

EAST AYRSHIRE COUNCIL
LOCAL GOVERNMENT LICENSING PANEL
17 MARCH 2005

APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To invite the Panel to consider, by way of a Hearing, an application for the grant of a Late Hours Catering Licence.

2. BACKGROUND

- 2.1 An application has been received from Kuwait Petroleum (GB) Ltd., per James Paterson, 5 Rosebank Gardens, Irvine, for the grant of a Late Hours Catering Licence in respect of the premises known as the Q8 Filling Station, 10/14 Rigg Street, Stewarton.
- 2.2 The applicants request the Panel to consider granting a Late Hours Catering Licence, permitting the use the premises between the hours of 11pm in the evening and 5am the following morning each day, for the sale to the public of meals or refreshments. Outwith the hours requested, no Late Hours Catering Licence is required.
- 2.3 Two letters of objections have been received in respect of the application.
- 2.4 In terms of Section 9 of the Civic Government (Scotland) Act 1982, the former District Councils resolved that 'a licence, to be known as a Late Hours Catering Licence, shall be 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 meals or refreshments'.
- 2.5 East Ayrshire Council inherited these resolutions and, at the meeting of the Licensing Sub-Committee of the Community Services Committee held on 26 June 1996, agreed that the terminal hours throughout East Ayrshire be harmonised and linked to the usual terminal hours in respect of premises licensed in terms of the Licensing (Scotland) Act 1976.
- 2.6 A further amendment to the policy was agreed at the meeting of the Local Government Licensing Panel held on 28 August 2003, following a recommendation from the Licensing Board, restricting the terminal hours for late hours catering licences in that they would normally be required to close no later than 2.00am.

3. DISCUSSION

- 3.1 A letter of objection dated 26 October 2004 has been received from Maureen and James Bunyan, 24C Rigg Wynd, Rigg Street, Stewarton, in respect of the application. (Copy attached at Appendix 1)
- 3.2 A letter of objection dated 21 October 2004 has been received from David Meiklejohn, 16 Rigg Street, Stewarton, in respect of the application. (Copy attached at Appendix 2).
- 3.3 Mr Meiklejohn has also submitted a video tape in support of his objection. According to his covering letter of 11 January 2005, the video covers a period from 2.00am and 2.30am on a typical Saturday or Sunday morning, but there is no date or time shown on the actual tape. He has indicated in his letter, that a copy of the video tape will be forwarded to the applicants no less than 7 days prior to this meeting.
- 3.4 The contents of the tape have been reviewed. The video tape is in black and white and not of very good quality. While voices can be heard, it is difficult to determine what is being said. Equally the sound of passing cars is very loud, giving rise to some concern as to the level of sound recording. The Chair, in consultation with officers, is of the opinion that there would be little merit in the video being shown to the Panel. A copy of Mr Meiklejohn's letter of 11 January 2005 is attached at Appendix 3
- 3.5 In accordance with Paragraph 4(1) of Schedule 1 to the Act, copies of the letters of objection have been forwarded to the applicants and they have been given the opportunity to notify the Panel, in writing, of their views on the contents of the letters.
- 3.6 The applicants have submitted a letter in response dated 31 December 2004 and a copy is attached at Appendix 4.
- 3.7 The applicants and/or their representative have been invited to attend the meeting and have confirmed that they will be represented.
- 3.8 The objectors and/or their representatives have been invited to attend the meeting and to confirm whether or not they will be present and wish to be heard. To date no responses have been received.
- 3.9 Strathclyde Police have intimated that they will attend the Hearing.

4. FINANCIAL IMPLICATIONS

- 4.1 Nil.

5 LEGAL IMPLICATIONS

- 5.1 In terms of Paragraph 4(1) of Schedule 1 to the Civic Government (Scotland) Act 1982, a licensing authority may, in considering an application for the grant of a licence, make such reasonable enquiries as they think fit, and include the result of their enquiries in matters they take into account. In accordance with this Paragraph, the applicants have been given the opportunity to notify the licensing authority in writing of their views.
- 5.2 In terms of Paragraph 4(2) of Schedule 1 to the Act, a Licensing Authority may, before reaching a final decision on an application, give the applicant and any person who has made a relevant objection or representation, an opportunity to be heard.
- 5.3 In accordance with Paragraph 4(2) of Schedule 1 to the Act, the applicants and/or their representative, the objectors and Strathclyde Police have been invited to attend the Hearing.
- 5.4 A copy of this report has been forwarded to the applicants and to the objectors.

6. POLICY IMPLICATIONS

- 6.1 Nil

7. CONCLUSIONS

- 7.1 An application has been received from Kuwait Petroleum (GB) Ltd., per James Paterson, 5 Rosebank Gardens, Irvine, for the grant of a Late Hours Catering Licence in respect of the premises known as the Q8 Filling Station, 10/14 Rigg Street, Stewarton.
- 7.2 Two letters of objections have been received in respect of the application.

8. RECOMMENDATIONS

- 8.1 It is recommended that the Licensing Panel consider the application by way of a Hearing.

William Stafford
Executive Director of Neighbourhood Services

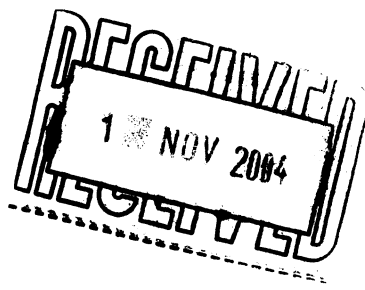
WS/GS

24 February 2005

LIST OF BACKGROUND PAPERS

1. Application form signed on 24 September 2004 and received on 4 October 2004.
2. Minute of the meeting of the Licensing Sub-Committee of the Community Services Committee held on 26 June 1996.
3. Minute of the meeting of the Local Government Licensing Panel held on 28 August 2003.

Any person wishing to inspect any of the background papers listed above should telephone 01563 576111 and ask for Mr John Crawford, Head of Protective Services or e-mail on john.crawford@east-ayrshire.gov.uk



APPENDIX 1

24C Rigg Wynd
Rigg Street
Stewarton
KA3 5AJ

26 October 2004

**Clerk to the Licensing Committee
East Ayrshire Council
London Road
Kilmarnock
KA3 7BU**

Dear Sirs

My husband and I would like to object to the application for a licence to provide a 24 hour service of hot food at the Q8 Garage in Stewarton.

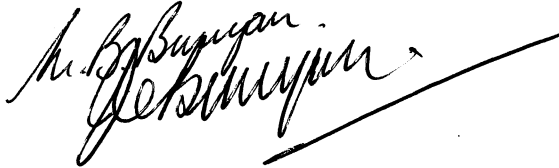
We feel the residents in Rigg Street have enough to put up with as it is, without the addition of another venue for youths full of drink or other substances to cause mayhem every week-end from as early as 9.00pm onwards - this can continue intermittently until 2 and 3 pm when pubs and clubs spill out onto the streets as well. We already have A Snooker Club (licensed), The Stewarton Arms who recently applied for a late licence, The Bonnet (which is up for sale) but could be reopened, making three licensed premises in very close proximity to our home.

I suffer from asthma and require to have the windows opened most of the time in my bedroom. The youths congregate at the Q8 or wherever in large crowds. The language is disgusting and, their behaviour. I have telephoned the police on several occasions and am encouraged by the police to continue to do so.

We would ask that you give us your consideration and not Q8, by not granting them a 24 hour licence. The residents around this area have already submitted a petition about the disturbances we have

had to put up with and we would welcome your support by turning down this application.

Yours sincerely

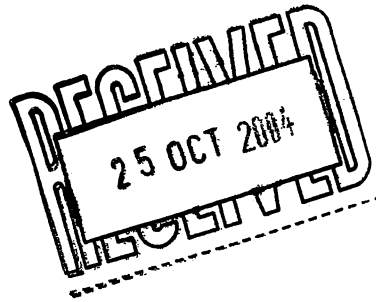
A handwritten signature in black ink, appearing to read "Maureen B Bunyan & James C Bunyan", with a long horizontal flourish extending to the right.

**Maureen B Bunyan &
James C Bunyan**

16 Rigg Street
Stewarton
Ayrshire
KA3 5AG

21st October 2004

Clerk to the Licensing Committee
East Ayrshire Council
London Road
Kilmarnock
KA3 7BU



Dear Sir,

**OBJECTION TO APPLICATION FOR LICENCE ref:
The Q8 Garage, Stewarton - To provide hot food over a 24-hour period**

I refer to the above application, which I believe has been lodged for consideration with East Ayrshire Council Licensing Committee.

As the direct neighbour to this garage I am letting you know of my concern about this being granted.

The Q8 garage has been serving food to late night revellers for some time now and as a result has been the cause of a great deal of distress to me and my neighbours in the houses near to the garage. I am wakened each Friday and Saturday in the early hours, usually around 2.00am by the noise of some ten to fifteen people queuing for food from the Q8 Garage next door to me. Most of the customers have made their way past my house from the Stewarton Arms Nightclub, which is licensed until 2.00am.

On several occasions recently I have had to contact the police, which they will be able to confirm, when fighting at that time has led to the breaking of windows in Rigg Street. Also damage has occurred to my front door due to kicking, to the extent that it had to be replaced.

Although the Q8 Garage has CCTV in operation it does not deter the rowdy drunk crowd of people wanting food.

It also concerns me that the customers are constantly smoking in this area near to the petrol pumps. The Fire Extinguishers that were usually available are now taken indoors of a weekend due the crowd members interfering with them.

A petition was recently signed by 25 households in the Rigg Street area and presented to Councillor Jim O'Neill. This Petition outlined the concerns that the householders had about the weekend mayhem in Stewarton. In response to it both Councillor O'Neill and the Stewarton Police have been doing all they can to help us, but surely refusal to grant this application would help everyone concerned with this weekend problem.

Yours faithfully,

David Meiklejohn

16 Rigg Street
Stewarton
Ayrshire
KA3 5AG

11th January 2005

For the Attention of Mr David Johnson
Licensing and Community Safety
14 London Road
Kilmarnock
KA3 7AF

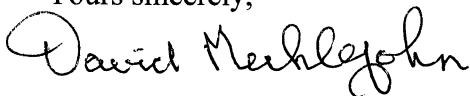
Dear Mr Johnson,

Application for Grant of a late hours Catering Licence submitted by Kuwait Petroleum (GB) Ltd. Per James Paterson re filling Station 10/14 Rigg Street

I enclose a half hour slot of a video film of a typical Saturday or Sunday morning from 2.00am to 2.30am, showing customers queuing at the Q8 Garage as above. This was taken from my property next door to the garage.

The videotape is in support of my objection made in writing to East Ayrshire Council on 21st October 2004. As indicated in reply to this letter, I will forward a copy of this video film to Mr Paterson no less than seven days prior to the hearing on 20th January 2005.

Yours sincerely,

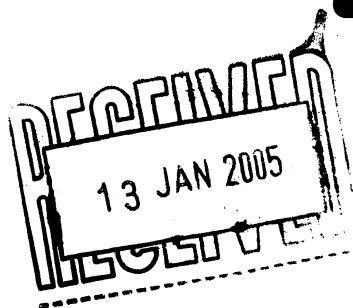


David Meiklejohn

Pace Petroleum Limited

Burgan House, The Causeway, Staines, Middx. TW18 3PA
Telephone: 01784 467788 Fax: 01784 467600

APPENDIX 4



31ST December 2004

Mr George Scott
Department of Neighbourhood Services
Licensing and Community Safety
14 London Road
Kilmarnock
KA3 7AF

Dear Mr Scott

APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE AT Q8 RIGG STREET, 10/14 RIGG STREET, STEWARTON.

Following the correspondence received from you, enclosing the letters of objection from two of the residents in Stewarton, I have discussed the objections with our Operator Mr James Paterson, and would respond on behalf of Pace Petroleum Limited.

The letter from Mr and Mrs Bunyan, refers to already having three licensed premises in very close proximity to their home, namely a snooker club, The Stewarton Arms and The Bonnet. I would like to clarify that our application is not for a licence to sell alcohol, but merely to be able to serve our customers hot drinks and/or hot food after 11pm.

As I understand it, the licence is required for late hours catering, with **late hours** being between 2300hours and 0500hours and **catering** being some type of product for consumption that has in some way been prepared by a member of staff. Although we do not feel that a micro waved pie or hot cup of coffee from a vending machine is particularly a 'prepared' item, we have made the application so as to ensure that we do not fall foul of the act.

In our experience, any restriction from serving from the shop, when the premises are clearly open, or restricting what product people may purchase from the shop will in fact enrage the 'rowdy drunk crowd of people' – as referred to in Mr Miekjohn's letter.

A customer would not understand that they may purchase a bottle of fizzy drink but not a coffee or may purchase a sandwich but not a hot pie. The attempt to segregate these activities may in fact lead to disputes and could even put our staff and or property in jeopardy should the customer prove to be unreasonable.

Mr Paterson also informs me that queues of 10 to 15 people are certainly not normal and if it has occurred it can only have been once and that the staff remain vigilant at all times with regard to any persons smoking on the premises. Our fire extinguishers are brought in overnight for safety reasons but remain available at all times.

We believe that our forecourt provides a valuable service to the community of Stewarton, not only in providing emergency products in the middle of the night, such as medicines but also as an extra pair of eyes 'keeping watch' on what is going on in the middle of the night. We do have CCTV, which in our experience does act as a deterrent as well as a valuable aid to the Police when trying to prosecute offenders.

Pace Petroleum Limited

Burgan House, The Causeway, Staines, Middx. TW18 3PA
Telephone: 01784 467788 Fax: 01784 467600



Finally, I would like to point out that the Q8 at Rigg Street has never actually received any complaints either directly from our neighbours or through the Police. We have not experienced any trouble at our premises and have never had to call the Police for assistance.

In conclusion, we do not feel that our premises being granted a Late Hours Catering Licence will aggravate or contribute to the existing situation in any way. If anything our presence through the night in the area can only add to the security of the neighbourhood and would ask in this light that you consider our application favourably.

Pace Petroleum Limited will be represented by Maggie Calladine who is our Area Manager and Mr James Paterson at the hearing on 20th January 2005.

A handwritten signature in black ink, appearing to read 'Anna Coules', written in a cursive style.

Anna Coules
Manager, Merchandising and Shops
Pace Petroleum Ltd

Tel: 01784 467655
Mobile: 07788 568879
Fax: 01784 419010
Email: Anna.Coules@pacepetroleum.com