

LICENSING COMMITTEE INFORMATION SHEET

3 December 2019

TYPE OF APPLICATION: LATE HOURS CATERING GRANT
APPLICANT: Blue Elephant Takeaway, 299 George Street, Aberdeen

INFORMATION NOTE

Application must be determined by 20 December 2019

DESCRIPTION

Late hours catering grant, confirmation of site notice has not been received.

CONSULTEES

- Police Scotland
- EH

OBJECTIONS/REPRESENTATIONS

Legal - Confirmation of site notice has not been returned

COMMITTEE GUIDELINES/POLICY

N/A

LEGISLATION

2 (1)A licensing authority shall, as soon as an application for the grant or renewal of a licence is made to them, send a copy of the application to the chief constable and, where the activity is wholly or mainly to be carried on (a)in premises to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies, the enforcing authority; (b)in any other premises, the Scottish Fire and Rescue Service .

(2) Where an application is for the grant or renewal of a licence in relation to an activity wholly or mainly to be carried on in premises, the applicant shall, for a period of 21 days beginning with the date on which the application was submitted to the licensing authority, display a notice complying with sub-paragraph (3) below at or near the premises so that it can conveniently be read by the public.

(3) The notice shall state—

(a) that application has been made for a licence;

(b) the particulars required under paragraph 1(2) above to be specified in the application (other than the date and place of birth of any person) ;

(c) that objections and representations in relation to the application may be made to the licensing authority in accordance with paragraph 3 below;

(d) the effect of paragraph 3(1) to (3) below.

(4) Where an application contains a declaration that the applicant is complying with sub-paragraph (2) above, the applicant shall, as soon as possible after the expiry of the period of 21 days referred to in that sub-paragraph, submit to the licensing authority a certificate stating that he has so complied.

(5) An applicant shall not be treated as having failed to comply with sub-paragraph (2) above if the notice was, without any fault or intention of his, removed, obscured or defaced before the 21 days referred to in that sub-paragraph have elapsed, so long as he has taken reasonable steps for its protection and, if need be, replacement; and if he has cause to rely on this sub-paragraph, his certificate under sub-paragraph (4) above shall state the relevant circumstances.

(6) Where an application contains a declaration that the applicant is complying with sub-paragraph (2) above, and—

(a) he fails to submit the certificate required by sub-paragraph (4) above;

(b) in the circumstances referred to in sub-paragraph (5) above, he has not, in the opinion of the licensing authority, taken reasonable steps for the protection or, as the case may require, replacement of the notice; or

(c) the licensing authority is, at any time before they reach a final decision on the application, satisfied that the notice was not displayed in accordance with this paragraph,

they may require the applicant to display the notice again for a period of 21 days beginning with such date as they may specify and the provisions of this paragraph shall apply in respect of such display as they apply in respect of display under sub-paragraph (2) above.