



Guidance on Applying for a Late Hours Catering Licence

Before lodging your application for Late Hours Catering Licence please ensure that you have read the following guidance.

1. WHEN DOES A PREMISES REQUIRE A LATE HOURS CATERING LICENCE?

Any premises within the Glasgow City Council boundary that provides 'food' to the public for consumption on or off the premises between 11pm and 5am requires a Late Hours Catering Licence unless that premises:

- is a 'Licensed Premises' in terms of the Licensing (Scotland) Act 2005; and/or
- holds a Public Entertainment Licence issued under section 41 of the Civic Government (Scotland) Act 1982 and 'food' is being offered only within licensed

operating hours.

The term 'food' is defined by section 1 of the Food Safety Act 1990. The definition is very broad and essentially includes anything that is designed for human consumption including:

- Drink;
- Articles and substances of no nutritional value which are used for human consumption;
- Chewing gum and other products of a like nature and use; and
- Articles and substance used as ingredients in the preparation of food or anything falling within the above.

Even if a premises only sells a small amount of 'food' between 11pm and 5pm (e.g. only chewing gum) it requires a Late Hours Catering Licence.

2. WHO SHOULD APPLY?

The individual, company or organisation responsible for operating the premises should apply for a licence using the application form for Late Hours Catering Licence.

If a company or organisation applies for a licence they **must** provide details of an individual who will be responsible for the day to day management of the premises.

An individual applying for a licence who does not intend to be responsible for the day to day management of the premises can name another individual as their day to day manager.

Potential applicants are advised to take their own independent legal advice if they are in any doubt as to who should be detailed on their application. In particular applicants should note that a day to day manager will be considered a joint licence holder and, should that manager leave during the currency of a licence, there will be implications for the licence.

3. WHAT ARE THE MINIMUM REQUIREMENTS FOR APPLYING?

Before you can apply for a Late Hours Catering Licence you must meet these minimum requirements

- Any individual named on the application form must be at least 18 years or age;
- Any individual named as day to day manager must be able to work legally in the UK; and
- The proposed premises should ideally be open and trading; if not, the premises must at least be in a condition where it can be inspected by the council's environmental health team.

4. ARE THERE DIFFERENT TYPES OF APPLICATION?

Depending on your circumstances you can apply for one of three types of application.

If you do not currently hold a licence with this Council you can apply for the following:

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Grant If you do not currently hold a licence you can make a Grant application. This type of licence lasts for three years. You will **not be licensed** to provide food at the premises between 11pm and 5am until the licence is granted.

Temporary You can apply for a temporary licence that lasts for a period of no more than 6 weeks. You will **not be licensed** to provide food at the premises between 11pm and 5am until the licence is granted.

If you currently hold a licence with this Council you can apply to renew the licence before it expires.

Renewal Your renewal application must be lodged no later than the expiry date of your current licence. You cannot submit your renewal application more than six months before the expiry of the licence. Provided your renewal is lodged before the expiry of your current licence, you can continue to operate whilst the application is being considered.

If you forget to renew your licence or are unable to do so due to unforeseen circumstances you should contact the Licensing Section as soon as you become aware your licence has expired.

Please note also that if you are applying to renew your licence then the information provided must be identical to the terms of your current licence. You cannot use a renewal application to change an aspect of your licence such as the hours of operation or the individual(s) named on the licence. If the information provided does not match, then your application will not be accepted.

5. HOW TO APPLY?

To must apply online for a licence via the webpage <https://www.glasgow.gov.uk/index.aspx?articleid=17474>

You should also make the appropriate fee payment as detailed in section 6 below.

6. HOW MUCH IS THE APPLICATION FEE?

The current application fees are detailed in the Licensing Section Fees and Charges document - see link below; the amount you pay is dependent on the duration. The fee is payable when the application is lodged and is non-refundable.

Once your application has been submitted payment should be transferred by BACS to the following bank account:

Account Name: Glasgow City Council
Licensing Account No. 00116224
Sort Code: 83-44-00
Reference: **Licence number (if renewal) or premises address**

Please note your application will not be processed by the Licensing Section until the fee payment has been made.

A list of the fees and charges levied by the Council's Licensing Section can be found on our website:

<http://www.glasgow.gov.uk/index.aspx?articleid=2996>

7. DOES THE COUNCIL HAVE A POLICY ON THE HOURS IT WILL GRANT?

Yes. The council has two policies relating to the hours it will generally grant for Late Hours Catering Licences.

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These current policies are as follows:

Policy Hours **City Centre.** Where a premises is located within Glasgow city centre the Committee will not generally grant hours beyond 4.00am.

Outwith City Centre. Where a premises is located within Glasgow city centre the Committee will not generally grant hours beyond 3.00am.

Tenement Policy When a premises is located in tenement style property, the Committee will not generally grant hours beyond Midnight.

Tenement style property is defined as property when residential accommodation is located above the applicant premises (e.g. a takeaway shop located below flats).

Any application which seeks to operate beyond policy hours will be referred to the Licensing and Regulatory Committee. An applicant will need to persuade Committee that it should grant hours that are beyond its policy hours.

Applicants should note that, in granting an application, the Committee has the power to restrict the hours applied for.

8. HOW WILL THE APPLICATION BE PROCESSED?

A 28 day consultation period begins on receipt of your application. For grant or renewal applications, any person can object to your application during the consultation period. For temporary applications, only the statutory consultees can provide comment.

For grant or renewal applications, on the day your application is lodged, you must display the relevant site notice (included in the application pack) at or near the premises for a period of 21 days. If the notice is taken down or defaced you must take steps to immediately replace the notice. At the end of the 21 days you should remove the notice and return the relevant Certificate or Compliance to the Licensing section to confirm the notice was displayed correctly. If you do not follow this part of the process, your application may be refused. Applicants for temporary licence are not required to display the site notice.

During the consultation period your application will be sent to the following:

Police Scotland The Police may object or make a representation to the application if they do not consider you or anyone else named on the application to be a 'fit and proper person' to hold a licence. The Police may also charge you with an offence if you have made a false statement on your application form or failed to declare convictions.

Environment Health The council's environmental health team will arrange to inspect the premises and provide the Licensing Section with a report on the suitability of the premises.

Planning The council's planning team will provide the Licensing Section with a report of any planning restrictions attached to the property.

Local Councillors and Community Council A notice of the application will be sent to the local Councillors and Community Council for the premises. The notice will provide details of the application and advise them of the last date for making an objection or representation.

Once the 28 day consultation period is complete, we will review your application.

If no adverse comments have been received, your certificate of compliance confirming display of the site notice has been returned and there are no other issues with your application, then it will be considered 'straightforward' and placed on a list of applications to be granted. We will then contact you, in writing, once the application has been granted.

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If there is a problem with the application such as a police objection we will refer the application to a meeting of the Licensing and Regulatory Committee for a decision. If this happens you will receive a Recorded Delivery letter requesting your attendance at the meeting and explaining the reasons why your application is being called before Committee. Although you are not legally required to attend it is recommended that you do so. We will contact you, in writing, after the meeting to advise you of the Committee's decision.

Applications for temporary licence are processed in a similar manner with the following differences:

- the consultation period can be less than 28 days;
- members of the public cannot object or make representation to the application; and there is no requirement to display a public notice at the premises.

9. HOW LONG WILL IT TAKE?

The Council is allowed nine months to consider your application but we aim to deal with all applications as soon as possible. It normally takes about 3 to 4 months to deal with most grant or renewal applications.

Applications which are not straightforward (e.g. Police Scotland object to the application) have to be referred to the Licensing and Regulatory Committee and normally take 4 to 6 months to process. This is due to the volume of applications that the Committee can consider at each meeting.

If you apply for a Temporary licence we will aim to process the application as quickly as possible but the application is still subject to the statutory process set out in section 8.

10. WHAT HAPPENS AFTER MY APPLICATION IS GRANTED?

You will receive a letter advising that your application has been granted. The letter will include your licence and detail any conditions or requirements you are subject to – for example the licence may have been granted subject to your compliance with Environmental Health conditions.

11. WHAT HAPPENS IF MY APPLICATION IS REFUSED?

You will receive a letter advising that your application has been refused. You have the right to appeal the decision at Glasgow Sheriff Court (unless your application was for a temporary licence).

An applicant wishing to appeal normally requires to first obtain a written Statement of Reasons for the decision. This can be obtained on written request to the Licensing Section within 28 days of the decision. The Council will give written reasons for its decision within 10 days of being requested to do so.

The Council cannot provide guidance on making an appeal; if guidance is required you should consider taking your own independent legal advice or, alternatively, you can contact the Sheriff Clerk at Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9DA.

12. ARE THERE CONDITIONS ATTACHED TO THE LICENCE?

Yes. There are standard conditions attached to all Late Hours Catering Licences. A copy of these conditions is provided with this guidance. As a licence holder you will be expected to comply with every condition. Failure to do so could result in the Council suspending your licence.

OTHER FREQUENTLY ASKED QUESTIONS (FAQs)

HOW LONG DOES IT TAKE TO SUBMIT A FORM AT THE LICENSING SERVICE DESK?

The Service Desk is often very busy and you should expect to have to queue. It normally takes about 10 to 15 minutes to submit the application form and pay; this includes waiting times.

The peak times for the Service Desk are 10am to 11am and the lunch period of 12 Noon to 2pm. If you visit the Service Desk during these hours it may take longer to deal with your application.

As licences expire at the end of each month, the last few working days of the month can be very busy and lengthy queues are likely.

AM I GUARANTEED TO BE REFUSED BECAUSE I HAVE CERTAIN CONVICTIONS?

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No. The fact that you have certain convictions does not prevent you applying nor does it guarantee that you will be refused. Every application is considered on its own merits.

MY LICENCE EXPIRES ON A WEEKEND OR PUBLIC HOLIDAY, WHAT SHOULD I DO?

Your licence ceases to have effect unless you lodge a renewal application on or before the expiry date shown on your licence. This applies even if the expiry date shown on the licence is a weekend or a public holiday such as 31 December. If you find yourself in this situation, ensure you lodge your application, at the latest, on the last working day prior to the licence expiry. A note of our Public Holidays is available from the Council's website.

<http://www.glasgow.gov.uk/index.aspx?articleid=3741>

CAN I GET FURTHER INFORMATION?

Yes. If you have any further questions about the application process the Council's Licensing Team will be happy to assist you. Please note that whilst the Licensing Team can provide guidance, the team cannot offer you legal advice.

You can contact us by phone or email.

Phone: 0141 287 5354

Email: LicensingEnquiries@glasgow.gov.uk

Appendix 1

Conditions attached to a Late Hours Catering Licence

1. The Licence Holder shall not, without the consent of the Licensing Authority, supply any goods or services other than those specified in his/her form of application for his/her licence.
2. The premises may be open for business on such days and during such hours as determined by the Licensing Authority.
3. If during the currency of the Licence, the holder is convicted of any offence, they shall, within 28 days, provide full details of such convictions, in writing, to the Licensing Authority.
4. The Licence Holder shall ensure that fly posting does not take place to advertise events.
5. The Licence Holder shall ensure that adequate and suitable provision is made for the storage and removal of refuse and other waste from the premises.
6. The Licence Holder shall provide a suitable litter bin of adequate capacity outside the premises during all hours of opening and shall ensure that all waste collected is removed with the other commercial waste.
7. The Licence Holder shall ensure that publicity material advertising events occurring on the premises is not distributed in such a manner as to produce litter.
8. The Licence Holder shall not sell or supply soft drinks or any other goods to members of the public in any container wholly or partly made of glass.

Privacy Statement: Licensing schemes administered by the Council's Licensing & Regulatory Committee

WHO WE ARE

Glasgow City Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its head office is located at City Chambers, George Square, Glasgow G2 1DU, United Kingdom, and you can contact our Data Protection Officer by post at this address, by email at: dataprotection@glasgow.gov.uk, and by telephone on 0141 287 1055.

WHY DO WE NEED YOUR PERSONAL INFORMATION AND WHAT DO WE DO WITH IT?

You are giving us your personal information to allow us to carry out our statutory functions in relation to licensed activities regulated by the Council's Licensing & Regulatory Committee. We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

LEGAL BASIS FOR USING YOUR INFORMATION

We provide these services to you as part of our statutory function as your local authority. You can find more details of our role on our website at www.glasgow.gov.uk/privacy. Processing your personal information is necessary for the performance of a task carried out in the public interest by the council.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

We may also need to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as set out in law. In addition, we may also process data about any criminal convictions you may have. This is because we are required to ascertain the suitability of individuals to hold licences and, to do this, we may need to process information on an individual's criminal convictions.

WHO DO WE SHARE YOUR INFORMATION WITH?

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. Your information is also analysed internally to help us improve our services.

This data sharing is in accordance with our Information Use and Privacy Policy and covered in our full privacy statement on our website. It also forms part of our requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

We are required by law to enter personal information about applicants and other relevant persons on a public register of applications for licences. This register can be accessed by any member of the public. We may publish this register or extracts of the register online. We may also provide the register to other public bodies to support a national register of licences.

In processing an application for a licence or a complaint, we may need to refer you to our Licensing and Regulatory Committee. Your personal information will be included in the agenda, reports and minutes for the Committee. Some of this information will be published on our website. You can find out more on our website at www.glasgow.gov.uk/privacy

Licensing and Regulatory Committee meetings are held in public. At a meeting your personal information may be disclosed to those in attendance. This may happen even if you do not attend a meeting that you are invited to.

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We will also share your personal data with other public bodies and statutory consultees as required by law.

HOW LONG DO WE KEEP YOUR INFORMATION FOR?

We only keep your personal information for the minimum period amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at www.glasgow.gov.uk/rrds or you can request a hard copy from the contact address stated above.

YOUR RIGHTS UNDER DATA PROTECTION LAW

- **access to your information** – you have the right to request a copy of the personal information that we hold about you.
- **correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – you have the right to ask us to delete personal information about you where:
 - I. you think that we no longer need to hold the information for the purposes for which it was originally obtained
 - II. you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
 - III. our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information – You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information. This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us as stated above if you wish to exercise any of these rights.

INFORMATION YOU HAVE GIVEN US ABOUT OTHER PEOPLE

If you have provided anyone else's details on this form, please make sure that you have told them that you have given their information to Glasgow City Council. We will only use this information to carry out our statutory functions in relation to licensed activities regulated by the Council's Licensing & Regulatory Committee. If they want any more information on how we will use their information they can visit our web site at www.glasgow.gov.uk/privacy or email dataprotection@glasgow.gov.uk.

COMPLAINTS

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by email at dataprotection@glasgow.gov.uk or by telephone on 0141 287 1055.

However, you also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By phone on 0303 123 1113 (local rate) or 01625 545 745. Visit their website for more information at- <https://ico.org.uk/concerns>

If your complaint is not about a data protection matter you can find details on how to make a complaint on our website at www.glasgow.gov.complaints

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MORE INFORMATION

For more details on how we process your personal information visit www.glasgow.gov.uk/privacy If you do not have access to the internet you can contact us via telephone to request hard copies of our documents.

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