.0 PURPOSE

- 1.1 The purpose of this report is to ask the Board to consider the renewal application for a late hours catering licence for premises known as The Lucky House, 83-84 Shore Street, Gourock.

2.0 SUMMARY

- 2.1 An application for the renewal of a late hours catering licence has been made by Mr. Lau Fong Chan for the premises known as The Lucky House, 83-84 Shore Street, Gourock. The hours of the existing licence are noted below.

Sundays to Thursdays	11pm to 12.30am
Fridays & Saturdays	11pm to 1am

- 2.2 The Board may wish to note the hours that form Inverclyde Council's Policy for Late Hours Catering are Sundays to Thursdays 11pm to 12.30am and Fridays and Saturdays 11pm to 1.30am
- 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 22 February 2016.
- 2.4 Six public objections have been received and copies of these form Appendix 1 to this report.
- 2.5 The applicant has been given an opportunity in terms of the Act to make representations in writing to the objections but as yet no letter of response has been received.
- 2.6 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 11pm and 5am 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 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 for the renewal of a late hours catering licence has been made by Mr. Lau Fong Chan premises known as The Lucky House, 83-84 Kempock Street, Gourrock to allow for the operation of a late hours catering facility between the hours of 11.00pm and 12 Midnight Sundays to Thursdays and 11.00pm and 1.00am Fridays and Saturdays.

4.2 Inverclyde Council records show that Mr. Chan has held a Late hours Catering Licence since August 1994. The Council has not received any untoward reports about the operation of the premises

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. Chan 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.

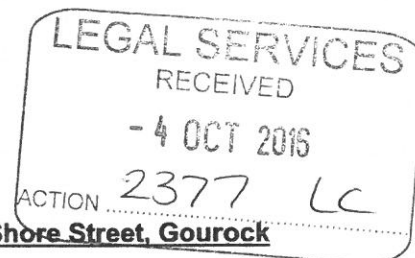
6.2 The application was advertised in the Greenock Telegraph and in addition to this the applicant advertised the making of the application by a notice displayed on the premises at Shore Street, Gourrock

7.0 LIST OF BACKGROUND PAPERS

None

30th September 2016

Mr Gerry Malone
Head of Legal and Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY



Re: Late Hours Catering Licence, Lucky House Takeaway, 83-84 Shore Street, Gourock

Dear Mr Malone,

Regarding your notification of an application by Lau Fong Chan of the above business to extend his opening hours from 11pm to 12 Midnight Sun-Thu and 11pm to 1am Fri-Sat (Greenock Telegraph 9th September 2016), I wish to make an objection to this application.

As a resident of the property immediately adjacent to these premises, I already have to tolerate increased levels of litter, noise pollution and members of the public, quite often drunk, loitering around the entrance to my home.

I know the police already struggle to deal with anti-social behaviour in Gourock, particularly at weekends and I think the provision of a late licence to the above premises would only serve to exacerbate this problem by encouraging local revellers to loiter rather than make their way home. This will result in a material change to the ambience of the area (a conservation area), which has been maintained by restricting licensing in this area.

As there are no other fast food outlets in Gourock currently opened until the proposed times in this application, the provision of this late licence would also serve to attract an even higher number of these revellers from all across the Gourock area and the associated increase in litter, noise pollution and loitering.

The granting of the late opening hours application for the above business would also set a precedent for all of the other licensed hot food premises in Shore Street.

Late licences should be reserved for fast food outlets in Gourock town centre (as defined by Inverclyde Council), close to the taxi rank, where the police currently focus their presence.

On the basis of the above points, I feel that Inverclyde Council should reject this application, to ensure the continued safety and security of local residents.

Yours faithfully

Charles Gallagher

30th September 2016

Mr Gerry Malone
Head of Legal and Property Services
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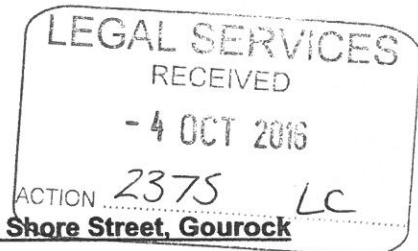
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Anne Sutherland

30th September 2016

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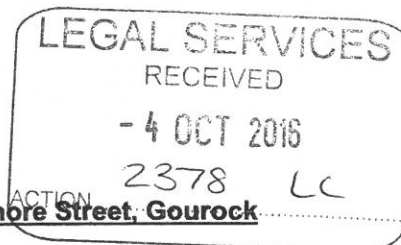
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Elizabeth McDowell and Stephen Pleym

30th September 2016

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Kevin McEwan

30th September 2016

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Yours faithfully

Barry Harper

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Monica Cassidy and Paul Cassidy