

## Late Hours Catering – Law and Policy Guidelines

### **1. Legislation**

In terms of Section 42 of the Civic Government (Scotland) Act 1982 a late hours catering licence is required for the sale to or the consumption by the public of food between the hours of 11pm and 5am. This includes consumption of food both on and off the premises.

A late hours catering licence is not required:

- a) if the premises are licensed for the sale of liquor under the Licensing (Scotland) Act 2005; or
- b) where there is a public entertainment licence in place under Section 41 of the Civic Government (Scotland) Act 1982.

A licence is required for such premises if the late hours catering takes place outwith the permitted hours for the sale of alcohol or for public entertainment.

#### Definition of food

Food' (or 'foodstuff') means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans.

'Food' includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment.

If the products to be sold or consumed between 11pm and 5am fall within the definition of food then a late hours catering licence is required. This means that late opening shops as well as takeaways require such licences.

### **2. Licensing Committee Policy Guidelines**

#### a. City Centre/Beach Area and Outwith the City Centre

The Committee has different terminal hours for premises within the city centre and beach area and outwith those areas. The area boundaries are as follows:

City Centre Area (see Appendix 1) – Holburn Junction, Union Street, Rose Street, Skene Street, Rosemount Viaduct, Schoolhill, Upperkirkgate, Gallowgate, Littlejohn Street, West North Street, East North Street, Commerce Street, Virginia Street, Trinity Quay, Guild Street, College Street, Wellington Place, Springbank Terrace, Willowbank Road and Holburn Street;

Aberdeen Beach Area – The Beach Esplanade, the Beach Boulevard and Links Road; and

Outwith City Centre/Beach – All areas within the Aberdeen City Council boundary except the City Centre and Aberdeen Beach Areas.

b. Terminal hour

**City Centre and Aberdeen Beach area**

Premises which are located in the city centre have a current maximum terminal hour of Sunday to Thursday 03:00 and Friday and Saturdays 04:00. The city centre for late hours catering purposes also includes the beach area.

**Outwith City Centre**

Premises outwith the city centre or beach area have a maximum terminal hour of midnight Monday to Sunday.

c. 24 Hour Superstores and Petrol Stations

- i) 24 hour superstores, which have an in-store café, have a maximum terminal hour of 05:00
- ii) 24 hour petrol stations have a maximum terminal hour of 05:00

d. Delegated Powers

Officers have delegated powers to determine applications, unless there is a potential ground for refusal; For example, an application outwith the guidelines or a representation or objection has been submitted.

In addition, where the applicant seeks to trade beyond the committee's current guideline terminal hours and the application attracts no objection or adverse observations, the application may be granted by officers under delegated powers. Such additional delegations of powers shall not apply to trading in hot food and/or hot beverages.

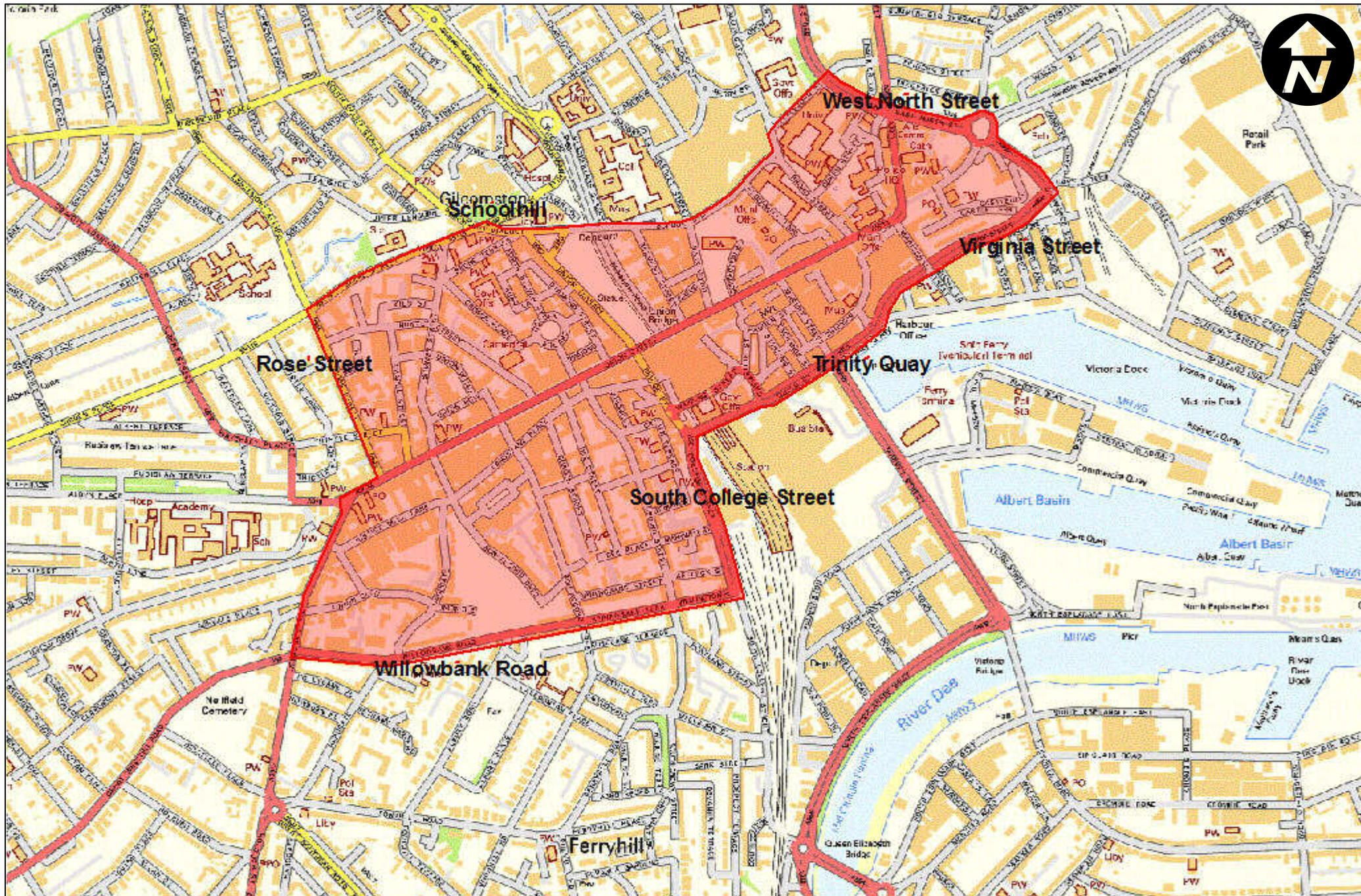
e. Beginning and end of British Summertime (BST)

The Licensing Committee introduced the following condition of licence to ensure that late hours catering premises neither lose nor gain trading hours when the clock changes. "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."

Late opening liquor licensed premises deal with the clock change in exactly the same manner.

f. Managing Terminal Hours/Closing Times

Licence holders are not permitted to take payment prior to their terminal hour and permit customers to remain in their premises beyond those hours whilst food is prepared and/or eaten. All orders must be prepared and the premises closed by the terminal hour.



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