

LICENSING COMMITTEE

Late Night Refreshment - Compliance Project

Thursday 17 July 2025

Report of Licensing Officer

PURPOSE OF REPORT

To update members with the outcomes of a compliance project undertaken by Licensing Officers.

This report is public.

RECOMMENDATIONS

The Committee is asked to note the outcome of the project.

1.0 Introduction

- 1.1 The retail sale of hot food and drink between the hours of 23.00 – 05.00 is deemed a licensable activity under the Licensing Act 2003. This is commonly referred to as late night refreshment.

This activity must be authorised by means of an application for the grant of a premises licence under section 17 of the Licensing Act 2003 or by submitting a notification of a temporary event.

This predominantly affects takeaway businesses but may include food kiosks and burger vans etc.

2.0 Purpose

- 2.1 The purpose of the project was to measure and improve levels of compliance across the district in premises providing late-night refreshment, not only in meeting licence conditions of those with a premises licence but to identify businesses that were not licensed and make them aware of their legal responsibilities under the Licensing Act 2003.

3.0 Inspection Regime

- 3.1 Licensing Officers undertake proactive and reactive inspections of licensed premises. The purpose of an inspection is to ensure compliance with the operating schedule of the individual premise licence, including licence conditions.

Conditions must always relate to one of the four licensing objectives:

- Public Safety
- Prevention of Crime and Disorder
- Protection of Children from Harm
- Prevention of Public Nuisance

They may include measures relating to the following.

- Door supervision requirements, including numbers of staff and timing.
- Specification of CCTV systems, retention periods, accessibility requirements and positioning.
- Disposal of waste and litter, position of bins, waste contracts etc.
- Right to work checks, including storage of ID documents.
- Restrictions on delivery vehicles/parking causing obstructions.
- Age verification and policy for delivery sales of alcohol.

3.2 It is a requirement under section 57 of the Licensing Act 2003 that a premises has the full premises licence available on the premises and prominently displays the summary of the licence. This aids authorised officers visiting the premises in recognising the licence requirements and confidently take the next steps in terms of compliance and enforcement.

3.3 During the inspection process, Licensing Officers engage with the responsible person at the premises, ideally the premises licence holder or designated premises supervisor (DPS) if the premises licence authorises the sales of alcohol. A post inspection document is agreed and shared with the premises, including agreed timescales for improvement.

4.0 **Inspection results**

4.1 Licensing Officers inspected 35 premises that hold a premises licence providing late night refreshment. This involved Licensing Officers working 5 evening shifts over a 6-month period.

- 19 premises were found to be fully compliant
- 16 premises were found non-compliant

The premises where minor non-compliance was identified were provided with advice and revisits carried out. Licensing Officers provided the premises with the inspection sheet with actions to be taken by the premises and a date that Officers would revisit the premises

The majority of revisits completed were in response to the following non-compliance:

- Premises licence summary not displayed and no full premises licence available to Licensing Officers upon inspection
- Premises licence in previous business owner's name
- CCTV footage unable to be viewed by Licensing Officer or CCTV time and date incorrect

4.2 During the revisit Licensing Officers assisted premises by providing (at a cost to the business) a licence summary/premises licence to each of the premises that did not have it in place. Application packs were provided to new business owners to enable them to transfer the premises licence into the correct name.

- 4.3 After completing the visits to each premises, Officers had planned to hold a large-scale operation with responsible authorities such as the Police and Immigration. Licensing Officers do not believe that such an operation is required due to being satisfied that at the time of writing this report that, a high level of compliance has been achieved.

5.0 Premises – Unlicensed Activity

- 5.1 It is a criminal offence under section 136 of the Licensing act 2003 to carry out any licensable activity, such as late light refreshment other than in accordance with a Premises Licence granted under the act.
- 5.2 In total 12 premises were identified to be carrying out late night refreshment without a premises licence. Licensing Officers evidenced this by monitoring the local food sites, such as Just Eat, Uber Eats, Deliveroo and Lancaster and Morecambe Eats after 11pm at night, over a 4-month period. All 12 premises were sent a letter and informed that they must cease the sale of hot food/drink after 11pm, until such time that a premises licence authorising the activity is in place.
- 5.3 Licensing Officers have monitored unlicensed activity at the premises by carrying out late night evening visits after 11pm. To ensure Officer safety, these visits were made in partnership with the Police; Bodycams were also worn.

Licensing Officers informed the premises of their legal requirements to hold a premises licence and provided advice on how to make an application and offered to assist with the process.

- 5.4 Licensing Officers felt that in line with the Council's Corporate Regulation and Enforcement Policy a staged approach, by offering advice and support first, rather than prosecution was the best way forward with the project. This is due to some of the premises owners having difficulties with language barriers / understanding the licensing act requirements. The Council's Corporate Regulation and Enforcement Policy states the following "

"An open, fair and proportionate approach will be taken in dealing with breaches of legislation, which are regulated and enforced by the Council. Raising awareness and promoting good practice in regulated areas is the first step in preventing breaches, and officers of the Council will signpost to guidance on aspects of the law where requested to do so."

"Whenever possible, best efforts will be used to resolve any issues where the law may have been broken without having to take formal action or referring the matter to the courts when the circumstances indicate that a minor offence may have been committed and the Council is confident that appropriate corrective action will be taken."

- 5.5 Since visiting the unlicensed premises, 3 premises have applied and have been granted a new premises licence to carry out late night refreshment, 7 premises now only carry out the sale of hot food and drinks until 11pm and 2 premises have closed permanently.

6.0 Conclusions

- 6.1 The importance of undertaking these types of projects is to ensure that premises licensed in the late, night-time economy are monitored. It is important that Officers have a presence within the premises and viewed as approachable for advice and support. This will ensure good levels of compliance are achieved and maintained.
- 6.2 Following visits to all 35 premises, Licensing Officers are satisfied that at the time of writing this report that there is a high level of compliance with premises offering late-night refreshment in the district.
- 6.3 To ensure high levels of compliance are maintained Licensing Officers plan to revisit all late-night refreshments premises annually, additionally when a change of premises management by way of application to transfer the premises licence.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None

FINANCIAL IMPLICATIONS

Financial Services have been consulted and there are no financial implications.

LEGAL IMPLICATIONS

Any person aggrieved by a condition attached to a licence has the right of appeal to the Magistrates Court.

BACKGROUND PAPERS

None

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