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| <b>Report To:</b>       | <b>General Purposes Board</b>   | <b>Date:</b>       | <b>11 November 2020</b> |
| <b>Report By:</b>       | <b>Head of Legal and Property Services</b>  | <b>Report No:</b>  | <b>LP/120/20</b>        |
| <b>Contact Officer:</b> | <b>Lindsay Carrick<br/>Legal Services</b>   | <b>Contact No:</b> | <b>01475 712114</b>     |
| <b>Subject:</b>         | <b>Application for Variation to Late Hours Catering Licence<br/>Wm Morrison Supermarkets plc<br/>Premises – Morrisons, Rue End Street, Greenock</b> |                    |                         |

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to ask the Board to consider the application for variation of a Late Hours Catering Licence submitted on 22 September 2020 by Wm Morrison Supermarkets plc, Hilmore House, Gain Lane, Bradford, BD3 7DL.
- 1.2 In terms of the Civic Government (Scotland) Act 1982, the licensing authority must consider an application within three months and reach a final decision within six months thereafter. The Board should note that the Coronavirus (Scotland) Act 2020 extended this period by a further three months. A final decision on the application must therefore be made by 22 September 2021.

## 2.0 SUMMARY

- 2.1 Wm Morrison Supermarkets plc currently holds a Late Hours Catering Licence in respect of premises known as Morrisons, Rue End Street, Greenock. The current operating hours on the existing licence are from 11pm until 12 Midnight Monday to Sunday.
- 2.2 The applicant has applied to vary the existing licence to allow the premises to operate between the hours of 11pm and 5am Monday to Sunday. The Board may wish to note that the current policy hours for Inverclyde premises in regard to Late Hours Catering are:

11pm to 12.30am Thursday to Sunday & 11pm to 1.30am Friday and Saturday

- 2.3 The applicant has been advised that it may be present or represented at this meeting to be heard in support of its application.

## 3.0 RECOMMENDATIONS

- 3.1 The Board is asked to decide whether or not they wish to hear the applicant in support of its application.
- 3.2 The Board is asked to consider the matter in light of the foregoing and to determine whether or not the application may be granted.

**Gerard Malone**  
**Legal Services**

#### 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. Inverclyde Council records show that Wm Morrison Supermarkets plc has held a Late Hours Catering licence since 2015.

#### 5.0 IMPLICATIONS

##### 5.1 Finance

###### Financial Implications:

One off Costs

| Cost Centre | Budget Heading | Budget Years | Proposed Spend this Report | Virement From | Other Comments |
|-------------|----------------|--------------|----------------------------|---------------|----------------|
| N/A         |                |              |                            |               |                |

Annually Recurring Costs/ (Savings)

| Cost Centre | Budget Heading | With Effect from | Annual Net Impact | Virement From (if Applicable) | Other Comments |
|-------------|----------------|------------------|-------------------|-------------------------------|----------------|
| N/A         |                |                  |                   |                               |                |

##### 5.2 Legal

5.3 Wm Morrison Supermarkets plc has recourse to the Sheriff Court in the event it wishes to appeal any decision of the Board.

##### 5.4 Human Resources

5.5 There are no Human Resources implications.

##### 5.6 Equalities

###### Equalities

(a) Has an Equality Impact Assessment been carried out?

|   |  |
|---|--|
|   | YES  |
| X | NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required |

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

|   |  |
|---|--|
|   | YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed. |
| X | NO   |

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

|   |   |
|---|---|
|   | YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals. |
| X | NO  |

**5.7 Repopulation**

5.8 There are no repopulation implications.

**6.0 CONSULTATIONS**

6.1 Consultations have been undertaken with Police Scotland, Scottish Fire & Rescue Service, Head of Environmental & Public Protection and Head of Regeneration & Planning Services, none of whom have 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 at the site of the premises at Rue End Street, Greenock. No objections from members of the public have been received.

**7.0 BACKGROUND PAPERS**

7.1 None