

**REPORT TO BUSINESS SERVICES' KINCARDINE AND MEARN'S AREA
COMMITTEE – 26 MARCH 2019**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE**

1 Recommendations

- 1.1 The Kincardine and Mearns Area Committee is asked to consider an application for the renewal of a Late Hours Catering Licence and the objections made in respect thereof and determine whether the application should be granted or refused.**

2 Background/Discussion

Application

- 2.1 On 16 November 2018 Abdeelilah Mouti, 8 Market Square, Stonehaven, submitted an application for the renewal of a late hours catering licence that he holds in respect of Lazio Pizza, 8 Market Square, Stonehaven. The application initially came before the Committee on 22 January 2019 when the Committee observed that the public notice that had been displayed at the premises did not refer to additional hours that were sought during the Christmas/New Year period. The Committee therefore agreed to defer the application so that the applicant could display public notice of the application with all dates/hours included for a further period of 21 days at the premises.

- 2.2 The applicant is seeking to operate as follows:

Monday, Tuesday, Wednesday 23:00 – Midnight
Thursday 23:00 – 01:30
Friday and Saturday 23:00 – 03:30
Sunday 23:00 – 01:30

From 22nd December to 31 December (inclusive) in each year and from 2 January to 5 January (inclusive) the applicant is seeking hours of 23:00-01:30.

On 1st January in each year the applicant is seeking hours of 23:00 – 02:00.

- 2.3 A copy of the application is attached as Appendix 1 to this Report.
- 2.4 Following the Committee decision of 22 January 2019 the applicant displayed the public notice at the premises from 25 January 2019 to 15 February 2019. A copy of the site notice is attached as Appendix 2 to this report. The applicant has certified that the site notice was displayed throughout this period. The legislation states that objection or representation may be made within 28 days of the date on which the applicant is first required to display the site notice (in this case 25 January 2019). No objection or representation
-

was made within that period. However the original objections referred to in paragraph 2.5 below still stand.

- 2.5 Following the display of the initial site notice in November 2018 the following objection(s) were lodged in respect of the application.

Fountainhall Wines Ltd, per Mr S McQueen (Director), 6 Market Square, Stonehaven;

Mr S McQueen 7 Market Square, Stonehaven.

- 2.6 Copies of the objections are attached as Appendix 3 to this report.
- 2.7 The objections were intimated to the Applicant by letter dated 6 December 2018.
- 2.8 The Chief Constable, the Firemaster, Planning Services, Environmental Health and Building Standards were consulted on the application in November 2018. No objections or representations were received from the consultees. The response from Environmental Health dated 26 November 2018 in which it is advised that they have no observations to make is attached as Appendix 4 to this report. Officers were aware that Environmental Health Officers paid a visit or visits to the premises in 2019 however Environmental Health have confirmed that their visits did not have a direct bearing on the late hours catering licence. An email to this effect from Louise Cunningham who is the Team Manager for Environmental Health for Kincardine and Mearns to Keith Simpson, Senior Civic Licensing Standards Officer, dated 26 February 2019 is attached as Appendix 5.
- 2.9 The Applicant and objectors, Fountainhall Wines Limited and Mr S McQueen have been written to and advised that the application will be considered at the meeting of the Committee on 26 March 2019 and that they have the right to be heard. Copies of the letters are attached as Appendix 6.

3.0 **Legal Background**

- 3.1 A late hours catering licence is required for the use of premises between the hours of eleven o'clock in the evening and five o'clock the following morning for the sale to or consumption by the public of food. In terms of the legislation the licensing authority may determine that standard licence conditions are to attach to licences of a type of licence. The licence granted to the applicant for the period to 23 December 2018 and which he is currently applying to renew was subject to the standard conditions which are attached as Appendix 7 to this report. On 1 December 2017 the Licensing Sub Committee approved revised standard conditions for Late Hours Catering licences and a copy of the revised conditions are attached as Appendix 8. In the event that the licence is renewed then it will be subject to the standard conditions in Appendix 8 although the Committee could choose to vary or disapply any of the standard conditions. In addition, the licensing authority may attach such reasonable conditions to the licence as they see fit. Without prejudice to the generality of the foregoing conditions may set opening and closing dates and times and differentiate between food consumed in the premises or off the premises.

- 3.2 The **Licensing authority must** refuse an application to grant or renew a licence if, in their opinion:
- a. The applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either –
 - i. For the time being disqualified from holding a licence under Section 7(6) of the Act; or
 - ii. Not a fit and proper person to be the holder of the licence
 - b. The activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if they made the application themselves;
 - c. Where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to-
 - i. The location, character or condition of the premises or the character or condition of the vehicle or vessel
 - ii. The nature and extent of the proposed activity
 - iii. The kind of persons likely to be in the premises, vehicle or vessel
 - iv. The possibility of undue public nuisance; or
 - v. Public order or public safety; or
 - d. There is other good reason for refusing the application;
- Otherwise the licensing authority must grant the application

4 Procedure

- 4.1 The following procedure should be followed at the hearing:-

If present the applicant or their representative should be given the opportunity to speak to the application.

The objectors or representatives should be given the opportunity to speak to their objection.

The applicant should have an opportunity to address any issues raised by the Objector(s).

Members may then question all parties present.

The parties should then be given the opportunity to sum up but no new information can be introduced.

Members can then discuss the application.

Thereafter, the Chair should:

Call for a motion

Call for a seconder to the motion

Call for any amendment to the motion

Call for a seconder to any amendment proposed

If there is no amendment, the Chairman should confirm with the Committee that the decision is unanimous

If there is an amendment then there must be a vote. The Chair has the casting vote.

- 4.2 The Council's Head of Finance and the Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments have been incorporated.

5 Scheme of Governance

- 5.1 The Committee is able to consider this application under the Scheme of governance Part 2A List of Committee Powers Part B Area Committees paragraph 7.2(d) as objections have been lodged to the granting of the licence.

6 Equalities, Staffing and Financial Implications

- 6.1 There are no area, policy, finance, staffing or sustainability implications directly arising from this report.
- 6.2 An Equality Impact Assessment is not needed in this case because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.

Ritchie Johnson
Director of Business Services

Report prepared by:- Peter Robertson, Senior Solicitor, Governance

Date: 7 March 2019

References:

APPENDIX 1

COPY APPLICATION

943424



Aberdeenshire Council

Civic Government (Scotland) Act 1982

APPLICATION FOR:-

- (Please tick appropriate box) GRANT of a LATE HOURS CATERING LICENCE
 RENEWAL of a LATE HOURS CATERING LICENCE

PLEASE COMPLETE THE RELEVANT QUESTIONS IN BLOCK CAPITALS
Section 1 (To be completed by all applicants)

1. Full Name of Applicant	<u>Surname</u>	<u>First Name(s)</u>
	MouTi	Abdelilah
2. Home Address	8 Market Square	
3. Postcode	AB39 2BT	
4. Address for correspondence relating to this application (if different from the one above)		
5. Postcode		
6. Email Address	[REDACTED]	
7. Telephone Number(s)	[REDACTED]	
8. Date and Place of Birth	<u>Date of Birth</u>	<u>Place of Birth</u>
	[REDACTED]	[REDACTED]
9. Is the applicant to carry out the day-to-day management of the business, or event?	<input type="checkbox"/> YES (go to Section 2) <input checked="" type="checkbox"/> NO (go to next question)	
10. Full Name of employee or agent who will be the day-to-day manager	<u>Surname</u>	<u>First Name(s)</u>
	MouTi	WAHID
11. Home Address of day-to-day manager	28 E Ferrier Crescent, Aberdeen AB24 2QH	
12. Email Address of day-to-day manager	[REDACTED]	
13. Telephone Number of day-to-day manager	[REDACTED]	
14. Date and Place of Birth of day-to-day manager	<u>Date of Birth</u>	<u>Place of Birth</u>
	[REDACTED]	[REDACTED]

Section 2 (to be completed by all applicants)

15. Are you applying for the RENEWAL of a Licence. If YES, please state the expiry date of your current licence	<input checked="" type="checkbox"/> YES Expiry date of current licence ... 23/12/18
	<input type="checkbox"/> NO (please go to question 16)

16. Are you applying for a licence as an individual or as a company, firm or organisation? If as individual you will be the licence holder. If on behalf of a company, firm or organisation that will be the licence holder.	<input checked="" type="checkbox"/> INDIVIDUAL (Please go to question 20) <input type="checkbox"/> COMPANY, FIRM or ORGANISATION If a company, firm or organisation is entered that will be the licence holder.			
17. Full name of Company, Firm or Organisation				
18. Address of Principal or Registered Office and telephone number				
19. Full names and private addresses of all Directors, Partners, Committee Members or other persons responsible for the management of the business (continue on a separate sheet if necessary)	Full Name (s)	Private Address(es)	Date(s) of Birth	Place(s) of Birth
20. Name of Premises where LATE HOURS CATERING is proposed to take place	LAZIO PIZZA			
21. Address of Premises where LATE HOURS CATERING is proposed to take place	8 Market Square Stonehaven			
22. State days/hours during which it is proposed to trade From the 22/12 TO The 05/01 as every year 23.00 PM To 01.30 AM			Days	Hours
	22 December TO 5 January 2300 PM TO 01.30 AM	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	23:00 - 24.00 23:00 - 24.00 23:00 - 24.00 23:00 - 01.30 AM 23:00 - 03.30 AM 23:00 - 03.30 AM 23:00 - 01.30 AM	

Section 3 DECLARATION (To be completed by all applicants)

23. Has the applicant or any person named on the application ever applied for and been refused such a Licence or had such a Licence suspended? If YES, please give details of which council refused/suspended the Licence and the date it was refused/suspended.	<input type="checkbox"/> YES Which Council?..... Date refused/suspended? <input checked="" type="checkbox"/> NO
---	--

24. Do you or the day to day manager have <u>any</u> convictions against you? Note: "Convictions" includes <u>both</u> road traffic and criminal convictions. It includes <u>both</u> current and spent convictions	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
--	--

I declare that the particulars given by me on this form together with the details on the application attached are true, the appropriate persons have read the attached privacy notice, and I hereby make application to Aberdeenshire Council for the grant or renewal of the Licence applied for.

Date: 12/11/2018	Signature of Applicant/Agent:
Address of Agent (if any):	

Any person who in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2500.

GDPR

The applicant, and, where the applicant is a company, business or other body, any person who has supplied personal information as part of this application **MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE.**

Please read the notes attached and submit your application to:-

**ABERDEENSHIRE COUNCIL
LEGAL AND GOVERNANCE
VIEWMOUNT
ARDUTHIE ROAD
STONEHAVEN
AB39 2DQ**

In terms of Schedule 1(2) of the above Act, any application of this nature requires the applicant to display, for a period of 21 days *from the date of the application*, a notice in the prescribed form. Please accurately complete and display this notice at your premises showing the date by which objections or representations relating to the application should be submitted to the Council, i.e. **21 days from the date that the application is lodged.**

After the notice has been displayed for 21 days, complete and return the Certificate of Compliance confirming that the notice has been displayed. You should note that the application cannot be granted until the Certificate of Compliance has been returned to this office.

Duration of Licences

If granted, your Licence will come into effect on the date specified on the Licence. Licences are normally granted for 3 years, unless a shorter period is specified.

Application Fee

The fee for a Late Hours Catering Licence is non-refundable. Cheques/postal orders should be made payable to 'Aberdeenshire Council'

The following documents require to be submitted with your application:-

The following documents require to be submitted with your application:-

- Completed Application Form
- Copy of Public Liability Insurance
- Cheque/Postal Order for the appropriate fee

FOR OFFICIAL USE ONLY	
DATE RECEIVED AT SERVICE POINT	
NAME OF CUSTOMER SERVICE ADVISOR	
CUSTOMER SERVICE ADVISOR SIGNATURE	

SUBMITTED AT WHICH SERVICE POINT?						
BANFF	ELLON	HUNTLY	INVERURIE	PETERHEAD	STONEHAVEN	TURRIFF

PRIVACY NOTICE

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AN.
Email: dataprotection@aberdeenshire.gov.uk

Your information is being collected to use for the following purposes:

- The processing of your application for a Late Hours Catering Licence
- The determination of your application for a Late Hours Catering Licence
- The issue of any Late Hours Catering Licence Granted
- Inclusion on the Register of Late Hours Catering Licences available for public inspection
- Ensuring compliance with the terms of your Late Hours Catering Licence
- The processing of any complaints made in respect of your Late Hours Catering Licence
- The determination of any complaints made in respect of your Late Hours Catering Licence

Your Information is:

Being collected by Aberdeenshire Council

The legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Legal Obligations	X	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law	X

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

If you fail to provide the information required on the attached application form, Aberdeenshire Council may not be in a position to accept the application as a competent application. This means that your application cannot be processed and will be returned to you.

Your information will be shared with the following recipients or categories of recipient:

- | | |
|---|--|
| <ul style="list-style-type: none"> • <i>Police Scotland</i> • <i>Environmental Health</i> • <i>Some information will also be shared with the Public via the Register of Late Hours Catering Licences</i> | <ul style="list-style-type: none"> • <i>Planning Services</i> • <i>Building Standards</i> • <i>Trading Standards</i> • <i>Civic Licensing Standards Officers</i> |
|---|--|

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

NOT APPLICABLE

The retention period for the data is:

- (1) Where an application for the grant of a licence, permit or permission is refused by the Business Services' Licensing Sub-Committee (or relevant Area Committee) information relating to that licence, permit or permission will be retained for a period of five years from the **date of refusal** and thereafter will be destroyed
- (2) In any other case, information relating to a licence, permit or permission will be retained for a period of five years from the date the licence, permit or permission **ceases to have effect** and will thereafter be destroyed

The following automated decision-making, including profiling, will be undertaken:

Not Applicable

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
 - (i) Performance of a Public Task; or
 - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
 - (i) Consent; or
 - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

APPENDIX 2

SITE NOTICE

Aberdeenshire Council
Civic Government (Scotland) Act 1982
Site Notice

NOTICE IS HEREBY GIVEN that application has been made on (Date)...16 November 2018.....

To ABERDEENSHIRE COUNCIL for:- Boat Hire Licence/ Knife Dealer's Licence/ Late Hours Catering Licence/ Market Operator's Licence/ Metal Dealer's Licence/ Public Entertainment Licence/ Second Hand Motor Vehicle Dealer's Licence/ Sex Shop Licence/ Taxi Booking Office (Please tick appropriate box), in respect of premises at:- Lazio Pizza, 8 Market Square, Stonehaven.

By:- Name & Address Abdellilah Mouti, 8 Market Square, Stonehaven. AB39 2BT

Day-to-Day Manager: Wahid Mouti

Address: c/o 8 Market Square, Stonehaven. AB39 2BT

Days and/or

Date(s)-(Market's only)

From

To

Where application is for a:-

- Late Hours Catering Licence
 Market Operator's Licence
 Second Hand Motor Dealer Licence
 Sex Shop Licence

please state days hours and the times you propose to trade

Monday, Tuesday, Wednesday 23:00 – Midnight

Thursday 23:00 – 01:30

Friday and Saturday 23:00 – 03:30

Sunday 23:00 – 01:30

From 22nd December to 31 December (inclusive) in each year and from 2 January to 5 January (inclusive) the applicant is seeking hours of 23:00-01:30.

On 1st January in each year the applicant is seeking hours of 23:00 – 02:00.

Any objections and representations in relation to the application may be made to the relevant office (addresses below) generally within 28 days of 25 January 2019. Objections and representations should be made in accordance with the following provisions, namely:-

- (1) Any objection or representation relating to an application for the grant or renewal of a licence shall be entertained by the licensing authority if, but only if, the objection or representation:-
- (a) Is in writing;
 - (b) Specifies the grounds of objection or, as the case may be, the nature of the representation;
 - (c) Specified the name and address of the person making it;
 - (d) Is signed by him or on his behalf;
 - (e) Was made to them within 28 days of whichever is the later, or as the case may be, the latest of the following dates:-
 - (i) Where public notice of the application was given in a newspaper, the date when it was first given;
 - (ii) Where ABERDEENSHIRE COUNCIL have required the applicant to display the Notice again from a specified date, that date;
 - (iii) In any other case, the date when the application was made to them.
- (2) Notwithstanding (1)(e) above, it shall be competent for a licensing authority to entertain an objection or representation received by them before they take a final decision upon the application to which it relates if they are satisfied that there is sufficient reason why it was not made to them in the time required.
- (3) An objection or representation shall be made for the purposes of (1) above if it is delivered by hand within the time there specified to the licensing authority or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

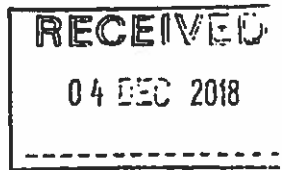
***Objections or representations should be made to:-**

Aberdeenshire Council
Legal & Governance
Viewmount, Arduathie Road,
Stonehaven. AB39 2DQ

APPENDIX 3

COPY OBJECTIONS FROM MEMBERS OF THE PUBLIC

Steven McQueen
Fountainhall Wines
6 Market Square
Stonehaven
AB39 2BT



Info@fountainhallwines.co.uk
01569 763399

3rd December 2018

To whom it may concern,

I would like to make an objection to the application for a late hours catering licence made by Lazio Pizza, 8 Market Square, Stonehaven (Notice dated 15th November 2018).

I must state that I am a director of Fountainhall Wines which is a neighbouring business of Lazio Pizza. I have worked in Fountainhall Wines, next door to Lazio Pizza for over 5 years now & I now feel that due to several issues that I must object to the late hour licence. Unfortunately there are issues with public nuisance, smoking policy, waste & security that all cause Fountainhall Wines serious concerns.

Public Nuisance

Unfortunately, Lazio Pizza do not offer customer toilets & I have seen CCTV footage of individuals urinating on the front door of my business. I also have the misfortune to have to clear up vomit & glass from the street some mornings. I feel this is something that I should not have to deal with & the Licence Holder is not acting in line with the late hours catering licence conditions.

Staff Smoking

On multiple occasions I have witnessed Lazio Pizza staff members smoking on the premises and have been told that they are doing so because it is raining / cold outside.

Waste

Lately, large bins have been put outside the front of the takeaway to limit the waste being left of the streets but sadly the waste & seagull problem above the takeaway persists as customers still drop litter on the street & the takeaway does not clear up the outside area in a timely matter. Some mornings the area outside the row of businesses in Market Square is truly disgusting, with litter on the street & vomit in doorways.

I have also had ongoing discussions with Environmental Health regarding the storage of waste within an outside toilet area. Although Environmental Health have said that this technically is not a breach, I have serious concerns over how this will in time develop into a problem with pests & vermin.

CCTV

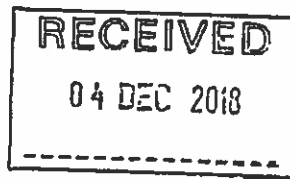
Fountainhall Wines has CCTV in place both inside & outside our own premises but I have had multiple requests for copies of CCTV footage for the police that can help cover incidents outside the takeaway. I feel that considering the number of police incidents that I have been asked to hand over CCTV footage for, that Lazio Pizza should have adequate CCTV themselves / has there own security in place.

I believe a number of the points that I have raised prove that the conditions of the late hours catering licence are not being adhered to & I kindly request that the application for a late hours licence to be refused.

Kind Regards,

Steven McQueen
Fountainhall Wines - Director

Steven McQueen
7 Market Square
Stonehaven
AB39 2BT



3rd December 2018

To whom it may concern,

I would like to make an objection to the application for a late hours catering licence made by Lazio Pizza, 8 Market Square, Stonehaven (Notice dated 15th November 2018).

I must state that I share an entry door to a hallway with Lazio Pizza that is the only access point to my own home. I have lived next door to Lazio Pizza for over 5 years now & I now feel that due to several issues that I must object to the late hour licence. Unfortunately there are issues with noise, access, smoking policy, smells, fumes, waste & security that all cause myself & my partner serious concerns.

Noise / Access

There is an issue with groups congregating outside (mostly on weekend nights) at the only access point to my home. This is not only a nuisance for accessing my property but the noise outside level is very loud. We have a two bedroom flat & the noise level is quite significant in our front bedroom. Lazio Pizza also offers no customer toilets within the takeaway but they will leave our access door unlock in order for customer to access the staff toilets / I have often seen them just tell customers to use their staff toilet at the back of the property. On multiple occasions both myself & my partner have witnessed individuals other than staff members in our shared hallway. This makes having to live next door to the takeaway feel very uncomfortable, as we really feel we should not have to worry for our own safety in a hallway that we ensure is always locked but having asked Lazio Pizza multiple times to keep our shared door locked they unfortunately refuse to do so.

I have also seen individuals urinating on the shared doorway when it is locked & I also have the misfortune to have to clear up vomit & glass from my own front door some mornings. I feel this is something that I should not have to deal with & the Licence Holder is not acting in line with the late hours catering licence conditions.

The takeaway will also occasionally play music at a loud unacceptable level. I have had to ask them to turn down the sound level on multiple occasions.

Staff Smoking

On multiple occasions I have witnessed Lazio Pizza staff members smoking on the premises and have been told that they are doing so because it is raining / cold outside. I feel very angry that they persist to smoke within the property & that they do not listen to my concerns as a neighbour. There are no fire doors & no fire extinguishers in the hallway.

Smell / Fumes / Fire Safety

Lazio Pizza leave the kitchen entrance door open whilst open for the staff to access but there are times when the hallway smells very bad or indeed is full of smoke as that hallway does not have any ventilation system, as it should not have to deal with fumes in that area. Again, the door from Lazio Pizza that join to the shared hallways are also not fire doors & no fire extinguishers are left in the hallway.

Waste

Lately, large bins have been put outside the front of the takeaway to limit the waste being left of the streets but sadly the waste & seagull problem above the takeaway persists as customers still drop litter on the street & the takeaway does not clear up the outside area in a timely matter. The staff move these bins through the shared hallway at 3:30am/4am & this is also a nuisance.

I have also had ongoing discussions with Environmental Health regarding the storage of waste within an outside toilet area. Although Environmental Health have said that this technically is not a breach, it is quite disgusting to have to live with the smell of rotten waste when entering / leaving your home.

CCTV

I feel that considering the number of police incidents that I have witnessed entering / exiting my property that Lazio Pizza should have adequate CCTV / security in place.

I believe a number of the points that I have raised prove that the conditions of the late hours catering licence are not being adhered to & I kindly request that the application for a late hours licence to be refused.

Kind Regards,

A large black rectangular redaction box covering the signature area of the letter.

Steven McQueen
Owner of 7 Market Square, Stonehaven, AB39 2BT

APPENDIX 4

LETTERS INVITING PARTIES TO ATTEND HEARING



Our Ref PR/nm
Your Ref

Abdelilah Mouti
8 Market Square
Stonehaven
AB39 2BT

Please ask for Noel McDonnell
Direct Dial 01467 538278
Email licapps@aberdeenshire.gov.uk

Business Services

Legal and Governance

Viewmount

Arduthie Road

Stonehaven

AB39 2DQ

www.aberdeenshire.gov.uk

DX 521025 - Stonehaven

8 March 2019

**If you have difficulty reading this document please contact
licapps@aberdeenshire.gov.uk**

Dear Sir

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
SECTION 42 AND SCHEDULE 1
APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE
PREMISES: LAZIO PIZZA, 8 MARKET SQUARE, STONEHAVEN**

Further to the meeting of 22 January 2019 where the decision was to defer this hearing, I write to advise that the application, together with your objection, will be considered by the Kincardine and Mearns Area Committee of Aberdeenshire Council as Licensing Authority, at a meeting to be held on **Tuesday 26 March 2019 at 12:00 in the Council Chambers, Viewmount, Arduthie Road, Stonehaven, AB39 2DQ.**

You, or a solicitor or other person representing you with your authority, will be heard by the Committee before they make a decision on the application. The objector(s) will also be given the opportunity to be heard. If you are neither present or represented, then the Committee may proceed to determine the application in your absence.

A copy of the report that will be considered by the Committee at the meeting is enclosed. This provides details of the application and the objections and sets out the procedure that will be followed when your application is considered at the meeting.

I understand that you may already have spoken to a solicitor about this matter but if not I would recommend that you consider doing so. If there are any questions about this letter or the enclosed report then please contact Peter Robertson, Senior Solicitor, Governance on 01467 530729

If you will require the services of an interpreter at the meeting contact us immediately.

Yours faithfully

Authorised Signatory



Our Ref PR/nm
Your Ref

Fountainhall Wines Ltd
per Mr S McQueen (Director)
6 Market Square
Stonehaven
AB39 2BT

Please ask for Noel McDonnell
Direct Dial 01467 538278
Email licapps@aberdeenshire.gov.uk

Business Services

Legal and Governance

Viewmount

Arduthie Road

Stonehaven

AB39 2DQ

www.aberdeenshire.gov.uk

DX 521025 - Stonehaven

8 March 2019

**If you have difficulty reading this document please contact
licapps@aberdeenshire.gov.uk**

Dear Sir

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
SECTION 42 AND SCHEDULE 1
APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE
ABDELILAH MOUTI, 8 MARKET SQUARE, STONEHAVEN

I refer to the above and your letter of objection dated 3 December 2018.

Further to the meeting of 22 January 2019 where the decision was to defer this hearing, I write to advise that the application, together with your objection, will be considered by the Kincardine and Mearns Area Committee of Aberdeenshire Council as Licensing Authority, at a meeting to be held on **Tuesday 26 March 2019 at 12:00 in the Council Chambers, Viewmount, Arduthie Road, Stonehaven, AB39 2DQ.**

You or your representative will be given the opportunity to address the Committee before they determine the application. If you are neither present or represented the Committee may proceed to determine the application in your absence.

I enclose a copy of the report that will be considered by the Committee at the meeting. This gives details of the application and your objection and relevant legislation and sets out the procedure that will be followed at the meeting.

If you have any queries about this letter or the report please contact Peter Robertson, Senior Solicitor, on 01467 530729. It is also recommended that you consider taking independent legal advice.

Yours faithfully


Authorised Signatory



Our Ref PR/nm
Your Ref

Mr S McQueen
7 Market Square
Stonehaven
AB39 2BT

Please ask for Noel McDonnell
Direct Dial 01467 538278
Email licapps@aberdeenshire.gov.uk

8 March 2019

**If you have difficulty reading this document please contact
licapps@aberdeenshire.gov.uk**

Dear Sir

CIVIC GOVERNMENT (SCOTLAND) ACT 1982
SECTION 42 AND SCHEDULE 1
APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE
ABDELILAH MOUTI, 8 MARKET SQUARE, STONEHAVEN

I refer to the above and your letter of objection dated 3 December 2018.

Further to the meeting of 22 January 2019 where the decision was to defer this hearing, I write to advise that the application, together with your objection, will be considered by the Kincardine and Mearns Area Committee of Aberdeenshire Council as Licensing Authority, at a meeting to be held on **Tuesday 26 March 2019 at 12:00 in the Council Chambers, Viewmount, Arduthie Road, Stonehaven, AB39 2DQ.**

You or your representative will be given the opportunity to address the Committee before they determine the application. If you are neither present or represented the Committee may proceed to determine the application in your absence.

I enclose a copy of the report that will be considered by the Committee at the meeting. This gives details of the application and your objection and relevant legislation and sets out the procedure that will be followed at the meeting.

If you have any queries about this letter or the report please contact Peter Robertson, Senior Solicitor, on 01467 530729. It is also recommended that you consider taking independent legal advice.

Yours faithfully

Authorised Signatory

Business Services

Legal and Governance

Viewmount

Arduthie Road

Stonehaven

AB39 2DQ

www.aberdeenshire.gov.uk

DX 521025 - Stonehaven

APPENDIX 5

ORIGINAL ENVIRONMENTAL HEALTH RESPONSE

Noel McDonnell

From: Jim Logue
Sent: 26 November 2018 09:45
To: licapps
Subject: Civic Government (Scotland) Act 1982. Application for Renewal Late Hours Catering Licence - . Abdei Ilah Mouti

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Noel

I refer to the above application for Late Hours Catering Licence and would advise you that this Service has no observations to make on the application.

James Logue

James Logue
Environmental Health Officer
Viewmount, Arduthie Road, Stonehaven, AB39 2DQ

01467 536708

This is a part time post and I am available Mondays, Tuesdays and every other Wednesday.

APPENDIX 6

ENVIRONMENTAL HEALTH EMAIL

From: Louise Cunningham <louise.cunningham@aberdeenshire.gov.uk>
Sent: 26 February 2019 12:39
To: Keith Simpson <keith.simpson@aberdeenshire.gov.uk>
Subject: RE: Lazio Pizza

Hi Keith,

Nothing to add from our original response, our recent visits don't have a direct bearing on the late hours catering licence.

Louise

APPENDIX 7

EXISTING CONDITIONS TO GRANTED LICENCE

1. Conditions

1. The Trader shall for the purposes of this Licence be permitted to trade in or from the above premises and no other premises.
2. The Trader shall be permitted to trade during the hours and days and for the purposes described in the Schedule hereto from **24/12/2015** to **23/12/2018** inclusive and at no other times.
3. This Licence is granted under the authority of Aberdeenshire Council and is conditional upon the Trader complying with the Civic Government (Scotland) Act 1982 and also any conditions contained in said Licence and in the Schedule attached hereto.
4. The Licence holder shall exhibit his/her licence on demand to any person.
5. The Licence holder shall not lend or allow any other person to use his/her licence.
6. The Licence holder shall not in any way alter, erase, or deface his/her licence and shall, when required, produce it for examination by the Head of Service (Legal and Governance).
7. The Licence holder shall take all reasonable steps to support law enforcement agencies in preserving public order in the vicinity of the premises. The Licence holder shall ensure that no patrons are permitted to remain on the premises at the conclusion of permitted hours and that the Licence holder shall take reasonable steps to ensure, that persons refrain from loitering in the immediate vicinity of the premises.
8. The Licence holder shall ensure that no amplified music or sounds of any description are emitted from the premises in such a manner as to be audible to persons outwith the premises.
9. The Licence holder shall ensure that an adequate number of receptacles are provided at all times for the deposit of litter by patrons of the premises, that said receptacles are emptied regularly, and that the pavements in the immediate vicinity of the above premises are kept clear of litter subject to the satisfaction of the Head of Protected Services and Waste Management.
10. Aberdeenshire Council may suspend/revoke any Licence where the Licence holder does not apply with any of these conditions.

APPENDIX 8

REVISED LATE HOURS CATERING LICENCE CONDITIONS

Late Hours Catering Licence

Conditions

Use of Premises

1. The Licence Holder shall for the purposes of this Licence be permitted to trade in or from the above premises and no other premises.

Hours Permitted to Trade (“permitted hours”)

2. The Licence Holder shall **only** be permitted to trade using this licence:-
 - a. during the hours and days and for the purposes described on the licence.
 - b. It is also permitted to allow the supply of food from the premises for consumption off the premises within 15 minutes of the end of the permitted hours if the order was placed and paid for within permitted hours.
3. The Licence Holder shall prominently display the hours of opening on a notice which can be read by customers within the premises and by the public outwith the premises.
4. The Licence Holder shall not take any orders from customers after the end of the permitted hours.
5. The Licence Holder shall close/lock the door at the end of permitted hours so that no further customers enter the premises and ensure that patrons leave the premises on receipt of their food order.
6. The beginning or ending of British Summer Time is to be disregarded for the purpose of determining the time at which the period of licencing hours ends and, accordingly, the period ends at the time it would have ended had British Summer Time not begun or ended.

Amenity of Area

7. The Licence Holder shall take effective steps to ensure that the use of the premises for the purposes of late hours catering does not detract from the amenity of the area in which the premises are located, and particular that no nuisance is caused by noise, vibration, smell, or fumes from the premises or for any other reason.

Waste

8. The Licence Holder shall ensure that an adequate number of litter and recycling bins are provided at all time for the deposit of litter by patrons of the premises,

that said bins are emptied regularly, and that pavements in the immediate vicinity of the premises are kept clear of litter.

Administrative

9. The Licence Holder shall exhibit his/her licence on demand to any authorised person.
10. The Licence Holder shall not in any way alter, erase, or deface his/her licence.
11. The Licence Holder shall not permit another person to use their licence to trade.
12. The Licence Holder shall allow free access to the premises to any Police officer, fire officer, or authorised officer of the Licencing Authority, and shall not obstruct them from their duties.
13. The Licence Holder shall ensure that the premises maintains a "PASS" standard in respect of the Food Hygiene Information Scheme and display a "PASS" certificate in a prominent position during all hours of operation.

Insurance

1. The Licence Holder shall maintain a public liability insurance policy to the satisfaction of the Licencing Authority and shall exhibit said policy and renewal receipts on demand to any person.

Notes.

1. The Licence Holder shall apply for a variation of the licence should the wish to change any of its terms.