

Regulatory Committee

10.00am, Monday, 7 August 2023

Late Hours Catering Enforcement

Executive/routine Wards Council Commitments	Routine All
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1. Recommendations

- 1.1 Regulatory Committee is asked to note the proactive enforcement action taken by Licensing Enforcement Officers in relation to late hours catering.

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Report

Late Hours Catering Enforcement

2. Executive Summary

- 2.1 This report provides an update on enforcement activity in relation to Late Hours Catering licences across Edinburgh.

3. Background

- 3.1 A Late Hours Catering Licence is required for the use of any premises between the hours of 11pm and 5am, for the sale to or consumption of food by the public.
- 3.2 Historically the approach to enforcement in relation to Late Hours Catering Licences was reactive, and any complaints were dealt with by the Licensing Enforcement team during normal office hours. Police Scotland may separately conduct their own enforcement activity relevant to the local policy priorities.

4. Main report

- 4.1 Over the course of the coronavirus pandemic the number of premises with a Late Hours Catering Licence in Edinburgh fell from 179 active licences in 2019 to a low of 128 licences in 2021. Records show that the current number of active licences remains below both pre-pandemic levels and the highest recorded number of licences (230 in 2016).

Expiry date	Late Hours Catering licences
2019	179
2020	171
2021	128
2022	138
2023	158

- 4.2 Committee will also recollect from previous reports (in relation to the Environmental Health service) that there is a significant degree of turnover in ownership of this type of business.
- 4.3 Recently additional resources have enabled a team of Licensing Enforcement Officers, covering both the day and nighttime economies, to take a proactive approach to certain licensable activities, including late hours catering.

- 4.4 A compliance exercise to check late hours catering premises and also to ensure no unlicensed late hours catering has been undertaken.
- 4.5 This identified 46 premises which had failed to renew their Late Hours Catering Licences during the pandemic. These were subsequently investigated and a summary of the outcome of monitoring and visits during night time economy hours were recorded as follows:

Premises no longer operating, or no longer operating after 11pm	28
Premises subject to ongoing enforcement action due to operating without a Late Hours Catering Licence	8
Premises have now applied for a Late Hours Catering Licence as a result of enforcement action	7
Premises were already licensed but had changed operators without updating the licence.	3

5. Next Steps

- 5.1 As Edinburgh's economy continues to recover from the Coronavirus pandemic, and supported by increased engagement and enforcement action, officers will continue to monitor the number of Late Hours Catering Licences in Edinburgh.
- 5.2 In addition, a programme of annual compliance inspections for every premises with a Late Hours Catering Licence in Edinburgh has commenced. These inspections aim to increase compliance with legislation and the relevant conditions, raising standards in the sector for residents and visitors to Edinburgh.
- 5.3 Further proactive work is planned over the course of the festival and festive periods, seeking to identify new or pop up premises which have never held a Late Hours Catering Licence and are not subject to exemptions.

6. Financial impact

- 6.1 Increased enforcement and compliance will produce an increase in licensing income, as well as protecting the public from unlicensed operators.

7. Stakeholder/Community Impact

- 7.1 Officers are reactive to complaints and enquiries, and are now proactively engaging with businesses across Edinburgh in both the day and nighttime economies. Increased compliance contributes to the Council's strategic priority to create good places to live and work in Edinburgh.
- 7.2 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report.

7.3 There is no environmental impact arising from the contents of this report.

8. Background reading/external references

8.1 [Late Hours Catering Policy](#)

8.2 [Late Hours Catering Standard Conditions](#)

9. Appendices

9.1 None