

WEST DUNBARTONSHIRE COUNCIL

Report by the Head of Legal, Administrative and Regulatory Services

Licensing Committee – 12 June 2012

Subject: Application for grant of Late Hours Catering Licence

1. Purpose

- 1.1** To consider an application for grant of a Late Hours Catering Licence, submitted by Dilmir Zamir, 50a Marchfield Avenue, Paisley PA3 2QD for the premises at 110 High Street, Dumbarton G82 1PQ

2. Background

- 2.1** Mr Zamir submitted an application for grant of a Late Hours Catering Licence to West Dunbartonshire Council on 15 March 2012.
- 2.2** In accordance with the Civic Government (Scotland) Act, 1982 Schedule 1, paragraph 2(2), where an application for a licence is in relation to an activity wholly or mainly to be carried on in premises, the applicant is required to display a notice at or near the premises for a period of 21 days beginning with the date on which the application was submitted.
- 2.3** On 12 April 2012, the applicant attended at West Dunbartonshire Council Licensing Team and requested that the proposed opening hours requested on his application be amended.
- 2.4** This request was met, on the condition that a second notice be displayed at or near the premises for the statutory time period beginning on the 12 April 2012.
- 2.5** A letter of objection was received on 29 March 2012 in relation to the notice which was displayed in the first instance. The same individuals submitted a second letter which was received on 9 May 2012 when the replacement notice was displayed. The letter which was submitted by the objectors was unsigned. Contact was made with the objectors and signatures obtained on 14 May 2012.
- 2.6** A letter was received from the Chief Superintendent of the Police authority on 29 March 2012 advising that the Chief Constable has no police objections or representations to make in relation to the application.

3. Main Issues

- 3.1** Mr Zamir is seeking a late hours catering licence to open his premises at 110 High Street, Dumbarton on Mondays to Thursdays from 11.00 pm until 2.00 am and from Fridays to Sundays from 11.00 pm until 4.00 am.
- 3.2** In recent years, applications for late hours catering licences have been granted by the Committee subject to the operating hours being restricted to co-relate to

the closing hours of the nearest licensed premises, i.e. the late hours catering premises being allowed to operate until 30 minutes after the closing time of the nearest public house or nightclub. The nearest licensed premises in relation to the premises at 110 High Street, Dumbarton are detailed as following in order of proximity:-

Burgh Bar, 117 High Street, Dumbarton

Monday to Thursday – 11 am to 12 midnight

Friday and Saturday – 11 am to 1 am the following day

Sunday – 12.30 pm to 12 midnight

Lennox Bar, 139 High Street, Dumbarton

Sunday to Thursday – 11 am to 12 midnight

Friday and Saturday – 11 am to 1 am the following day

Cheers, 1 Brewers Lane, Dumbarton

Monday to Wednesday – 11 am to 1 am the following day

Thursday to Sunday – 11 am to 3 am the following day

- 3.3** In terms of the relevant legislation, an objection with respect to an application should be submitted within 28 days of receipt of the application. Mr. Zamir's application was received on 15 March 2012 however the amended notice was displayed from 12 April 2012 until 10 May 2012. The letter of objection was received unsigned on 9 May 2012 however a signature was not obtained until 14 May 2012 causing the objection to be in effect late.
- 3.4** There is, however, provision in the legislation for the Licensing Authority to entertain a late representation which has been received before a final decision has been made if the Licensing Authority is satisfied that there is sufficient reason why the objection had not been made in the time required.
- 3.5** In view of the objection which has been received, the applicant and the objectors have been invited to attend the meeting of the Committee to be held on 12 June 2012.
- 3.6** An application must be refused if, in the opinion of the Committee, the premises are not suitable or convenient for the conduct of the activity having regard to:-
- (i) the location, character or condition of the premises;
 - (ii) the nature and extent of the proposed activity;
 - (iii) the kind of persons likely to be in the premises;
 - (iv) the possibility of undue public nuisance; or
 - (v) public order or public safety.

4 People Implications

- 4.1** There are no personnel issues.

5. Financial Implications

5.1 There are no financial implications.

6. Risk Analysis

6.1 There is no increased risk to the Council associated with the contents of this report.

7. Equalities, Health & Humans Rights Impact Assessment

7.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

8. Strategic Assessment

8.1 There are no strategic implications.

9. Conclusions and Recommendations

9.1 It is recommended that the application be considered and determined by the Committee.

Head of Legal, Administrative and Regulatory Services

Date: 17/5/2012

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Appendices: N/A.

Background Papers:

1. Application for grant of a Late Hours Catering Licence from Mr Dilmir Zamir, 50a Marchfield Avenue, Paisley PA3 2QD.
2. Letter of objection received 29 March 2012 from Beckie Marshall and Dustine Henson, 108 High Street, Dumbarton, G82 1PQ.
3. Letter to Dilmir Zamir dated 29 May 2012.
4. Letter to Beckie Marshall and Dustine Henson dated 29 May 2012.

Wards Affected: N/A.