
Report To:	General Purposes Board	Date:	10 October 2018
Report By:	Head of Legal and Property Services	Report No:	LP/105/18
Contact Officer:	Lindsay Carrick Legal Services	Contact No:	01475 712114
Subject:	Application for the Grant of a Late Hours Catering licence Leven Vale Restaurants Limited Premises – McDonald’s Restaurants, Greenock Road, Port Glasgow		

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 McDonald’s, Greenock Road, Port Glasgow.

2.0 SUMMARY

2.1 An application for a late hours catering licence has been made by Leven Vale Restaurants Limited, 12 Britannia Way, Clyde Shopping Centre, Clydebank for premises known as McDonald’s Restaurant, Greenock Road, Port Glasgow to operate between the hours of 11pm and 5am on Mondays to Sundays.

2.2 The Board may wish to note that the hours applied for by the applicant are out with the Council’s policy. The Council normally grants a late hours catering licence with the following trading hours:
Sundays to Thursdays between the hours of 11pm and 12.30am and Fridays & Saturdays between the hours of 11pm and 1.30am.

3.0 RECOMMENDATIONS

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

3.2 The Board is 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 In terms of Section 42 (1) 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.
- 4.2 An application for a late hours catering licence has been made by Leven Vale Restaurants Limited, 12 Britannia Way, Clyde Shopping Centre, Clydebank for premises known as McDonald's Restaurant, Greenock Road, Port Glasgow to operate between the hours of 11pm and 5am on Mondays to Sundays.
- 4.3 The Board may wish to note that the premises detailed below operate between the hours of 11pm and 5am Mondays to Sundays.

Tesco Extra, Greenock Road, Port Glasgow
Tesco Petrol Filling Station, Port Glasgow

Imperial Petrol Filling Station, 1 Regent Street, Greenock
BP Express, Inverkip Road, Greenock
Tesco Extra, Dalrymple Street, Container Way, Greenock
Tesco Petrol Filling Station, Greenock

5.0 IMPLICATIONS

Finance

- 5.1 There are no financial implications.

Legal

- 5.2 A licensing authority shall **refuse** an application to grant or renew a licence, if in their opinion:
- (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) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
- (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 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
- (d) there is other good reason for refusing the application; and otherwise shall **grant** the application.

The applicant has recourse to the Sheriff Court in the event he wishes to appeal any decision of the Board.

Human Resources

5.3 There are no Human Resources implications.

Equalities

5.4 There are no equalities implications.

Repopulation

5.5 There are no repopulation implications.

6.0 CONSULTATIONS

6.1 Consultation has been undertaken with Police Scotland, Head of Environmental & Public Protection, Head of Regeneration & Planning Services, Building Standards and Roads, none of whom have made any objection to the application

6.2 The Board may wish to note that according to Planning Permissions granted, there is no planning condition restricting the hours of operation. There is a building warrant application approved for the 2 storey modular building but works are ongoing and no completion certificate accepted.

6.3 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 at the site of the premises at Greenock Road, Port Glasgow. No objections from members of the public have been received.

7.0 LIST OF BACKGROUND PAPERS

None