

Agenda Item	8.1
Report No	HLC/049/14

Late Hours Catering Licence Renewal Application – Liam Dalgarno, Subway, 19 Inglis Street, Inverness (Ward 15 – Inverness Central)

Report by the Legal Manager

Summary

This Report relates to an application for the renewal of a late hours catering licence in relation to Subway, 19 Inglis 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 food during any of the hours between 11.00pm and 5.00am.

2.0 Current Licence

2.1 Mr Liam Dalgarno holds a late hours catering licence in respect of his premises at Subway, 19 Inglis Street, Inverness.

2.2 The premises are currently licensed for the following hours which are within policy:

Friday and Saturday – to 3.00am

2.3 The hours of trade requested on the renewal application are the same as the above.

3.0 Renewal Application

3.1 On 27 February 2014 Mr Dalgarno applied for the renewal of his late hours catering licence

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
- Community Services (Environmental Health)

- Planning and Building Standards Service
- Community Services

4.2 There were no objections received from any of the abovementioned Agencies/Services.

5.0 Notice of Application

5.1 In terms of Section 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982 the applicant requires to display a notice at the premises for a period of 21 days which invites the public to submit objections or representations in relation to the application within 28 days. Once the notice has been displayed the applicant must then return a completed certificate of compliance which confirms that the notice has been displayed for the required period.

5.2 A certificate of compliance must be submitted prior to any decision being taken by the Licensing Authority on an application.

5.3 To date this certificate has not been submitted although Mr Dalgarno has advised that the notice is being displayed and that the certificate of compliance will be submitted shortly. An update in relation to this, including any objections received, will be provided at the meeting.

5.4 In terms of the abovementioned Act the Licensing Authority require to determine an application within 6 months of receiving the same. Failure to determine within this period would result in the application being subject of a “deemed grant” and a licence would require to be granted for a period of 12 months.

5.5 This application therefore requires to be determined by 26 August 2014 but cannot be issued at present due to the absence of the abovementioned certificate of compliance.

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.

7.0 Recommendation

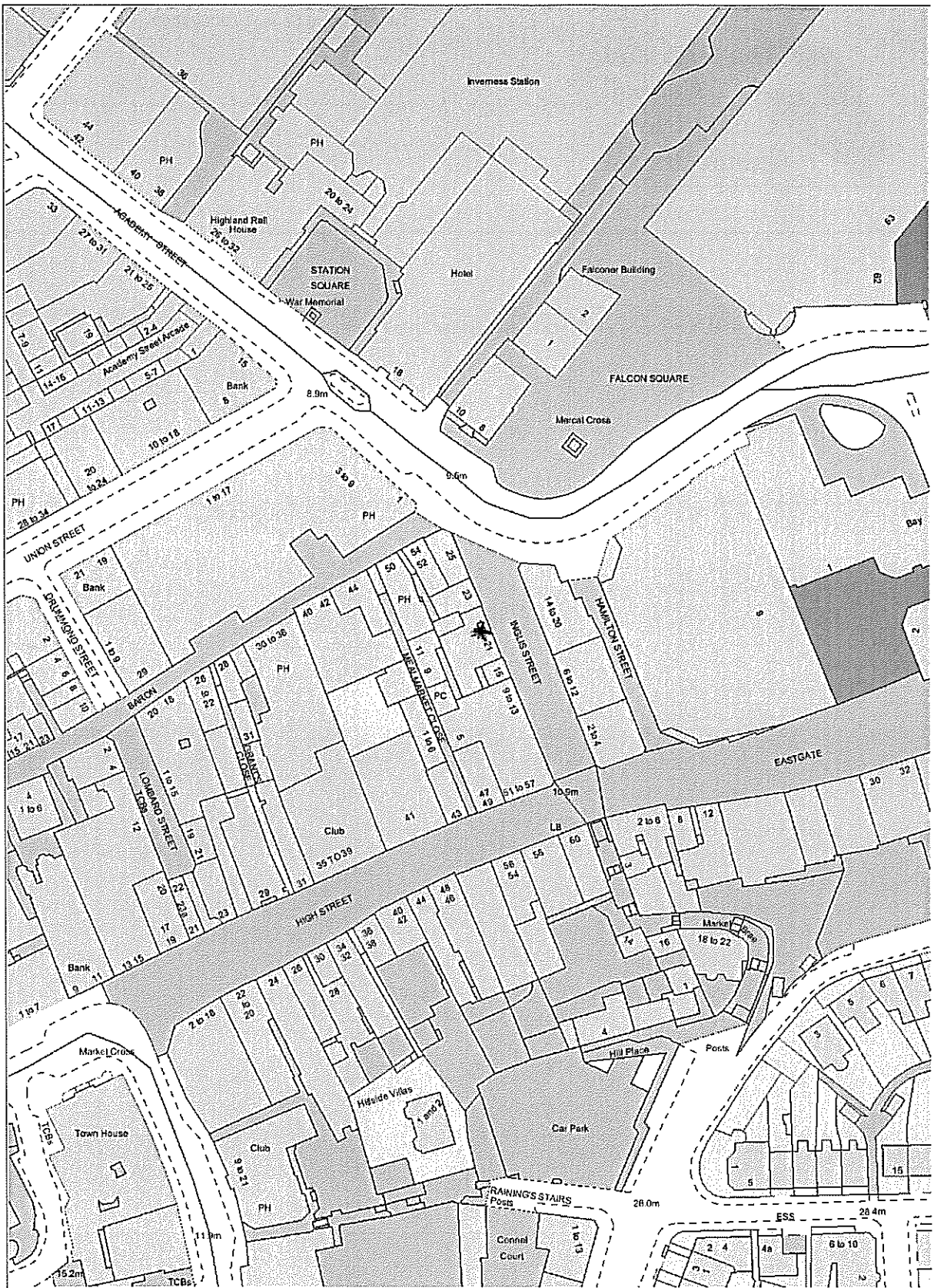
7.1 The Committee is invited to determine the application in accordance with the Council’s Hearings Procedure.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 10 July 2014

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



19 Inglis Street, Inverness
Scale 1:1500

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