

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 24 AUGUST 2011**

Present:

Councillor Daniel Kelly (Chair)

Councillor Rory Colville
Councillor David Kinniburgh
Councillor Alister MacAlister
Councillor Donald MacMillan

Councillor Roderick McCuish
Councillor Alex McNaughton
Councillor James McQueen
Councillor Al Reay

Attending:

Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Mr Islam, Applicant
Ms Maguire, Applicant's Representative
Mrs Munro, Objector
Inspector Tom Harper, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Gordon Chalmers, Robin Currie, Mary-Jean Devon and Neil Mackay.

2. DECLARATIONS OF INTEREST

None declared.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR
VARIATION OF LATE HOURS CATERING LICENCE - N ISLAM
(CAMPBELTOWN)**

The Chair welcomed everyone to the meeting and invited everyone in attendance to introduce themselves. He then outlined the procedure that would be followed during the meeting.

Applicant

The Chair invited the Applicant to speak in support of his application. Ms Maguire advised that she was here to speak on behalf of the Applicant and stated that Mr Islam wished to extend the opening hours of "The Crew" on Friday and Saturday nights by half an hour to 2.30 am and to also sell hotdogs and donor kebabs. She explained that Mr Islam had received a number of requests from his customers to open later at the weekends as they were not happy at him having to close early. She advised that a later opening time would assist with costs and employing staff. She referred to the Police letter dated 7 January 2011 which was submitted in response to Mr Islam's previous application for a late hours catering licence to 3 am on Fridays and Saturdays and at that time the Police would have been happy with a licence until 2.30 am. Ms Maguire referred to the site of "The Crew" which was on Longrow away from the Main Street where trouble tends to happen. She also referred to the closure of "Amanda's" and stated that the owner of "Amanda's" had not ceased trading and had only

changed the name of the premises to "Spice" and she did not think that an extension of opening hours of "The Crew" would affect "Spice" as they offered a different type of food. Ms Maguire also advised that she did not think the extension of opening hours of "The Crew" would affect Mrs Munro's business as she was open all day and that there was room in Campbeltown for 3 businesses. She referred to the suggestion that the Police would have a greater area to cover and advised that Longrow was not far from the Main Street and that there was also CCTV cameras in the vicinity of Mr Islam's shop. She stated that Mr Islam was trying to offer a service requested by his customers and hoped that opening for an extra half hour would make a difference.

Questions to Applicant

The Chair invited the Police and objector to ask the Applicant questions.

Inspector Harper advised that he had no questions at this time.

Mrs Munro asked if Mr Islam was busy till 2.00 am at the moment and Mr Islam confirmed that he was. Mrs Munro asked the Applicant to clarify if he was remaining open until closing time as she had seen the shop shut at 10.00 pm Monday to Thursdays and at 1.30 am on Fridays. Mr Islam confirmed that he did shut at 10.00 pm Mondays to Thursdays as he did not have as many customers on these nights but that he did remain open till 2.00 am on Fridays and Saturdays. He referred to one occasion when he shut on a Friday at 1.30 am due to a problem with his fryer. Mrs Munro asked if the Applicant had approached the owner of "Amanda's" to find out why they had closed. Mr Islam replied that "Amanda's" had not closed and that the name had just changed and was still owned by the same person. Mrs Munro stated that the new owner had approached her with the previous owner to introduce himself. Mr Islam advised that he was selling different food to this establishment.

Police

The Chair invited Inspector Harper to speak and Inspector Harper confirmed that he had an update on crime figures from 1 January to date and advised that there had been 5 disturbance calls to Longrow, no violence to property at Longrow and no calls to "The Crew".

The Chair invited the Applicant and Objector to question the Police and they had no questions.

Objector

The Chair then invited Mrs Munro to speak in support of her objection. Mrs Munro advised that there had been no change since the last application for a late hours catering licence submitted by Mr Islam. She believed there was over provision and not enough trade in Campbeltown to support the 3 catering establishments. She maintained that the owner of "Amanda's" had ceased trading and that the new owner of "Spice" had kept on the employment of one member of staff from "Amanda's". She maintained that the Applicant was not utilising the hours he currently had to open. She stated that when she was granted a late hours catering licence to 2.30 am this was when the pubs in Campbeltown all closed at 2.00 am. In recent times all but one pub now closed

at 1.00 am so the provision for a later opening time is not there, not even for herself and that in the last 4 years the town has deteriorated.

The Chair then invited the Applicant and Police to question the Objector to which there were none.

Members Questions

The Chair then gave Members of the Committee the opportunity to question the Applicant, Objector and Police.

Councillor McCuish asked for clarification on why the Applicant was requesting to sell hotdogs and kebabs and the Senior Solicitor confirmed that this was part of the Applicant's request to vary the late hours catering licence.

Councillor McCuish asked if the Applicant had ever had to close early. Mr Islam confirmed that only once did he have to close at 1.30 am on a Friday due to a fault with his fryer.

Councillor McCuish referred to the Applicant only opening till 10.00 pm Monday to Thursday and asked why the Applicant needed to open for 4½ hours more on a Friday and Saturday. Mr Islam confirmed that he currently had a licence to open until 2.00 am on Friday and Saturdays and was only seeking to open for a further half hour on these evenings.

Councillor Reay asked for clarification on whether all licensed premises closed at 1.00 am. Mrs Munro advised that Whiskey Mac's was the only establishment that opened until 2.00 am.

Councillor Reay asked if Whiskey Mac's was within the vicinity of Mrs Munro's and Mr Islam's premises. Mrs Munro confirmed that it was closer to hers.

Councillor Kinniburgh asked Mrs Munro to clarify how busy she was between 2.00 and 2.30 am. Mrs Munro confirmed that in the summer she could be busy but was usually finished by 1.30 am on Thursdays. She advised that during the winter she did not employ staff for the late hours and just did the work herself.

Councillor Kinniburgh asked for clarification from the Police on the crime statistics for Main Street compared to Longrow. Inspector Harper advised that from 1st January 2011 to date for disturbances Longrow had 5 and Main Street had 12; for crimes of violence there were none at Longrow and 6 at Main Street; and for vandalism to property there was none at Longrow and 3 at Main Street.

Summing Up

The Chair then invited the Police, Objector and Applicant to sum up.

Inspector Harper advised that the Police had no objection to the application and that their observations contained in their letter dated 11 January 2011 remained the same a part from the up dated crime figures to reflect the year to date.

Mrs Munro invited the Committee to refuse the application on the grounds of over provision, no demand, present hours not being utilised, no resurgence in

trade since previous application and not enough trade to support 3 establishments.

Ms Maguire advised that half an hour extra on a Friday and Saturday night would make a difference to Mr Islam and this was what had been requested by his customers and did not think that this would affect the other businesses and that there was never any trouble outside Mr Islam's premises.

The Chair invited Mr Islam and Mrs Munro to confirm that they had received a fair hearing. Both confirmed that this had been the case.

Debate

Councillor Kelly advised that from what he had heard today and read in the paperwork he felt there was no need for extra hours in Campbeltown at this time and that the current opening hours were sufficient.

Councillor McNaughton agreed with the Chair's comments as did Councillor Reay and Councillor McQueen.

Councillor Colville advised that he did not necessarily disagree with the Chair but would have preferred if the opening hours for all the establishments could be the same but that he would not be moving any amendment to the Chair's recommendation.

Decision

The Committee agreed:-

1. not to grant an extension to the Applicant's opening hours on Friday and Saturday evenings;
2. to allow the Applicant to sell hotdogs and kebabs; and
3. to note that notification of this decision would be sent to the applicant by the Head of Governance and Law within 7 days.

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