

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 19 FEBRUARY 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan BEM
Councillor Robin Currie	Councillor Jean Moffat
Councillor George Freeman	Councillor Alastair Redman
Councillor Graham Hardie	Councillor Richard Trail

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Ally Evans-Jones, Trainee Solicitor
Mohinder Pal Singh, Applicant
Richard Thorburn, Applicant's representative

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Lorna Douglas, Audrey Forrest, Roderick McCuish and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE (M SINGH, GLASGOW)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Applicant to speak in support of his application.

APPLICANT

Mr Thorburn spoke on behalf of the Applicant and advised that Mr Singh was 44 years old and had been in the catering business for 17 years. He said that Mr Singh had run his present premises in Dunoon for about 3 years within the standard hours, closing at 11.00 pm every night. He also had a restaurant nearby which was open for a bit longer. Mr Thorburn advised that Mr Singh knew Dunoon, the market, the people and the business well and that he regarded this as a normal, standard application. He said that Mr Singh offered the kind of facilities that were generally available in most communities. He pointed out that there was one other takeaway facility that had a late hours catering licence. Mr Singh was proposing to offer a similar facility limited to the weekends on Friday and Saturday nights as this was when there was demand. Mr Singh did not see his proposal increasing the number of people that would be out and about. He was simply offering a service to the people that were already there. Mr Thorburn advised that 2 or 3 hotels and pubs had late licences and basically at closing time the people coming from there were looking for something to eat at that time. He referred to the objector's concerns about noise and the use of the word "inevitable". Mr Thorburn said he took

exception to the word “inevitable” and said that it would not be inevitable that there would be an increase in noise due to a change in opening hours. He suggested that the only time there could be an increase in noise would be if the premises were not well managed or the customer base was not a very well behaved customer base. Mr Thorburn advised that Mr Singh had experience of working in different locations to Dunoon. He said that Dunoon was a good place to work and that there had not been a single difficulty in the 3 years Mr Singh had been running the business. He said that Mr Singh knew of other people in the trade in different locations where the customer base was very different and he could understand what it could be like. Mr Thorburn said there was no question of this happening in Dunoon and that if Mr Singh had an awkward customer he had enough experience to deal with the situation if it arose. Mr Thorburn suggested the objector’s fears were exaggerated. He said that the hours Mr Singh was asking for were similar to other establishments and consistent with the hours of licensed establishments in the area and what he would use would be dependent on demand. He said Mr Singh would not open for longer than what was required. He advised that since establishing his business almost 3 years ago, Mr Singh had a loyal following with his catchment area extended as far as Tighnabruaich for deliveries. He suggested that this showed how appreciated he was in the community and asked the Committee to grant Mr Singh’s application.

MEMBERS’ QUESTIONS

Councillor Trail sought and received confirmation from Mr Singh that he had two businesses in Dunoon, a takeaway business and a restaurant. Mr Singh confirmed that this application was for his takeaway business.

Councillor Trail sought and received confirmation from Mr Singh that he was running his takeaway business at the moment within the standard hours and that he was seeking an extension to these hours until 2.00 am on Fridays and Saturdays. He confirmed that the business currently closed at 11.00 pm.

Councillor Redman asked what the economic benefit to Argyll and Bute and the local area would be if this application was granted. Mr Thorburn advised that it would sustain employment and the viability of the street in Dunoon which, he said, was quite important.

Councillor Redman asked if granting this application would lead to an increase in employment. Mr Thorburn advised that present employees would be able to work longer hours. Mr Singh advised that if everything went well it may be possible to offer more employment.

Councillor Kinniburgh sought and received confirmation from Mr Singh that the other food premises opened until 3.00 am on Fridays and Saturdays.

Councillor Blair advised that as a local Member he recalled in previous years issues with a nearby premises due to under age teenagers misbehaving. He advised of there being a substantial police presence in Argyll Street at that time. He referred to the letter of objection in respect of noise and said that if you lived opposite the takeaway business he could understand concerns about noise perhaps from car doors opening and closing. He asked if there were Environmental Health Officers that monitored noise and if there had been any reports or concerns from them. The Council’s Trainee Solicitor, Miss Evans-Jones, confirmed that Environmental Health

were consulted on this application and that no objection had been submitted. She confirmed that as part of the licence there were statutory conditions about noise.

Councillor Freeman sought and received confirmation from Mr Singh that he did not sell alcohol.

Councillor Freeman referred to the objector's concerns about the potential increase in noise and sought and received confirmation from Mr Singh that he had never received any complaints about his premises over the last 3 years.

Councillor Freeman asked if Officers could confirm whether or not they were aware of any noise complaints in that vicinity in the last 2 years. The Council's Solicitor, Mr McMillan confirmed that the response received from Environmental Health raised no issues.

Councillor Moffat suggested that most of Mr Singh's customers would not be slamming car doors as they may have been drinking and would be walking from licenced establishments. She asked Mr Singh if it would be correct to say that there would not be an over use of cars in Argyll Street. Mr Singh agreed with Councillor Moffat's comments.

Councillor Kinniburgh sought and received confirmation from Mr Singh that he only delivered carry outs until 12.30 pm. Mr Singh confirmed that he was open until 11.00 pm at the moment.

Councillor Kinniburgh sought and received confirmation from Mr Singh that his business was about 150 yards away from the other food premises which was open until 3.00 am. Mr Singh advised that he was finding his business busier after 10.00 pm and that he wished to make extra money to make it worth his while as he currently travelled from Glasgow to work in Dunoon.

Councillor Blair confirmed that the other late hours catering business was the Three in One which was located opposite the Argyll Hotel. He said that Mr Singh's business was at the bottom of Ferry Brae. He advised that most customers would be walking and that the Three in One was open until 3.00 am and also operated a delivery service.

SUMMING UP

Applicant

Mr Thorburn advised that this was an issue of sustainability and if the application was granted would secure the future for the staff working at this business.

Mr Singh and Mr Thorburn confirmed that they had received a fair hearing.

DEBATE

Councillor Hardie advised that he would have no hesitation in approving this application.

Councillor Redman confirmed that he was also minded to grant the application. He said that it would increase choice and help economic growth in the area.

Councillor Freeman referred to there being one complaint relating to the potential for an increase in noise. He said that there had been no evidence of noise in the area so there was no need to jump to the conclusion that granting this application would lead to noise.

Councillor Blair advised that he was happy that there were appropriate procedures in place that if there was ever an issue with noise this would be dealt with by the appropriate authorities. He confirmed that he was happy to see this business in Dunoon.

Councillor Kinniburgh took comfort that there were premises open until 3.00 am and that Environmental Health had been approached and had provided no adverse comments. He said that he was sure that Mr Singh would take action if there was any excess noise and that he had no hesitation in approving this application.

DECISION

The Committee agreed to grant a Late Hours Catering Licence to Mr Singh.

(Reference: Report by Head of Legal and Regulatory Support, submitted)