

Late Hours Catering Licence – Conditions

Orkney Islands Council

Civic Government (Scotland) Act 1982

1. The licence holder shall be permitted to sell food for consumption on or off the premises.
2. The licence holder shall be permitted to trade during the hours specified on the front page of this licence and at no other times, unless under the authority of an exemption granted under section 42(5) of the Civic Government (Scotland) Act 1982.
3. The licence holder shall prominently display the hours of opening on a notice which can be read by customers within the premises and by the public from outwith the premises.
4. The licence holder shall ensure that no patrons are permitted to remain on the premises at the conclusion of the licensed hours of operation.
5. The licence holder shall ensure that all orders are taken, prepared, packaged, paid for and delivered to the customer prior to the conclusion of the premises' licensed hours of operation.
6. The licence holder shall display the licence at all times in such a position that it can be clearly seen by customers and shall exhibit it on demand to any officer of the Council or the police or fire authorities.
7. The licence holder shall obtain a variation to their licence should they wish to change any of its terms, for example, hours. Applications must be made to the Head of Legal and Governance, Orkney Islands Council.
8. The licence holder shall collect and remove any paper, garbage or other refuse which may be produced or may accumulate in the course of trading and shall not place or deposit the same or allow the same to be placed or deposited or to fall on any street, foot-pavement or footway or an adjoining property. Without prejudice to the foregoing generally, the licence holder must comply with the Code of Practice for Late Hours Catering appended hereto.
9. The licence holder shall ensure that the premises are kept and maintained in a clean and tidy condition to the satisfaction of the Corporate Director, Neighbourhood Services and Infrastructure.
10. On written notice, signed by the Corporate Director, Neighbourhood Services and Infrastructure or by any officer of the Council authorised to sign such notices in terms hereof, being given to any licence holder that the premises are unsuitable for use, such licence holder shall immediately cease to trade until the cause of complaint is remedied to the satisfaction of the Corporate Director, Neighbourhood Services and Infrastructure or until the said notice is withdrawn. The licence holder shall report any such notice to the Licensing Authority for information and action, as appropriate, immediately.

11. Notwithstanding the terms and conditions contained in this licence, the licence holder shall comply with any order or instruction given by any police officer in uniform for the prevention of obstruction or annoyance to the public or to the occupiers of any premises or in connection with any emergency or disturbance or on any occasion when such officer in his discretion may consider it necessary in the public interest to give such order or instruction.
12. The licence holder shall ensure that trading is conducted in such a manner as not to give rise to nuisance or disturbance from fumes, smell, noise or any other cause to local residents or members of the public.
13. The licence holder shall modulate all amplified music within the premises to the satisfaction of the Corporate Director, Neighbourhood Services and Infrastructure.
14. The licence holder shall advise the Head of Legal and Governance immediately of any change to his/her details and/or address and that to be done as soon as practicable after the change of the details and/or address.
15. This licence must be returned to the licensing authority on the cessation of trade.

Code of Practice on Litter and Refuse (Late Hours Catering)

The licence holder shall:

1. Ensure that his/her commercial activities do not harm the amenity of the area in which s/he operates.
2. At the close of business each day or at times designated by the Council's Environmental Health Service Manager litterpick and, where practical, sweep the area or pavement for a radius of not less than 5 metres around the site of operation.
3. Regularly wash or otherwise cleanse the area or pavement for a radius of not less than 5 metres around the site of operation to remove stains, grease etc on a regular basis or to a frequency agreed with the Environmental Health Service Manager.
4. Litterpick an area for a radius of not less than 5 metres around the site of operation outlined by the Environmental Health Service Manager to remove all litter arising from his/her business activity.
5. Provide and make suitable provision for emptying litter receptacles for a radius of not less than 5 metres around his/her site of operation for use by customers as required by the Environmental Health Service Manager.
6. Subject to the granting of any required planning consent(s) and building warrant(s), store commercial waste in a safe, secure and satisfactory manner in (a) container(s) fit and suitable for that purpose and maintained in such a condition as to ensure safe and efficient emptying and which prevents detriment to the amenity of the area.
7. Present waste and recyclable materials for collection in a manner which avoids littering or soiling the street or pavements of the town.
8. Not present waste for collection before 07:00 any day unless arrangement has been made for its immediate collection.
9. Only Registered Carriers in terms of The Controlled Waste (Regulation of Carriers and Seizure of Vehicles) Regulations 1991 should be contracted to remove controlled waste.
10. Keep a Duty of Care Note in terms of the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care) Regulations 1991 detailing:
 - waste description;
 - quantity of waste produced;
 - source of the waste;
 - carrier and registration number of the carrier;
 - registration number of the vehicle which carried the waste;
 - final disposal site;
 - licence number of the disposal site.

For the avoidance of doubt, a Season Ticket Transfer Note lasting for one year will be sufficient provided the operation as detailed on the note do not alter e.g. type of waste or location where produced.

11. Produce a Duty of Care Note for inspection by the Environmental Health Service Manager at all reasonable hours.
12. Dispose of waste in a safe manner at a site licensed in terms of the Environmental Protection Act 1990 during the normal operating hours of the site, with the permission and under the supervision of the site operator. For the avoidance of doubt, the licence holder shall not dispose of trade waste in any of the following ways:
 - in street litter bins;
 - at Council operated Civic Amenity Sites or Recycling Centres;
 - with domestic refuse.

A trade waste collection service is operated by the Council whereby licence holders may arrange for the collection of their business waste from the site of their business or another suitable location as agreed with the Council's Environmental Health Service Manager.

13. Produce a Duty of Care Note if the licence holder him/herself delivers commercial waste to a site licensed in terms of the Environmental Protection Act 1990 as long as it is waste produced from his/her own premises

(The waste producer does not require to be a Registered Carrier (under The Controlled Waste (Regulation of Carriers and Seizure of Vehicles) Regulations 1991.)

Orkney Islands Council 2012.

Version: 2018-06-12.

Updated: 2023-04-28.