

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor Alistair MacDougall	

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Solicitor
Inspector Tom Harper, Strathclyde Police
John Stewart, Applicant
Jane Thomson, Applicant's Agent

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rory Colville, Councillor Mary-Jean Devon, Councillor David Kinniburgh and Councillor Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF LATE HOURS CATERING LICENCE (GEORGE STREET FISH AND CHIP SHOP, OBAN)

The Chair welcomed all those present to the meeting and introductions were made. The Chair advised that he believed there was an amendment to the application and Sheila MacFadyen advised that the original application had been for an extension of opening hours until 3am. Jane Thomson confirmed that her client wished to apply for late night catering for Friday to Sunday until 2am and Monday to Thursday until 11pm.

The Chair invited Jane Thomson to speak in support of her client's application.

Ms Thomson advised that her client's premises were centred in Oban surrounded by bars and one night club, which were licensed until 2am. She advised that the Police objection was due to noise and commented that her client believed that noise would more likely come from the licensed premises surrounding his fish and chip shop. She added that when licensed premises closed at 2am a lot of people hang around the street, having the fish and chip shop open may encourage folk to buy food and then move on. Ms Thomson advised that her client was a very responsible person, he had been known in the past to put someone who had been drunk into a taxi to get them home. She advised that he intended to work the late hours shift himself. In terms of the

issue of mess from litter, she advised that the packaging used in the shop was recognisable and that there would be a wheelie bin provided at the door of the premises. With regard to the request for a door steward she advised that that the premises were very small and her client would be happy to carry out this task himself. Ms Thomson advised that there were no residential properties above the premises and that the flats were on the other side of the street. She advised that her client was very happy to please Members and had already changed his application from 3am to 2am and that he himself would be working in the premises until 2am. Finally she suggested that her client be awarded a probationary period of perhaps a month where any issues could be reviewed and the licence re-looked at.

The Chair invited Inspector Tom Harper, Objector, to pose any questions he may have regarding anything the applicant's agent had just said. Inspector Harper confirmed that he had no questions and the Chair then invited him to speak in support of his objection.

Inspector Harper advised that he was not based in the Oban area but the applicant's premises were similar to that of another premises in Oban which had a licence until 1.30am with the provision of a door steward. He advised that the objection was due to the possible increase in antisocial behaviour and noise disturbance. He advised that reduction of anti social behaviour was part of the policing plan for that area. He advised that any place left open extended the time that folk were in the street after having consumed alcohol and the extended opening hours of the applicant's premises would undoubtedly increase the time of folk hanging around in the street and around the premises.

The Chair invited Ms Thomson to pose any questions she may have on what Inspector Harper had just said.

Ms Thomson asked Mr Harper is he thought that having a food premises open would encourage folk to get some food and then move on. He replied by saying no, that it would encourage folk to hang around the street and the premises would become a gathering place.

Ms Thomson asked Mr Harper if there were similar premises in other towns that he knew of and when they were open until. He advised that there was a premises in Campbeltown licensed until 2am.

The Chair invited Members to pose any questions they had to Ms Thomson or Inspector Harper.

Councillor Blair asked Inspector Harper if it was normal Saturday night procedure for the area surrounding the premises to be policed at that time? Inspector Harper advised that yes, gathering points would be policed to prevent antisocial behaviour. He added that another late night catering outlet is another potential area needing policed and a need for increased Police resources.

Councillor Blair asked Ms Thomson what surrounded the premises. She advised that it was in the centre of a number of licensed premises.

Councillor McNaughton asked Ms Thomson what the closing times were of the licensed premises, if it was 2am? She advised that one premises was open until

1am and the rest until 2am.

Councillor Freeman advised that he was very surprised to learn of the need for door stewards in food premises and asked Inspector Harper if he was aware of the need for door stewards in other towns. He replied by saying that he knew of none in Lochgilphead or Campbeltown but was not sure of whether there were any in Rothesay or Dunoon.

Councillor Hall asked Ms Thomson if there was a hotel to the left of the premises. She replied yes. Councillor Hall asked Inspector Harper if it was a fact that folk would gather around a takeaway and if the Police had any figures of disturbances to back up this fact. Inspector Harper confirmed that it was fact but there were no figures available. Ms Thomson commented that she was not sure whether the extra congregation would occur as suggested as the premises would be closing at 2am, the same time as the surrounding licensed premises.

Sheila MacFadyen advised that the other similar premises in Oban had a licence for late catering 11pm to 12am Monday to Thursday and 11pm to 1.30am Friday to Sunday with the provision of a door steward.

Councillor McNaughton asked who had imposed the condition of a door steward and why. Mr Reppke advised that he was unsure of the reasoning but that it would have been decided as a condition as part of the determination of that application.

Councillor Blair commented that he would expect a good proprietor to steward the premises themselves and asked for confirmation that the applicant would be stewarding the premises himself and be working the shift from 11pm to 2am himself, as had been suggested earlier? Ms Thomson confirmed this.

The Chair invited Inspector Harper to sum up.

Inspector Harper advised that the Police objection was due to the concern of the increase in antisocial behaviour, disorder and violence due to the food outlet extending its opening hours until 2am. He added that this may set precedence for other food outlets and therefore an increased need for Police resources.

The Chair invited Ms Thomson to sum up on behalf of her client.

Ms Thomson advised that she understood the Police Objection. She advised that her client would be happy to accept a probationary period and to have his licence reviewed after this period, to see if it worked. She advised that her client had applied for the licence to increase opening hours in an attempt to keep his business going due to recent economic down turn.

Mr Reppke advised that Members would now need to decide the opening hours of the premises. He advised that they would not be in a position to grant the licence on a probationary period and if so minded, that they would need to grant the licence following normal procedure then review this at a later date should there be any complaints of disturbances.

The Chair asked both the applicant and the objector if they considered that they had been given a fair hearing. They both confirmed that they had received a fair

hearing.

The Chair invited Members to debate the application.

Councillor Currie advised that as a regular visitor to Oban he found it annoying that there was no where to get something to eat after 9pm. He advised that the surrounding premises were licensed until 2am and a lot of the time folk leaving these premises would be looking for something to eat. He added that the grant of the licence would satisfy a need for late night catering in Oban.

Councillor Blair advised that he agreed with Councillor Currie but felt that there was a responsibility to review this in 6 months time should the licence be granted.

Councillor Freeman advised that he had sympathy with the Police as they are the ones that are on the street seeing what is happening. He advised that he thought the licence should be granted until 1.30am but without the need for a steward. He asked if it would be possible to review the need for a steward in the future.

Mr Reppke advised that it would be possible to review this element if complaints were made.

Councillor Hall advised that he disagreed with the need for a steward and that the licence should be granted until 1.30am. He asked Mr Reppke if it would be possible for him to request figures of disturbances from the Police, should there be any.

Mr Reppke advised him that it could be arranged, if that is what Members wanted.

Motion

To grant the licence until 1.30am, with no requirement for a steward, but with appropriate litter management conditions.

Moved Councillor Taylor, seconded Councillor Hall.

Amendment

To grant the licence until 2am, as stated on the application, without the requirement for a door steward, but with appropriate litter management conditions.

Moved Councillor Currie, seconded Councillor Blair.

Decision

The amendment was carried by 6 votes to 4 and the Committee resolved accordingly.

(Reference: Report by Head of Governance and Law dated August 2012, submitted)