

The Highland Licensing Committee

Meeting – 8 December 2015

Agenda Item	6.1
Report No	HLC/099/15

Licensing of late hours catering premises – Inverness city centre (Ward 15 – Inverness Central)

Report by the Legal Manager

Summary

This Report provides members with feedback in relation to the extended hours granted by the Committee in relation to a number of Inverness city centre late hours catering premises. The Committee is asked to determine whether or not the policy on operating hours for late hours catering licences in Inverness city centre should be amended.

This item is subject to a formal hearing procedure.

1.0 Background

1.1 At its meeting on 11 December 2014 the Highland Licensing Committee granted additional hours to three late hours catering premises within the Inverness city centre.

1.2 Details of the premises and hours granted are detailed below.

McDonalds Restaurant - 12-22 High Street, Inverness

Mondays: 2300 hours to 2400 hours
Tuesdays: 2300 hours to 2400 hours
Wednesdays: 2300 hours to 0300 hours (Thurs. morning)
Thursdays: 2300 hours to 0300 hours (Fri. morning)
Fridays: 2300 hours to 0330 hours (Sat. morning)
Saturdays: 2300 hours to 0330 hours (Sun. morning)
Sundays: 2300 hours to 0300 hours (Mon. morning)

Zoom Takeaway, 23 Baron Taylor Street, Inverness

Mondays: 2300 hours to 2400 hours
Tuesdays: 2300 hours to 2400 hours
Wednesdays: 2300 hours to 0300 hours (Thurs. morning)
Thursdays: 2300 hours to 0300 hours (Fri. morning)
Fridays: 2300 hours to 0400 hours (Sat. morning)
Saturdays: 2300 hours to 0400 hours (Sun. morning)
Sundays: 2300 hours to 0300 hours (Mon. morning)

Topkapi Takeaway, 44 Baron Taylor Street, Inverness.

Mondays: 2300 hours to 2400 hours
Tuesdays: 2300 hours to 2400 hours
Wednesdays: 2300 hours to 0300 hours (Thurs. morning)
Thursdays: 2300 hours to 0330 hours (Fri. morning)

Fridays: 2300 hours to 0330 hours (Sat. morning)
Saturdays: 2300 hours to 0330 hours (Sun. morning)
Sundays: 2300 hours to 0300 hours (Mon. morning)

1.3 The Committee also agreed that during any period when, in terms of the Licensing (Scotland) Act 2005, the Highland Licensing Board has declared a policy for a terminal hour later than 3.00am for any premises with a licence in terms of the Licensing (Scotland) Act 2005, the trader shall be permitted to trade until 30 minutes after the said terminal hour declared by the Highland Licensing Board, provided that:

(i) The Licence Holder shall be required to give not less than 7 days' notice to the Council and to Police Scotland of the date or dates on which it is intended that the premises remain open and the terminal hour (for late hours catering) to be applied on those dates.

(ii) The premises may remain open until the terminal hour (for late hours catering) only on those dates for which notice has been given in accordance with this condition and only when, on those dates, there are premises within Inverness City Centre with a licence issued in terms of the Licensing (Scotland) Act 2005 which are open for business until at least 30 minutes prior to this terminal hour.

(iii) The traders will close its entrance doors to the public not later than 10 minutes prior to the terminal hour and thereafter refuse entry to any member of the public.

1.4 The Committee also agreed to grant delegated powers to the Legal Manager (Regulatory Services) to grant any further similar applications on the same terms and conditions.

1.5 Three further premises have been granted additional hours under delegated powers, these being:

AK's Curry House, 32a Church Street, Inverness

Mondays: 2300 hours to 2400 hours
Tuesdays: 2300 hours to 2400 hours
Wednesdays: 2300 hours to 0300 hours (Thurs. morning)
Thursdays: 2300 hours to 0330 hours (Fri. morning)
Fridays: 2300 hours to 0330 hours (Sat. morning)
Saturdays: 2300 hours to 0330 hours (Sun. morning)
Sundays: 2300 hours to 0300 hours (Mon. morning)

Subway, 19 Inglis Street, Inverness

Fridays: 2300 hours to 0330 hours (Sat. morning)
Saturdays: 2300 hours to 0330 hours (Sun. morning)

Chicken Hut, 4 Drummond Street, Inverness

Mondays: 2300 hours to 2400 hours
Tuesdays: 2300 hours to 2400 hours
Wednesdays: 2300 hours to 0300 hours (Thurs. morning)
Thursdays: 2300 hours to 0300 hours (Fri. morning)

Fridays: 2300 hours to 0330 hours (Sat. morning)
Saturdays: 2300 hours to 0330 hours (Sun. morning)
Sundays: 2300 hours to 0300 hours (Mon. morning)

The premises at 4 Drummond Street, Inverness were only granted a licence on 20 November 2015 therefore there was insufficient time to review its operation prior to this report being produced.

2.0 Review

- 2.1** At its meeting held on 11 December 2014 the Committee agreed that the abovementioned additional hours be granted for a trial period of one year, thereafter the Committee would review the position.
- 2.2** Police Scotland and the Council's Environmental Health Service were invited to submit their feedback in relation to the additional hours being granted.
- 2.3** Letters dated 27 October and 10 November 2015 have been received from Police Scotland and are contained in Appendix 1.
- 2.4** The Council's Environmental Health Service has responded in a memo dated 12 November 2015 which is attached in Appendix 2.

3.0 Variation

- 3.1** In reaching its decision on 11 December 2014, the Committee effectively agreed to introduce a trial period for a change in its policy on the operating hours for late hours catering premises in Inverness city centre.

If the Committee wishes to make this policy change permanent then it need only declare that their policy has been amended and that the variations granted last December can be considered permanent. However if the Committee wishes not to continue with the "trial" hours then it will require to vary those licences. Either way the Committee should reach a decision following a hearing in terms of the Committee's normal hearings procedure.

- 3.2** The licence holders and representatives of Police Scotland and Environmental Health have been invited to attend.

4.0 Recommendation

- 4.1** The Committee are invited to hold a hearing to determine whether the extended hours of late hours catering operating within the Inverness city centre should continue as per the hours agreed at the Committee on 11 December 2014.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 20 November 2015

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1 – Letters dated 27 October and 10 November 2015 from Police Scotland.

Appendix 2 –Memo dated 12 November 2015 from the Environmental Health Service

October
27 November 2015

Your Ref: 12/2/4

Our Ref: MI/JW



Senior Licensing Officer
Highland Council
Town House
High Street
Inverness
IV1 1JJ

Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

RECEIVED
30 OCT 2015

01463 720209

highlandislandlicensing
@scotland.pnn.police.uk

Dear Sir,

Premises: MacDonald's Restaurant, 12-22 High Street, Inverness
Zoom Takeaway, 23 Baron Taylor Street, Inverness
Topkapi Takeaway, 44 Baron Taylor Street, Inverness
Civic Government (Scotland) Act 1982 Part II
Licensing & Regulation – Miscellaneous Licences
Licence: Late Hours Catering – Trading Hours

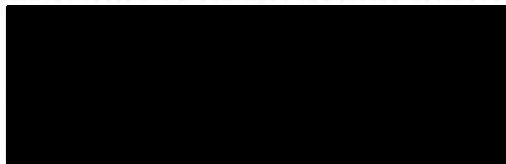
I refer to your letter (received 12 October 2015) in relation to the above named premises which were granted extended trading hours on 11 December 2014 with a proviso that they were reviewed after 12 months. In response to your letter the Police Service of Scotland have the following observations:

Macdonald's – during the period in question there were 13 recorded incidents relating to these premises during the extended period which is not a huge number for the year however the fact there have been 3 assaults during the period of extended hours within the space of two months is of more concern .

Zoom – during the period in question there has only been one reported incident of vandalism at these premises during the extended period.

Topkapi - during the period in question there have been 5 reported incidents at these premises during the extended period all but one for disorder.

Yours faithfully



Mairi MacInnes
Chief Inspector
Highland & Islands Divisional Support

10 November 2015

Your Ref: 12/2/4

Our Ref: MI/JW

Senior Licensing Officer
Highland Council
Town House
High Street
Inverness
IV1 1JJ

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13 NOV 2015



Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
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Dear Sir,

Premises: Subway, 19 Inglis Street, Inverness
AK's Curry House, 32a Church Street, Inverness
Civic Government (Scotland) Act 1982 Part II
Licensing & Regulation – Miscellaneous Licences
Licence: Late Hours Catering – Trading Hours

I refer to your letter (received 6 November 2015) in relation to the above named premises which were granted extended trading hours on 11 December 2014 with a proviso that they were reviewed after 12 months. In response to your letter the Police Service of Scotland have the following observations:

Subway – during the period in question there has only been one reported incident of disorder at these premises during the extended period.

AK's Curry House - during the period in question there has only been one reported incident of assault at these premises during the extended period.

Yours faithfully

Mairi MacInnes
Chief Inspector
Highland & Islands Divisional Support

MEMORANDUM

To: Sheena MacKenzie,
Corporate Governance Service

From: Area Environmental Health Manager, INBS

Our Ref: GM

Your Ref: LH

Date: 12th November 2015

Please ask for: Gregor MacCormick Tel: 228703

Subject: Civic Government (Scotland) Act 1982
Late Hours Catering Licence Consultation
Inverness City Centre – Extended Hours

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13 NOV 2015

I refer to your recent consultation with respect to the above application.

Whilst I would confirm that there has been no direct impact on our Service, including street cleaning, as a result of the extended period for late hours catering licences, we would wish to take opportunity to highlight the current concerns regarding the number of trade waste wheelie bins being permanently positioned in the street within Inverness City Centre.

As any increased hours in a food premises will no doubt result in more waste being generated, the concern would be that the increasing trading hours may be contributing to the issue in these type of premises.

Whilst MacDonalds and recently Topkapi provide off street bin storage capacity, the LHC premises at Subway, AKZ takeaway and Zoom (*albeit it is a shared bin with another business*) all have bins permanently positioned in the street. Subway in particular has three large 1100ltr bins currently positioned in Mealmarket close.

Our Service would therefore welcome any support that could be given by the Committee or through the licence provisions to require premises to provide off street bin storage capacity or to implement alternative waste storage arrangements which would reduce the number of bins on the street.

I trust this is of assistance, however, please do not hesitate to contact me at this office if require to discuss any of the above matters further.


Mr John Lee

Area Environmental Health Manager, INBS