

## Licensing Act 2003 - Late Night Refreshment



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### **This leaflet gives advice on when a licence is needed for the provision of late night refreshment as defined by the Licensing Act 2003.**

Under the Licensing Act 2003, any person who provides late night refreshment including takeaways must hold a premises licence from the Council to do so. It will often be the case that alcohol is served at the premises (which is also a licensable activity) and so one Premises Licence could be issued, covering both. Premises selling alcohol will also need to have a person with a Personal Licence.

### **What is Late Night Refreshment?**

A person provides late night refreshment if hot food or hot drink is supplied to members of the public between 11.00 pm and 5.00 am on or from any premises. "Hot" means it has been heated and is supplied heated or after being sold can be heated on the premises.

### **Exemptions**

- hot drinks containing alcohol
- hot drinks from vending machines
- hot food or drink provided free
- the supply of hot food or drink by a registered charity, or
- the supply of hot food or drink on a vehicle which is not parked.

Or if the person being supplied with hot food or drink is:

- a member of a recognised club,
- staying at a hotel, guest house, hostel, caravan site, etc for the night
- an employee supplied by his employer engaged in a special trade or profession, or
- a guest of any of the above.

### **This means that any takeaway or restaurant supplying hot food or drink after 11.00 pm will need to be licensed.**

### **Will I need a licence?**

Although not needed before this Act, all hot food takeaways open after 11pm will now have to be licensed.

This includes "mobile" burger bars, Chinese takeaways, kebab shops, pizza shops, fish and chip shops, curry shops and so on -regardless of whether they are takeaway only or have tables and chairs.

Filling stations or other outlets which sell food that may be heated in a microwave oven after being sold are also included.

### **Temporary events**

A Temporary Event Notice (TEN) can cover the provision of late night refreshment. So the supply of burgers, sausages or hot chestnuts, at temporary events such as public firework displays etc., after 11pm can be covered by the TEN. We have a separate leaflet on Temporary Events.

### **Other Controls**

Having a premises licence which authorises the provision of Late Night Refreshment does not mean that the premises are exempt from other controls such as Food Safety, Health and Safety at Work etc., fire safety or noise pollution controls and an organiser must make sure that any other legal controls are complied with.

## **Further Information**

If you would like further advice about licensable activities please contact us. This leaflet provides advice based on information available at the time of writing and this may change. It is intended for guidance only and does not provide authoritative legal advice.

See our separate fact sheets together with information (including frequently asked questions) on our web site: [www.wychavon.gov.uk/lic](http://www.wychavon.gov.uk/lic)

## **Contact Details**

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