

PERTH AND KINROSS COUNCIL – LICENSING COMMITTEE
17 APRIL 2023
REPORT BY HEAD OF LEGAL AND GOVERNANCE SERVICES

TYPE OF APPLICATION	Grant of a Late Hours Catering Licence
APPLICANT	Shell UK Oil Products Limited, Shell Centre, London, SE1 7NA
PREMISES (if applicable)	Shell Strathtay, Edinburgh Road, Perth, PH2 8DX
THE APPLICATION	<p>The applicant has applied for a one year late hours catering licence for the following:-</p> <p>Monday to Sunday 23:00 to 05:00 hours each day.</p> <p>The premises was previously licensed as Motor Fuel Limited for Monday to Sunday (23:00-05:00).</p>
RELEVANT LICENSING POLICIES	The current policy is 23:00 until 01:00.
LEGAL POSITION	<p>The Civic Government (Scotland) Act 1982 provides grounds for refusal of a late hours catering licence. Any decision to refuse a late hours catering licence must be relevant to one or more the following grounds of refusal as detailed in the Civic Government (Scotland) Act 1982:-</p> <p>A licensing authority must grant the application unless one of the grounds of refusal exists. If, in the opinion of the Committee, a ground of refusal exists then the application must be refused.</p> <p>The grounds of refusal are</p> <p>(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 -</p> <p>(i) for the time being disqualified under section 7(6) of this Act, or</p> <p>(ii) not a fit and proper person to be the holder of the licence;</p> <p>(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 he made the application himself;</p> <p>(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</p>

	<p>of the activity having regard to –</p> <p>(i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;</p> <p>(ii) the nature and extent of the proposed activity;</p> <p>(iii) the kind of persons likely to be in the premises, vehicle or vessel;</p> <p>(iv) the possibility of undue public nuisance; or</p> <p>(v) public order or public safety; or</p> <p>(d) there is other good reason for refusing the application;</p> <p>and otherwise shall grant the application.</p> <p>In deciding whether or not to grant or renew a Licence, the Council will consider each Application on its own merits and will take into account the following:</p> <ul style="list-style-type: none"> • any objections or representations • any other relevant considerations
OPTIONS	<p>The Committee need to consider whether to deviate from the Council's current late hours catering policy.</p> <p>The options open to the Committee are therefore to:</p> <ul style="list-style-type: none"> • grant the application; • grant the application for a shorter period of time; • grant the application attaching conditions relating to days and hours of which the premises may be open for business, and different days and hours may be fixed for the sale of food for consumption on the premises from those fixed for the sale of food for consumption off the premises. • defer the application (9 month decision date 02/11/2023) or • refuse the application.
PROCEDURE	<ul style="list-style-type: none"> • Consider any preliminary issues • Applicant makes submission • Committee asks any questions of the applicant • Applicant sums up • Committee makes decision