

ABERDEEN CITY COUNCIL

COMMITTEE Licensing Committee

DATE 06 June 2012

DIRECTOR Stewart Carruth

TITLE OF REPORT Amendments to Late Hours Catering Licensing

REPORT NUMBER: CG/12/027

1. PURPOSE OF REPORT

To advise Members of the principal changes to Late Hours Catering Licensing, introduced by the Criminal Justice and Licensing (Scotland) Act 2010.

2. RECOMMENDATION(S)

To note the contents of the report.

3. FINANCIAL IMPLICATIONS

None

4. OTHER IMPLICATIONS

It is likely that the changes brought in by the Criminal Justice and Licensing (Scotland) Act 2010 will result in a small increase in the number of premises requiring a late hours catering licence. It is expected that any additional workload will be absorbed into the current licensing arrangements.

5. BACKGROUND/MAIN ISSUES

A late hours catering licence is required in terms of section 42 of the Civic Government (Scotland) Act 1982 for the use of premises between the hours of 23:00 and 05:00 for the sale to or consumption by the public of meals or refreshment.

The Criminal Justice and Licensing (Scotland) Act 2010 substitutes the words "meals or refreshment" with "food" and states that food will have the meaning given in section 1 of the Food Safety Act 1990.

Food includes—

- (a) drink;

- (b) articles and substances of no nutritional value which are used for human consumption;
- (c) chewing gum and other products of a like nature and use; and
- (d) articles and substances used as ingredients in the preparation of food.

The effect of this change is a likely increase in the number of premises requiring late hours catering licences.

Late hours catering licences are not required for premises which are licensed to sell alcohol under the Licensing (Scotland) Act 2005 or premises that hold public entertainment licences, unless the late hours catering activity takes place outwith the hours covered by the liquor or public entertainment licences.

The changes brought in by the Criminal Justice and Licensing (Scotland) Act 2010 come into force on 1 October 2012, any premises operating without a licence on or after this date would be committing a criminal offence.

A person shall not be guilty of an offence if they have lodged with the licensing department an application for the grant of a licence before 1 October 2012.

Officers in conjunction with Grampian Police and colleagues in Environmental Health will identify premises in the City which may be required to obtain a licence. A letter will be sent to these premises advising them that they may require a licence. A press release advising of the new licensing requirements will also be issued. This will help to make businesses who do not receive a letter aware of the requirement to obtain a licence.

6. IMPACT

It is not considered that an Equality and Human Rights Impact Assessment, is required as there is nothing in the report that discriminates or disadvantages the equality groups.

7. BACKGROUND PAPERS

None

8. REPORT AUTHOR DETAILS

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