

The Highland Licensing Committee

Meeting – 6 August 2013

Agenda Item	10.1
Report No	HLC/055/13

Late Hours Catering Licence Application – Craig Duncan, MacDonald's Restaurant, 12-22 High Street, Inverness (Ward 15 – Inverness Central)

Report by the Legal Manager

Summary

This Report relates to an application for a late hours catering licence in relation to MacDonald's Restaurant, 12-22 High Street, Inverness.

This item is subject to a formal hearing procedure.

1.0 Background

1.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for the operation of a late hours catering premises. A licence is required where the premises are selling meals or refreshments during any of the hours between 11.00pm and 5.00am.

2.0 Current Licence

2.1 Mr Craig Duncan currently holds a licence for the premises at MacDonald's, 12-22 High Street Inverness. The current licence expires on 14th March 2016.

2.2 The premises are currently licenced for the following hours:

Sunday to Wednesday – to 12 midnight
Thursday to Saturday – to 3.00am

2.3 The current Late Hours Catering Policy Hours (in relation to all settlements which have late opening liquor licences) which were agreed by the Highland Licensing Committee on 5 February 2013 are:

Wednesday to Sunday - to 3.00am
Monday and Tuesday – to 12 midnight

3.0 Application

3.1 On 1 May 2013 a further application was submitted by Mr Duncan for a late hours catering licence for hours which are outwith the current policy. The hours applied for are:

Sunday to Tuesday - to 12 midnight
Wednesday to Saturday – to 3.30am

3.2 Appendix 1 contains a location plan of the premises for Members information.

4.0 Process

4.1 Following receipt of the application a copy of the same was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Scottish Fire & Rescue Service
- TEC Services (Environmental Health)
- Planning and Building Standards Service

5.0 Objection

5.1 A letter of objection was received on 5 June 2013 from Police Scotland in relation to the application.

5.2 In terms of Schedule 1 Paragraph 3(e) (iii) of the Civic Government (Scotland) Act 1982 any objections to an application for licence should be submitted within 28 days of the application being received.

5.3 The letter from Police Scotland was received outwith the period detailed above in 5.2.

5.4 However Schedule 1 Paragraph 3(2) of the Act states that:

‘Notwithstanding sub-paragraph (1)(e) above, it shall be competent for a Licensing Authority to entertain an objection or representation received by them before they take a final decision upon the application to which it relates if they are satisfied that there is sufficient reason why it was not made in the time required under that sub-paragraph’.

If the Committee are minded to accept the late objection it will be circulated to Members at the meeting and can be taken into account when determining the application. If the Committee do not accept the reasons for the late submission the application will be determined in its absence.

6.0 Policies

6.1 The following policies are relevant to this case:

Standard Late Hours Catering Licence conditions. A copy of these can accessed at www.highland.gov.uk/businessinformation/licensing/civicgovernmentlicensing or a hard copy can be supplied where requested.

7.1 Recommendation

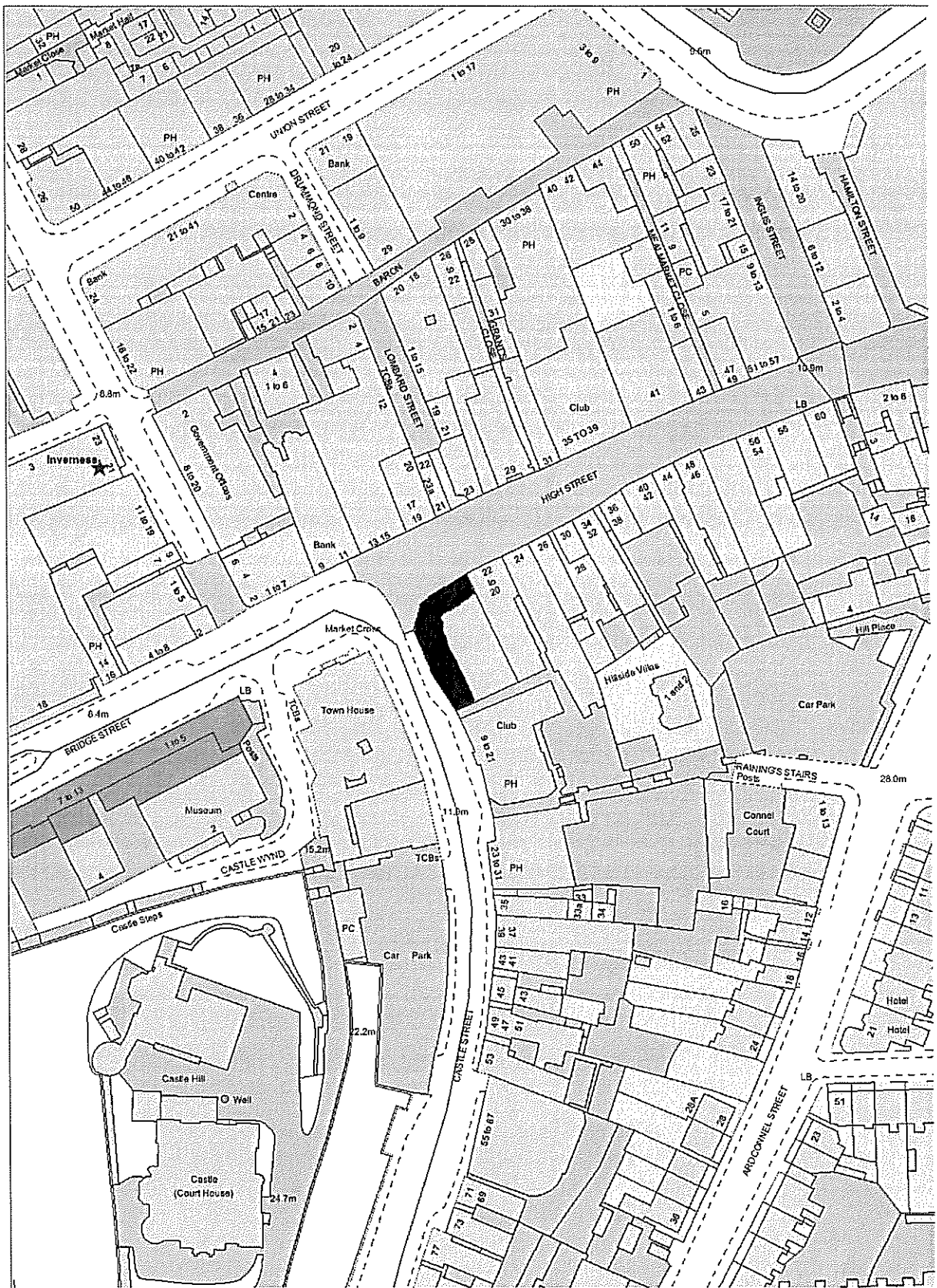
7.2 The Committee is invited to determine the application in accordance with the Council’s Hearings Procedure.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 10th June 2013

Background Papers: Civic Government (Scotland) Act 1982
Appendix 1 – Location Plan of Premises



12-22 High Street, Inverness
Scale 1:1500

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