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<b>Report To:</b>	<b>GENERAL PURPOSES BOARD</b>	<b>Date:</b> 10 October 2012
<b>Report By:</b>	<b>HEAD OF LEGAL AND DEMOCRATIC SERVICES</b>	<b>Report No:</b> LA/908/12
<b>Contact Officer:</b>	<b>LINDSAY CARRICK</b>	<b>Contact No:</b> 712114
<b>Subject:</b>	<b>Civic Government (Scotland) Act 1982 Late Hours Catering Licences</b>	

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## 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members of the Board of the position in relation to Late Hours Catering Licensing which will come in to force on 1<sup>st</sup> October 2012.

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.

## 2.0 BACKGROUND

- 2.1 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 11.00 pm and 05.00 am for the sale to or consumption by the public of meals and refreshments. In terms of the Council's Resolution using premises for late hours catering is an activity which the Council licence.
- 2.2 The Criminal Justice and Licensing (Scotland) Act 2010 substitutes the words "meals and refreshments" 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.

- 2.3 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 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.

Inverclyde Council, Safer & Inclusive Communities Section has identified four premises that will be affected by this change. Inverclyde Council, Licensing Section has received the applications from the premises that have been identified

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

- 2.4 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.

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**3.0 RECOMMENDATION**

3.1 It is recommended that members note the change in legislation.

Lindsay Carrick  
Legal & Democratic Services