LHC6 – Version 2.2 (01.04.2024)

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| **Guidance Notes for Applicants****Late Hours Catering Licence** | Fife Council logo |

**Introduction**

This guidance is provided for your information only and is not prepared as a substitute for any independent legal advice. If this is required you should contact your solicitor.

A Late Hours Catering licence is required for the use of premises between the hours of 11.00 p.m. and
5.00 a.m. for the sale to or consumption by the public of meals or refreshment.

A late hours catering licence **shall not** be required in respect of the

* use as such of licensed premises within the meaning of the Licensing (Scotland) Act 2005
* premises being used in accordance with a Public Entertainment Licence

**Application**

Application fees are non-refundable and are for a 3 year application

Your application should be lodged online at this link: [Late Hours Catering](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/other-business-licences)

Please note that if you apply as a company or partnership then you will have to provide details of the day-to-day manager. You should be aware that the day-to-day manager is a joint licenceholder and as such if they cease to be so at any time within the duration of the licence then a new application with the applicable fee will be required.

**Register of Applications**

Fife Council will keep a register of applications in which it will enter the date of receipt, the name and address of the applicant, the decision, the issue date and duration of the licence, and a note of any suspension, variation or surrender of the licence. This information is available for inspection by any member of the public.

**Notification to the Public**:- The Civic Government (Scotland) Act 1982 requires that all licence applications involving premises are notified to members of the public. As part of the application process for this type of licence, you must display a completed notice of application (form LHC2) in a prominent place at your premises where it can easily be read by passers by. This must be displayed for a period of 21 days starting on the day that the application is submitted to Fife Council. Once the 21 day period has passed, the certificate of compliance declaration (form LHC3) must be completed, dated and returned by email to Misc.licensing@fife.gov.uk

**Application Process**

The Civic Government (Scotland) Act 1982, prohibits the Council from making a decision on your application until a minimum of 28 days has passed from the date of application. During this time any person can object to your application.

Applications will be copied to Police Scotland (Fife Division) and the relevant Council Services. On receipt of a reply from these consultees the licence will either be granted by the Licensing Team, or where there are any representations or objections to an application, the application will be considered at a meeting of the Regulation & Licensing Committee, to which the applicant and any objectors will be invited to attend.

The majority of applications with no representations or objections will take 4-6 weeks to process, however applications that are to be considered by the Regulation & Licensing Committee will take longer to determine. The Council has a maximum of 9 months from the date of application within which to make its decision.

**Previous Convictions**

A full police record check is undertaken for all applicants and Police Scotland (Fife Division) may report on any incidents applicants have been involved in which required Police assistance. This may include incidents that have not reached the Court, incidents resulting in “no proceedings” by the Court and any outstanding Court cases. The provisions of the Rehabilitation of Offenders Act 1974 apply to convictions.

**Refusal**

You will be informed of the Regulation & Licensing Committee’s decision, in writing, within 7 days of the date of the hearing. If your application has been refused you may appeal against the decision, to Kirkcaldy Sheriff Court, within 28 days of the date of the decision.

If you have been refused Fife Council will not entertain a subsequent application, within one year of the refusal, for the same type of licence unless in its opinion there has been, since the refusal, a material change of circumstances.

**Conditions of Licence**

A copy of the standard conditions applicable to this licence is below. Fife Council requires all licenceholders to have a thorough understanding of these conditions. The Committee can, if it wishes, impose additional conditions and can grant the licence for a shorter period than that applied for.

**Renewal Applications**

If an application for the renewal of a licence is made before its expiry, the existing licence continues to have effect until, the renewal of licence has been granted or where the Council has refused that application, the time within which an appeal against the decision can be lodged has elapsed or, where such an appeal has been lodged, the time when it has been abandoned or determined.

**Advice from Environmental Health (Food & Workplace Safety)**

Officers from the Environmental Health (Food & Workplace Safety) Team may visit your premises following receipt of your licence application. This can include an inspection of the premises and checks of documents such as your food safety management system, risk assessments, waste transfer notes, gas and electricity safety certificates etc.

Registration: All food businesses are required to register with their Local Authority 28 days prior to opening. If you have not registered your food business or need to update your registration you can register online at:

[www.fifedirect.org.uk/foodregform](http://www.fifedirect.org.uk/foodregform)

Food Hygiene Information Scheme: To help you demonstrate compliance with food safety legislation you should hold a current Pass Certificate from the most recent food safety inspection of your business. The food hygiene information scheme can be found at:

[www.foodstandards.gov.scot/consumers/food-safety/buying-food-eating-out/food-hygiene-information-scheme](http://www.foodstandards.gov.scot/consumers/food-safety/buying-food-eating-out/food-hygiene-information-scheme)

Health & Safety**:** As a business operator, who may also have employees, you will have obligations regarding health and safety legislation associated with your business. Advice on what you should do can be found at:

[www.hse.gov.uk/abc/](http://www.hse.gov.uk/abc/)

Waste Duty of Care: All businesses, including food businesses, have a legal responsibility for the waste they generate. For further information and advice regarding your duty of care please refer to:

[www.fifedirect.org.uk/wastedutyofcare](http://www.fifedirect.org.uk/wastedutyofcare)

LHC5 – Version 2.0 (25.05.2018))

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| **Civic Government (Scotland) act 1982****Late Hours Catering - Licence Conditions** | Fife Council logo |

1. The licence must be displayed in a prominent position within the licensed premises.

2. The premises must be closed and no food or other refreshments are to be sold, served or provided to, or consumed by, customers in the licensed premises after the licensed hours above.

3. The licenceholder shall provide and empty when necessary, litter bins at locations convenient for patrons, inside and outside the premises so that such patrons and any persons accompanying them may deposit their litter. At the close of business each day and at such other times as is necessary, the licenceholder shall, pick up and dispose of litter and other materials, for example empty pizza boxes and food containers originating from the premises, for a distance of 20 metres in each direction.

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# **FIFE COUNCIL**

Civic Government (Scotland) Act 1982

**NOTICE OF APPLICATION – LATE HOURS CATERING LICENCE**

NOTICE IS HEREBY GIVEN that application has been made on (date)

to Fife Council for a Late Hours Catering Licence in respect of premises at

(address)

Days and times of operation

by Name of Applicant / Company -

##  Address -

##  Day to Day Manager -

##  Address -

OBJECTIONS AND REPRESENTATIONS

Any objections and representations in relation to the application may be made to Fife Council, Licensing Team, Finance & Corporate Services, Fife House, North Street, Glenrothes, KY7 5LT generally within 28 days of the abovementioned date. Objections and representations should be made in accordance with the following provisions, namely:-

1. Any objection or representation relating to an application for the grant or renewal of a licence will be entertained by the Council if, but only if, the objection or representation -

 (a) is in writing;

 (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;

 (c) specifies the name and address of the person making it;

 (d) is signed by him or her or on their behalf;

 (e) is made to the Council within 28 days of whichever is the later or latest of the following dates -

 (i) where public notice of the application was advertised in a newspaper, the date when it was first so advertised;

 (ii) where the Council has required the applicant to display the Notice for a second time, the date the Council specified in the second notice;

 (iii) in any other case, the date when the application was made to the Council.

2. Notwithstanding 1. (e) above, it shall be competent for the Council to entertain an objection or representation received by it before it takes a final decision on the application if it is satisfied that there is sufficient reason why the objection or representation was not made in the time required.

3. An objection or representation shall be made for the purposes of 1. above if it is delivered by hand, within the time limit specified, to the Council or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered within that time.

**Any objection / representation submitted to the Licensing Team will be copied in full to the applicant. It is likely that the person making the objection / representation will be invited to attend the Regulation & Licensing Committee to speak in support of their objection / representation prior to the application being determined.**

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**PLEASE NOTE THIS DECLARATION SHOULD ONLY BE COMPLETED AND RETURNED TO FIFE COUNCIL ONCE THE NOTICE OF APPLICATION LHC2 HAS BEEN DISPLAYED FOR THE 21 DAY PERIOD.**

FIFE COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

LATE HOURS CATERING LICENCE

CERTIFICATE OF COMPLIANCE

I,

applicant for a Late Hours Catering Licence, hereby certify that a Notice has been posted at or near the premises at

from (date) to (date)

containing such information as is required by paragraph 2(3) of Schedule 1 to the above Act.

\* Where the said Notice was removed, obscured or defaced during the above-mentioned period, I took reasonable steps for its protection and replacement as follows:-
(give details and circumstances)

Date Signature

\* Delete if not applicable