

Licensing Act 2003

A User-Friendly Guide



Late Night Refreshment Licensing

The introduction of the Licensing Act 2003 in 2005 saw a major alteration in the way liquor and entertainment are regulated. New legislation has brought many changes for local government and service delivery with respect to licensing

A licensing policy has been established which links to other key strategies covering community safety, cultural development and economic regeneration. A new system of Licensing Committee has been established, and a Central Administration Unit has been formed, serving the following Councils:

- **Kettering Borough Council**
- **East Northamptonshire Council**
- **Borough Council of Wellingborough**
- **Daventry District Council**
- **Corby Borough Council**

Details of how to contact the Central Administration Unit are on the back page of this leaflet.

The new Act extends the licensing regulations which already operate in most of London, to all of England and Wales. The Government feels this is necessary to protect local residents because premises which serve late night refreshment can be used by customers who may have been drinking at other premises earlier in the evening, creating the potential for disorder on and near the premises. Also, because large numbers of customers may gather at places serving late night refreshments, there is a potential for nuisance and disturbance for local residents. The regulation of late night refreshment will tackle these issues and allow residents and other interested parties and responsible authorities to make representations about new, and seek reviews of existing licences where they are concerned that the licensing objectives will be or have been affected.

It is also anticipated that the new regulations will help drive up standards within the sector and encourage greater range of services within the late night refreshment industry.

For the purposes of the Act, the provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink between those hours on or from premises to which the public has access.

Food or drink is "hot" for the purposes of the Act if it is heated on the premises or elsewhere before it is supplied for the purpose of consumption whilst heated or if it may be heated on the premises for this purpose after it is supplied.

The Act allows for a number of the regulations which will not constitute the provision of late night refreshment. Examples are the provision of hot drink by vending machines in certain circumstances; where the hot food or hot drink is supplied free of charge; or where it is supplied by a registered charity.

Frequently Asked Questions

I am the owner of a late night take away. I've never needed a licence before, will I need one now?

Yes. The Act is going to regulate licensing laws across England and Wales, which means that late night take-aways and cafes will now need a licence to serve hot food or drink to the public on or from the premises between 11pm and 5am.

Are clubs in the possession of a club premises certificate covered by the provisions for late night refreshment?

No. Clubs premises certificates do not need to authorise the provision of late night refreshment by the club to members of the club, and their guests. This is because the supply of hot food or hot drink to members and guests of recognised clubs are exempt. If you feel that you belong to a club which does not currently holding a club certificate, please contact the Central Administration Unit for further information on the conditions governing what constitutes a recognised club.

Is a staff canteen covered by the provision for late night refreshment?

No. Refreshment made available to employees between 11pm and 5am are exempt from the need for a licence for late night refreshment.

Will a supermarket be covered by the provision for late night refreshment?

Yes, if it is supplying hot food or drink for consumption, or for heating on the premises. If it is only selling cold food, and not supplying a method of heating, then no licence will be required.

Will a vending machine be covered by the provision for late night refreshment?

Vending machines supplying hot drinks are exempt so long as the payment for the drink is inserted into the machine by a member of the public and the hot drink is supplied directly to that person by the machine.

Are there any instances where the provision of hot food and hot drink would not require an authorisation under the Act for the provision of late night refreshment?

The following miscellaneous supplies of hot food or hot drink are exempt:

- (a) hot drink consisting of, or containing alcohol (although a licence will be required, under the Act for the supply of alcohol);
- (b) hot drink distributed by means of a vending machine as described above;
- (c) hot food or hot drink supplied free of charge, where there is also no charge for admission to any premises, or for some other item to obtain the hot food or hot drink;
- (d) hot food or hot drink supplied by a registered charity or by a person authorised by a registered charity
- (e) hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time.

Supplies of hot food or hot drink are also exempt where the supply is on or from premises to which, at the time of the supply, only persons of the following descriptions will be admitted and supplied with hot food or hot drink:

- (a) guests (and their guests) of hotels or similar premises – that is guest houses, lodging houses, hostels, caravan or camping sites or other premises supplying accommodation as their main purpose;

- (b) members of recognised clubs and their guests
- (c) employees whose shift patterns require them to be at work between 11pm and 5am;
- (d) people engaged in a particular trade or who are members of a particular profession or follow a particular vocation, and their guests.

Supplies of hot food or hot drink on or from premises already licensed under certain other Acts

How do I apply?

From 1st April 2008, all applications should be made directly to East Northamptonshire Council, regardless of which of the five areas the business is situated in. All applications should be accompanied by the relevant fee, and a plan of the premises.

Northamptonshire Licensing Partnership.
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Thrapston, Northants, NN14 4LZ.
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You can view a complete copy of the Act and associated guidance at www.culture.gov.uk

Issued by: NLP. March 2008