

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the BY MICROSOFT TEAMS
on WEDNESDAY, 21 FEBRUARY 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Liz McCabe
Councillor Jan Brown	Councillor Luna Martin
Councillor Daniel Hampsey	Councillor Dougie Philand
Councillor Graham Hardie	Councillor Peter Wallace
Councillor Andrew Kain	

Attending: Stuart McLean, Committee Manager
Katie Clanahan, Solicitor
Fiona MacDonald, Solicitor
Richard Gorman, Environmental Health Officer
Bassem Mohamad AlMheimed, Applicant
Ameen Nemer, Interpreter for Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillors Audrey Forrest, Paul Donald Kennedy, Mark Irvine, Gordon Blair and Amanda Hampsey.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE: B ALMHEIMED, ROTHESAY

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing the Applicant has opted to proceed by way of video call and joined the meeting by Teams along with his interpreter Mr Ameen Nemer.

The Chair outlined the procedure that would be followed, noting that none of the 3 objectors were in attendance, and invited the Applicant to speak in support of their application.

APPLICANT

Through his interpreter, Mr AlMheimed, stated he was not aware of the process when he applied for the Late Hours Catering Licence and that he wants the business to run smoothly by not bothering anyone. Mr AlMheimed advised that he installed a notice in the shop front to ask patrons to be respectful of neighbours and to keep the outside street clean and that should any anti-social behaviour occur he would intervene, adding that when he opened the business he wants both himself and his team to benefit from it and not annoy anyone.

MEMBERS' QUESTIONS

Councillor McCabe offered her support of the shop advising that the property had been empty for a long time, with it previously being a pub with a noisy disco. Councillor McCabe believed that neighbours may have gotten used to it being vacant and therefore no noise issues. Councillor McCabe added that the Applicant is doing a great job and that the Applicant's business is growing fast and offers good food.

Councillor Brown noted that the property was a sit in restaurant as well as a take-away and asked if the restaurant closed earlier than the take-away.

The Applicant advised that the restaurant has facilities for 12 individuals to sit in and that there is no toilet in situ. Last orders are taken at 10.30pm and in the event that the Late Hours Catering Licence is granted then restaurant orders would be up until 10.30pm and thereafter take-away only.

Councillor Green referenced the recommendations contained within the report from Environmental Health in relation to the operating hours specifically that trading hours be limited to 11.00pm to 12 Midnight, Monday, Tuesday, Wednesday, Thursday and Sunday and; 11.00pm to 01.00am, Friday and Saturday. He asked the Applicant if it would be a problem if these trading hours were applied.

The Applicant responded he would not find it a problem to operate within these trading hours.

Councillor Wallace asked about the security of the communal close and if it was common practice for deliveries to go through the close and not via the front shop.

The Applicant stated that deliveries use the front door of shop.

SUMMING UP

Applicant

The Applicant thanked the Committee for listening to his presentation and apologised for any disturbances that may have been caused by his customers. Mr AIMheimed confirmed that he wants to operate a business that benefits his employees and the Island and that he has hired an employee to clean the inside and outside of shop to improve upon hygiene.

When asked, the Applicant agreed he had received a fair hearing.

DEBATE

Councillor Armour advised he was happy to go with the recommendations from Environmental Health and Councillor McCabe as she was based on the Island.

Councillor Hardie also agreed and happy to go with the recommendations from Environmental Health.

Councillor Philand advised he was of the same opinion as Councillors Armour and Hardie.

Councillor McCabe confirmed she was happy to accept Environmental Health's suggested trading hours.

Councillor Green was in full agreement with the member's comments and moved to approve the application subject to the application of Environmental Health trading hours.

DECISION

The Committee agreed to approve the application for a Late Hours Catering Licence subject to the following trading hours 11.00pm to 12 Midnight, Monday, Tuesday, Wednesday, Thursday and Sunday and; 11.00pm to 01.00am, Friday and Saturday.

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