

**Civic Government (Scotland) Act 1982
Late Hours Catering****Report by Director, Corporate Resources****1 Purpose of Report**

To update the Committee as regards the licensing of shops selling Food between 11.00pm and 5.00am.

2 Background

On 21 August 2012, the Committee noted a report concerning the licensing of shops selling Food as Late Hours Catering Establishments and asked that consultation in the wider community take place.

Consultation took place with Community Councils and, to date there has been a few responses, all of which support the notion that there that there are no shops which have been identified which are considered not to present any kind of threat to Public Order or Public Safety. A further update will be provided at the meeting. As indicated previously, with the exception of the 24 hour supermarkets at Straiton and Hardengreen, there are very few others, certainly none that have been which have been the source of noise, nuisance or disturbance made known to the Licensing Authority.

3 Resolution

In 1998, the Council agreed to alter the terms of the 1983 resolution in relation to the licensing of Late Hours Catering Establishments etc ie in premises for which the principal business is not that of late hours catering, as follows:-

“that the Council resolve and do hereby resolve to vary the terms of the resolution passed by the Midlothian District Council on 16 June 1983 to add the words “subject to the exclusion of supermarkets, petrol filling stations, and similar premises where the principal business is not that of late hours catering” operating during the period from 11.00 pm to 5.00 am”.

The effect of any amendment to the resolution will not take effect for nine months if the terms of the resolution is extended; or one month if not.

4 Conclusion

The legislation has changed. The definition of Late Hours Catering has changed and now relates to the sale of Food whether that be a bag of crisps, a packet of chewing gum or a week's groceries; and in the sense of the current resolution requires to be considered in that context.

Formerly, this Council did not consider that 24 hour supermarkets and the like were a concern in the sense that there was no perceived public order or public safety issues arising with these kinds of premises.

Therefore there are several options including:-

(a) Agree to accept applications from all shops selling food between 11.00 pm and 5.00pm;

(b) Consider amending the resolution eg by removing the words "late hours catering" and replacing them with "meals and refreshment" or similar eg "that the Council resolve and do hereby resolve to vary the terms of the resolution passed by the Midlothian District Council in February 1998 to remove the words "late hours catering" and replacing them with "meals and refreshment" remove eg in the following terms:-

"that the Council resolve and do hereby resolve to vary the terms of the resolution passed by the Midlothian District Council in February 1998 1983 to add the words "subject to the exclusion of supermarkets, petrol filling stations, and similar premises where the principal business is not that of serving meals or refreshment" operating during the period between 11.00 pm and 5.00 am".

5 Resource Implications

There are no resource implications arising directly from this report.

6 Recommendation.

It is recommended that the Committee consider recommending to Council an appropriate amendment of the Resolution in this respect.

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Background Papers – Civic Government (Scotland) Act 1982