

REPORT TO: Licensing Sub-Committee

MEETING DATE: 13th December 2012

BY: Executive Director of Corporate Resources

SUBJECT: Criminal Justice & Licensing (Scotland) Act 2010-
Changes to Civic Licensing regime

1 PURPOSE

- 1.1 To advise the Sub-Committee of further process in respect of changes being introduced to the Civic Government Licensing regime by the Criminal Justice & Licensing (Scotland) Act 2010.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee formally adopt the resolution relative to Late Hours Catering licences as stated at paragraph 3.2 below
- 2.2 That the Sub-Committee authorise the Corporate Legal Advisor or such other officers as she may nominate to proceed to advertise the formal adoption of the resolution relative to Late Hours Catering licences as referred to at paragraph 2.1 above, and as required by section 8 of the 1982 Act.

3 BACKGROUND

- 3.1 In terms of Section 9 of the 1982 Act, a resolution relative to discretionary licences requires to be advertised in the local press for public comment. As authorised by Sub – Committee the amended resolution relative to Late Hours Catering licences was advertised in the East Lothian Courier on 5th October 2012
- 3.2 The amended resolution was advertised as

“East Lothian Council, as Licensing Authority for East Lothian resolves that with effect from x throughout the whole area of the Licensing Authority the previous resolution made by the Licensing Authority relative

to Late Hours catering licences, which resolution came into effect on 18th February 1992, shall be amended in the following terms

The words “meals or refreshment” where they occur in Section 42 of the 1982 Act shall be delete and the word “food” shall be substituted in place thereof.

- 3.3 Any representations in respect of the amended resolution was required to be made to the Council by 2nd November 2012
- 3.4 The Council did not receive any representations.
 - 3.4.1 Formal adoption of the amended resolution requires to be advertised. The advertisement would give notice in the following terms
 - 3.4.2 “that with effect from the relevant date on which the resolution comes into effect that it will be an offence under the Civic Government (Scotland) Act 1982 to do without a licence whatever the resolution specifies as being an activity requiring to be licensed and that
 - 3.4.3 that applications for licences in respect of the activity will be considered by the Licensing Authority after the expiry of one month after the date of the making if the resolution”

4 POLICY IMPLICATIONS

- 4.1 None- the Council has the statutory power to resolve to require a licence for Late Hours Catering and had made such a resolution. The terms of the resolution simply require to be amended to reflect the changes being introduced to the legislation and to remain consistent therewith.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The potential widening of the activities qualifying as “Late Hours Catering” and thus needing to be licensed in terms of the legislation as amended will lead to a potential increase in fee income relative to this type of licence
- 6.2 Personnel - None
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Civic Government (Scotland) Act 1982
- 7.2 Criminal Justice & Licensing (Scotland) Act 2010, sections 172-178
- 7.3 Resolution of East Lothian District Council 18th February 1992

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