

The Highland Licensing Committee

Meeting – 4 February 2014

Agenda Item	6
Report No	HLC/003/14

Late Hours Catering Licensing

Report by the Legal Manager

Summary

This Report provides Members with feedback from the various Services in relation to the granting of additional hours for three late hours catering premises within Inverness City Centre for the festive period.

1.0 Background

1.1 At its meeting held on 17 December 2013 the Highland Licensing Committee granted three applications for exemption from the requirement to hold a licence. The applications were granted as follows:

- Zoom Takeaway, 23 Baron Taylor Street, Inverness - To 4.00am from 18th December 2013 to 2nd January 2014.
- McDonald's Takeaway, 12-22 High Street, Inverness – To 4.00am on 21st, 22nd, 28th and 29th December 2013.
- Topkapi Takeaway, 44 Baron Taylor's Street, Inverness – To 4.00am from 23rd December 2013 to 2nd January 2014.

2.0 Service Feedback

2.1 As requested by the Committee at the meeting on 17 December 2013 Police Scotland, the Scottish Fire and Rescue Service and the Council's Environmental Health Service were all invited to provide feedback in relation to the impact, if any, of the granting of these applications.

2.2 A copy of the response from Police Scotland is attached in Appendix 1.

2.3 The Scottish Fire Service also responded to confirm that from their perspective there was no notable impact regarding the granting of these licences.

2.4 The Environmental Health Service have advised that they had no issues and received no complaints. They also consulted with the street cleaning teams and there would appear to have been no significant increase in litter or specific complaints relating to these three premises.

3.0 Future Requests

3.1 From the feedback received to date the Committee will note that the Services had no issues in relation to the granting of these applications.

3.2 In view of this Members are therefore invited to provide delegated powers to the Legal Manager to approve any future requests for either exemption from the requirement to hold a licence or application for variation of licence, where the hours requested are outwith policy in relation to future Festive periods and for the period of any other significant event e.g. The National MOD in October 2014 in Inverness. These powers would relate to applications received from any area of Highland.

4.0 Fee for Exemption & Conditions

4.1 Members are invited to agree that the fee to be charged for an application for exemption from the requirement to hold a licence be set at £109, which is the same fee charged for the variation of a licence, which involves a similar level of work in terms of processing the application.

4.2 Members are also invited to agree that any exemptions granted under delegated powers would have the standard late hours catering conditions attached to the same and any other conditions recommended by Consultees.

5.0 BST Clocks Change

5.1 A request has been received from a current licence holder in relation to the clarification of the position of late hours catering premises and what hours they are permitted to operate to when the clocks change for BST.

5.2 Members are invited to agree that the same policy which is operated for licensed premises applies to late hours catering premises. i.e. the clock change has no effect on the number of hours during which the premises are authorised to open. For example, a premises is permitted to open from 11.00pm to 3.00am (4 hours). On the night on which the clocks go forward in March the premises will be permitted to open to 4.00am (new time), reverting to 3.00am thereafter. On the night the clocks go back in October the premises will be permitted to open to 2.00am (new time) revertint to 3.00am thereafter.

6.0 **Recommendation**

6.1 Members are **invited** to consider

- (i) Proving delegated powers to the Legal Manager to approve any future requests for either exemption from the requirement to hold a licence or variation of licence, where the hours are outwith policy, in relation to the future Festive periods and for the period of any other significant event.
- (ii) The fee to be charged for an application for exemption from the requirement to hold a licence be set at £109.
- (iii) Any exemptions granted under delegated powers would have the standard late hours catering conditions attached to the same.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 17 January 2014

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1 – Response from Police Scotland

14 January 2014

Your Ref: 12/2/5e

Our Ref: AH/FS



Senior Licensing Officer
Highland Council
Town House
High Street
Inverness
IV1 1JJ

RECEIVED
16 JAN 2014

Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

01463 720209

Alasdair.macleod@scotland.pnn.police.uk

Dear Sir,

Applicants: Enbiya Kilig, Topkapi Takeaway, 44 Baron Taylor Street, Inverness

**Craig Duncan, MacDonald's Restaurant, 12-22 High Street,
Inverness**

Zoom Ltd, Zoom Takeaway, 23 Baron Taylor Street, Inverness

**Civic Government (Scotland) Act 1982 Part II
Licensing & Regulation – Miscellaneous Licences
Licence: Late Hours Catering – Exemptions under S 42(5) from the
requirement to hold a Late Hours Catering Licence**

I refer to your letter (received 09 January 2014) in relation to the above named premises which were granted exemptions from the requirement to hold Late Night Catering Licences during the festive period. I have to report that there were no issues of concern to Police Scotland over this period.

Yours faithfully

Alasdair MacLeod
Chief Inspector
Highland & Islands Divisional Support