

ANGUS COUNCIL

SPECIAL CIVIC LICENSING COMMITTEE – 5 DECEMBER 2023

LATE HOURS CATERING LICENCE EXEMPTION APPLICATION

REPORT BY DIRECTOR OF LEGAL, GOVERNANCE AND CHANGE

ABSTRACT

The purpose of this Report is to present an application requesting an exemption from the requirement to obtain a late hours catering licence for a particular occasion which requires to be determined by the Committee.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) accept the letter received from Gosschalks Solicitors, on behalf of their client Wm Morrison Supermarkets Limited dated 17 November 2023, as an application for exemption from the requirements to hold a late hours catering licence;
- (ii) determine whether to grant the application to Wm Morrison Supermarkets Limited for exemption from the requirement to hold a late hours catering licence for Morrisons Petrol Filling Station, Hume Street, Arbroath, between 2300 and 0000 from Thursday 21 December 2023 to Saturday 23 December 2023 inclusive; and
- (iii) if the Committee agrees to grant the application, impose the Angus Council late hours catering conditions attached at **Appendix 2**, subject to (a) the words "licence holder" being replaced with "applicant" and b) the word "licence" where otherwise appearing, being replaced with the word "exemption".

2. REPORT

- 2.1 A Late Hours Catering Licence is required for the use of premises between the hours of 2300 and 0500 for the sale to, or consumption by, the public of food in accordance with section 42(1) of the Civic Government (Scotland) Act 1982 ("1982 Act").
- 2.2 The Council has received an application under section 42(5)(a) of the 1982 Act for an exemption from the requirement to hold a late hours catering licence at the Petrol Filling Station between 2300 and 0000 from Thursday 21 December 2023 to Saturday 23 December 2023 inclusive. A copy of the letter which was submitted as an application for exemption is attached at **Appendix 1**. An exemption from the requirement to hold a late hours catering licence is permitted under section 42(5) of the 1982 Act in respect of any particular occasion or during a specified period not exceeding 2 months in any period for 12 months upon application to the local authority.
- 2.3 Angus Council has no prescribed application form or fee which requires to be completed or paid for this kind of application. The applicant has applied in writing through their solicitor and has requested that this letter be treated as their application for exemption.
- 2.4 In terms of the Angus Council Standing Orders there is no delegated authority for the Director of Legal, Governance and Change to grant this kind of exemption. Accordingly, this application requires to be determined by the Committee.

- 2.5 If the Committee are minded to grant the exemption application, they are able to impose conditions on the applicant in terms of section 42(6) of the 1982 Act which would apply throughout the exemption period specified.
- 2.6 The Committee has previously approved standard conditions which are routinely applied to late hours catering licences and it is recommended that the said conditions may be appropriate to apply in these circumstances. The conditions would apply throughout the exemption period. A copy of the said conditions is attached to the report at **Appendix 2**.

3. HUMAN RIGHTS

In dealing with the application the Committee will have regard to any human rights issues in relation to the applicant.

4. NOTIFICATION

The applicant has been notified of the terms of this report. They have also been advised of their entitlement to attend the meeting should they wish.

REPORT AUTHOR: Stuart McQueen, Solicitor, Team Leader – Licensing & Regulation
E-MAIL: LEGDEM@angus.gov.uk