

ABERDEEN CITY COUNCIL

COMMITTEE: Licensing Committee

DATE: 20 November 2012

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Late Hours Catering Licences and British Summer Time

REPORT NUMBER: CG/12/110

1. PURPOSE OF REPORT

The purpose of the report is to provide information to Members about how the beginning and end of British Summer Time (BST) affects late hours catering licences and to propose a new condition for late hours catering licences to bring them into line with how BST is treated in respect of liquor licensed premises under the Licensing (Scotland) Act 2005.

2. RECOMMENDATION(S)

That the Committee:

(a) adopt in principle, the proposed new condition;

(b) instruct officers to undertake the statutory variation procedure to implement it; and

(c) instruct officers to report back to Committee once (b) is complete.

3. FINANCIAL IMPLICATIONS

None

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

Section 42 of the Civic Government (Scotland) Act 1982 ('the Act') provides 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 food. 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 liquor or public entertainment hours.

Geoff Cooper, Chair of Aberdeen Late Food Association (A.L.F.A) has submitted a letter requesting that late hours catering premises should be aligned with liquor licensed premises, which disregard the clock change when British Summer Time (BST) begins and ends. The letter is attached as Appendix 1. The reason behind the request is that the Committee's current policy allows late hours catering premises in the city centre to trade for one hour beyond the terminal hour for liquor licensed premises. However, on two days per year, when BST begins and ends, this fails because of the way BST is dealt with under the two different licensing regimes.

BST (also known as "Daylight Saving Time") begins in March and ends in October of each year and the "clock change" always falls on a Sunday. There is no reference in the 1982 Act to the beginning or ending of BST, which therefore has the following effect—

1. Beginning of BST

On the appointed day for the clock change, 01:00hrs Greenwich Mean Time (GMT) becomes 02:00hrs BST. Thus, late hours catering premises that open to 01:00hrs GMT or beyond, effectively lose one hour of trading; and

2. End of BST

On the appointed day, 02:00hrs BST becomes 01:00 GMT, therefore premises trading to 02:00hrs or later gain one extra hour of trading.

In contrast however, section 66 of the Licensing (Scotland) Act 2005 allows that in relation to any period of licensed hours—

- (a) during which, or
- (b) at the end of which,

British Summer Time is due to begin or end. The beginning or, as the case may be, ending of British Summer Time is to be disregarded for the purpose of determining the time at which that period of licensed hours ends and, accordingly, the period ends at the time it would have ended had British Summer Time not begun or ended.

Therefore, for the sake of consistency it seems sensible to align the treatment of the terminal hour for late hours catering licences to that of the Licensing (Scotland) Act. This would remove any confusion for licence holders and the police alike.

It is not only members of A.L.F.A that operate during the period when the clock changes. There are currently 79 late hours catering licences and 47 of these are affected by it.

If the Committee agrees to the recommendation, it is proposed to implement it by adding a condition to late hours catering licences thereby removing any dubiety over the terminal hour at the beginning and end of BST.

The proposed condition is as follows:

“The beginning or ending of British Summer Time is to be disregarded for the purpose of determining the time at which the period of licensed hours ends and, accordingly, the period ends at the time it would have ended had British Summer Time not begun or ended.”

If the Committee agrees to the recommendation, the statutory procedure to vary the licence conditions will be undertaken and a further report will be placed on the agenda for a future meeting of the Committee.

6. IMPACT

None

7. BACKGROUND PAPERS

None

8. REPORT AUTHOR DETAILS

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A.L.F.A.

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14 September 2012

Licensing Team
Legal and Democratic Services
Corporate Governance
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Dear Sir / Madam

Ref - Trading on nights where the clocks change

ALFA is a group of late catering licence holders who have set up an association to represent the views of city centre businesses operating late catering licences. The group was formed following meetings with Grampian Police who were supportive of this initiative.

On behalf of ALFA, I would like to request that the licensing team consider changing our opening times to move in line with the liquor licenses and similarly disregard the clock change on the nights when they change. ALFA met on 14 August 2012 and unanimously agreed to request this change on behalf of the late catering premises in Aberdeen city centre.

Our business trading patterns are very much aligned with those of the Liquor Premises. We believe that by making this move it will result in a more convenient outcome for the customers of the premises licensed to sell alcohol. Our licences, on every other evening, allow us to serve for an hour after the licensed alcohol premises close. By making this change our customers will be able to follow their normal pattern and purchase food prior to their journey home.

Grampian Police have indicated that they would also support this move.

The next clock change is taking place on 26 October 2012. I look forward to hearing back from you when you have had the opportunity to consider this amendment and I thank you for consideration of this matter.

Yours faithfully



Geoff Cooper
Chairman - ALFA

Email - 