

CIVIC GOVERNMENT (SCOTLAND) ACT 1982**LATE HOURS CATERING LICENCES**

1. SUMMARY

Members were advised on 15th December 2010 that the Criminal Justice and Licensing (Scotland) Act 2010 amended the provisions of the Civic Government (Scotland) Act 1982 in relation to late hours catering licences. This note updates Members of the position in relation to the changes to Late Hours Catering licensing which will come into force on 1st October 2012.

2. RECOMMENDATION

That the Committee note the contents of this report.

3. DETAIL

In terms of section 42 of the Civic Government (Scotland) Act 1982 a late hours catering licence is required 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 refreshments if this is an activity which a licensing authority licence. In terms of the Council's Resolution using premises for late hours catering is an activity which the Council licence.

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.

A Late hours catering licence is not required for premises which are licensed to sell alcohol under the Licensing (Scotland) Act 2005 or premises being used in accordance with a public entertainment licence, place during the hours covered by the liquor or public entertainment licence.

It is likely that there will be an increase in the number of premises requiring late hours catering licences as a result of this change

As detailed above the changes come into force on 1 October 2012.

Any premises operating late hours catering as defined in the Act without a licence on or after this date would be committing an offence.

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

A press release advising of the new licensing requirements will be issued. Environmental Health will try and identify premises which may be affected and will raise the issue with them during any inspections

CONCLUSION

4.

It is anticipated 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.

5.

Policy: None

Financial :None

Equal Opportunities: None

Legal: The law relating to late hours catering changes on 1st October 2012

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