

**EAST AYRSHIRE COUNCIL**

**SPECIAL LOCAL GOVERNMENT LICENSING PANEL  
13 NOVEMBER 2008**

**ENFORCEMENT OF LATE HOURS CATERING LICENSING CONDITIONS**

**Report by Executive Director of Corporate Support**

**1. PURPOSE OF REPORT**

- 1.1** To seek the endorsement of the Licensing Panel in the implementation of a relevant action point arising from the Joint Local Community Planning Forum.

**2. BACKGROUND**

- 2.1** The Corporate Management Team received a report on 29 October 2008 following the second round of the Local Community Planning Forums meetings which took place on 27 August 2008. The August meeting topic for discussion was Community Safety and Anti-Social Behaviour. A number of key actions were identified which also identified lead officers and timescales.

- 2.2** The specific action point identified in relation to the East Ayrshire Licensing Panel is the enforcement of licensing conditions for late hours catering establishments. The lead officer identified for this matter is the Head of Legal, Procurement and Regulatory Services and the timescale allotted is short which equates with up to 3 months.

**3. PROPOSED ACTION**

- 3.1** The current late hours catering licence conditions are included within this report as Appendix 1. In order to comply with the action point identified at paragraph 2.2 above it is proposed that the Head of Legal, Procurement and Regulatory Services issue a letter to all holders of late hours catering licences reminding them of the conditions pertaining to the licence with specific reference to the requirement of condition 6 in respect of the removal and disposal of litter.

**4. RECOMMENDATION**

- 4.1** It is recommended that the Licensing Panel endorse the proposed course of action in implementation of the Local Community Planning Forum action point within the required timescale.

Elizabeth Morton  
Executive Director of Corporate Support

4 November 2008

**LIST OF BACKGROUND PAPERS - NIL**

Any person wishing to inspect further information on this report should contact David Mitchell, Head of Legal, Procurement and Regulatory Services on telephone no 01563 576061 or e-mail on [david.mitchell@east-ayrshire.gov.uk](mailto:david.mitchell@east-ayrshire.gov.uk)

**Implementation Officer: Stuart McCall, Legal and Procurement Services Manager.**

## APPENDIX 1

### LATE HOURS CATERING LICENCE

#### CONDITIONS

1. The licence holder shall comply with all the requirements of the Civic Government (Scotland) Act 1982 and the Food Safety Act 1990, as amended, and any Regulations made thereunder.
2. The licence holder shall take effective steps to ensure that the use of the premises for the purpose of late hours catering does not detract from the amenity of the area in which the premises are located, and in particular that of occupiers of other premises in that area by reason of noise, vibration small or fumes or for any other reason.
3. The licence holder shall comply with any written request by the Firemaster, Strathclyde Fire and Rescue Service that he/she takes steps to (a) prevent fire; (b) to provide means to fight fire; and (c) to provide better means of escape from the premises in the event of fire.
4. The licence holder shall take effective steps to ensure that passageways within the premises and means of escape from the premises are kept free and unobstructed at all times.
5. The licence holder shall take effective steps to ensure that the premises are adequately lit and ventilated when in use for the purposes of late hours catering.
6. The licence holder shall take effective steps to ensure that the premises and all furniture, equipment and toilet facilities are properly maintained in a safe and clean condition, and that all litter is collected and removed as soon as practicable.

In particular, the licensee, prior to the close of late hours trading, shall remove and properly dispose of any litter arising from the business and dropped by clients, as well as other refuse produced or accumulated in the course of trading, and lying on any street, foot pavement or footway within a radius of 25 metres of the trading premises.

7. The licence holder shall ensure that adequate facilities for First aid are readily available within the premises.
8. The licence holder will take effective steps to maintain order and ensure the safety of the public within the premises whenever they are in use.

9. A copy of this licence shall at all times be displayed in some conspicuous place within the premises so that it is available for inspection by authorised officers of the Licensing Authority, any Police Constable and members of the public.