

## **APPLYING FOR A LATE HOURS CATERING LICENCE**

### **Do I need a licence to provide catering?**

Yes. A late hours catering licence is required by all places serving food, whether on a "sit-in" or "carry-out" basis, between the hours of 11 pm in the evening and 5 am the following morning.

### **Are there exemptions?**

Yes. A late hours catering licence is not required for the following:-

- premises licensed to sell alcohol in terms of the Licensing (Scotland) Act 2005 during the hours the Premises Operating Plan allows the provision of meals and refreshments;
- premises being used in accordance with a Public Entertainment Licence.

### **Why do I need a licence?**

The licensing system is in place to ensure public safety. Every person who applies for a licence is assessed to see if they are "fit and proper" to have a licence.

### **Who can apply?**

Any person, company or partnership can apply.

### **When do I apply for a renewal of my licence?**

An application form must be completed and submitted before the expiry of your current licence.

### **Do I need to display a site notice?**

Yes, a site notice must be displayed at the premises or site for a continuous period of 21 days, in a position where it can be easily read, from the date of submission of your application. Once the 21 day period has lapsed, you must complete the Compliance Notice and return this to the Licensing Department.

### **Is there an age limit?**

No.

### **Will I require any other permission or consent?**

It is in your interest, to check with The Environment Service – Planning, Pullar House, 35 Kinnoull Street, Perth PH1 5GD to ensure that you have the necessary planning consent and if not to make the appropriate planning application.

### **How do I apply?**

An application form must be completed. Please complete the form in full. The application form must be accompanied by the fee.

You can send us your completed application or hand it into Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.

### **How long does a licence last?**

A licence will generally last for either 1 year or 3 years.

### **How much does it cost?**

The application fee payable depends on the length of licence that you want. A one year licence is £376 and a three year licence is £435. Please note that fees change annually.

### **How can I pay?**

Perth & Kinross Council accept cards, cash and cheque payments. Cheques should be made payable to Perth and Kinross Council. Card payments can be made over the phone (01738 475180). Cash/card payments can be made by appointment at Pullar House. Please phone 01738 475000 to make an appointment. Please do not send cash in the post.

### **How long does it take for me to get a licence?**

By law we have 9 months to deal with an application. However, we aim to deal with applications in around **6 weeks**. Your application will not be processed until all relevant documentation has been submitted. Please use the checklist on the application form to make sure you have sent us everything. Failure to do so may result in your application being returned to you.

If we receive objections, representations or information about you from Police Scotland, Scottish Fire & Rescue Service, The Environment Service or Planning, it will take longer to deal with your application. Licensing staff will try to give you an idea of how long things are likely to take.

### **I have applied for a licence – what happens now?**

Your application is entered into our database. We then send your information to Police Scotland, Scottish Fire & Rescue Service, The Environment Service and Planning. We allow them 28 days to consider your application.

You will get an acknowledgement letter together with a receipt in respect of the licence fee submitted.

### **Why do you send my application to the police?**

Everyone who applies for a licence is assessed to make sure they are suitable to hold a licence. Part of that assessment involves looking at whether you have criminal convictions or whether the police hold other information about you which might suggest that you are not suitable. This is an important safeguard in protecting the public as many licence holders are in positions of trust or in jobs where public safety is very important.

### **What happens once we have all of the information we need?**

Once we have received responses, and your compliance notice, we can then decide whether to grant your licence. If you are applying for hours outwith the current policy and/or there are objections, representations or other information which means that the Licensing Department are unable to grant your licence, then your application will be sent to the Licensing Committee.

### **What is the Licensing Committee and why would I need to attend?**

The Licensing Committee is made up of Councillors. You will be invited to attend the Licensing Committee if your application cannot be dealt with by staff within the Licensing Department. This is usually due to an objection or representation being received from the police.

The Committee meets every 6 weeks. We have a separate leaflet regarding attendance at the Committee which you should read if you are asked to attend.

### **Can the Council attach conditions to a late hours catering licence?**

Yes. The Council may impose conditions such as:-

- fixing the days and hours during which the premises may be open for business;
- different days and hours may be fixed for the sale of meals or refreshments for consumption on the premises from those fixed for the sale of meals or refreshments for consumption off the premises.

The current policy is to only permit opening until 1 am for late hours catering premises. 24 hour opening is considered for supermarkets and garages.

### **Why would a licence be refused?**

The law allows us to refuse your application in certain circumstances. A decision to refuse a licence will only be made by the Licensing Committee, not the Licensing Department.

The most common reason for refusing to grant a licence is that the person is considered to be not suitable, or "fit and proper" to have a licence.

### **Do I receive a full refund if I am refused a licence?**

No as your licence has been fully processed. However, if you applied for a 3 years licence you will be refunded the difference between a 1 year and 3 year licence.

### **If I am not from the UK can I still get a licence?**

Yes. However, if you have not lived in the UK for at least 10 years you will need to get a Certificate of Good Conduct or Criminal Record Certificate from your country of origin. This is so we can make sure we have the same information about your criminal record as we have for people who have lived in the UK for 10 years. You should contact your Embassy or Consulate to find out how to do this. If the information you get is not produced in English you will need to arrange for it to be

translated. You will have to meet the cost of getting this information, along with the cost of any translation.

**Who should I contact if I have any further queries relating to late hours catering licences?**

Telephone (01738) 475180 between 9am and 1pm weekdays or e-mail [civiclicensing@pkc.gov.uk](mailto:civiclicensing@pkc.gov.uk)

**Where should I send my completed application?**

Corporate and Democratic Services – Legal and Governance Services  
Perth and Kinross Council  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

April 2024