

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL – 28 AUGUST 2003

LATE HOURS CATERING LICENCES: RELATIONSHIP WITH LICENSING BOARD GUIDELINES

1. PURPOSE

- 1.1 To invite the Licensing Panel to consider a recommendation from East Ayrshire Licensing Board concerning the relationship between late hours catering licences issued to premises in terms of the Civic Government (Scotland) Act 1982 and revised guidelines recently approved by East Ayrshire Licensing Board.

2. BACKGROUND

- 2.1 In 1996, the Council approved a policy of matching late hours catering licences, issued to hot food restaurant and takeaway premises under the Civic Government (Scotland) Act 1982, with the latest closing times of licensed premises in any particular locality. At the time, the Licensing Board guidelines were that as far as discotheques/nightclubs were concerned, regular extensions would only be granted until 2.00 am for any night of the week, provided the statutory test set out in Section 64 of the Licensing (Scotland) Act 1976 as amended was satisfied.
- 2.2 At the quarterly meeting of the Licensing Board on 10th June 2003, the guidelines were amended to allow regular evening extensions until 2.30 am on Thursdays, Fridays and Saturdays for entertainment premises (discotheques/nightclubs) only.
- 2.3 The Licensing Board also agreed formally to recommend to East Ayrshire Council, as licensing authority, in terms of the Civic Government (Scotland) Act 1982, that the previous practice of matching late hours catering licences to the latest opening hours for licensed premises in any particular locality should not be applied in respect of any entertainment premises (discotheques/nightclubs) which may be granted later opening beyond 2am.

3. DISCUSSION

- 3.1 Strathclyde Police were consulted by Legal Services staff prior to the Licensing Board taking its decision on 10th June 2003 and again by licensing services staff prior to this report being finalised.

The Police point out that there is evidence of increased numbers of incidents of disorder and crime in South Ayrshire (when late hours catering licences run to 3.30 am, an hour after the majority of night clubs close) when compared with North Ayrshire (where the late hours catering premises close one hour before the night clubs) and East Ayrshire.

The Police also advise that their view is that if late hours catering premises close before the local night clubs, there is no incentive for patrons of the latter (many of whom may have consumed alcohol) to mill around the streets and they are therefore encouraged to go home. This greatly reduces the potential for disorder.

- 3.2 It should also be noted that from time to time, individuals holding late hours catering licences have been prosecuted for trading outwith the times approved by the Licensing Panel. At subsequent hearings, one defence has been that it is very difficult for the proprietor to limit access to his premises when local discotheques/nightclubs are due to close; this means a build up of customers who cannot always be served within the time limits set out in the late hours catering licence.
- 3.3 At present, only two premises in East Ayrshire have late hours catering licences which run until 2.00 am, the remainder closing at 1.00 am. There are six mobile catering units with Street Trader's Licences which run to 2.00 am on the basis of the trading sites being in the locality of a discotheque/nightclub.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications associated with the implementation of the Council's recommendation.

5. LEGAL IMPLICATIONS

- 5.1 The Civic Government (Scotland) Act 1982.

6. POLICY IMPLICATIONS

- 6.1 If approved, the recommendations set out in paragraph 8.1 of this report would constitute a modification of existing policy which is considered to be necessary, appropriate and proportionate, having due regard to the public interest in minimising any risks to public safety or public order.

7. CONCLUSIONS

7.1 Following the decision of the East Ayrshire Licensing Board to approve modifications to policy guidelines in respect of extended hours for licensed premises, the Council, as licensing authority, has been recommended to abandon the previous practice of matching late hours catering licences to the latest opening hours for licensed premises in any particular locality in respect of entertainment premises (discotheques/nightclubs) which may be granted later opening beyond 2 am.

8. RECOMMENDATIONS

8.1 It is recommended that the Licensing Panel agree: -

- i) agree that the previous policy of matching of later hours catering licences to the latest opening hours for licensed premises in any particular locality in respect of entertainment premises (discotheques/nightclubs); be qualified/restricted to the extent that any licence granted will normally require the premises to close no later than 2.00 am.
- ii) that a similar provision will apply to Street Traders' Licences granted to mobile catering units trading in similar localities.
- iii) otherwise note the report.

William Stafford
Director of Community Services

14TH August 2003

WS/JFC/CAM

LIST OF BACKGROUND PAPERS

1. Report by Clerk to the Licensing Board on review of current guidelines dated 3rd June 2003.
2. Letter from Strathclyde Police dated 10 July 2003.

Any person wishing to inspect the background papers should contact John Crawford, Head of Protective Services, on 01563 576111.

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