April 2012

Police Reform & Social Responsibility Act 2011 - 6 April 2012

The Government plans to bring into force many of the licensing measures contained in the Police Reform and Social Responsibility Act 2011 (PRSRA) on 6 April 2012.

The changes - what you need to know

1. Licensing Authorities and Local Health Boards are to become Responsible Authorities, allowing them to make representations and initiate Reviews.
2. The removal of the vicinity requirement for Interested Parties, meaning persons from a much wider geographical area can make representations/objections.
3. A reduction in the evidential burden on Licensing Authorities when determining an application for a Premises Licence or a Review. Licensing Authorities must now only demonstrate that their decisions are 'appropriate' for the promotion of the licensing objectives rather than 'necessary'.
4. A doubling of the penalty for persistent underage sales to £20,000 and increasing the period of voluntary closure, as an alternative to a fine, from 2 days to a maximum of 14 days.
5. Suspension of a Premises Licence for non-payment of annual fees.
6. Prohibition of the sale of alcohol in certain areas by way of Early Morning Restriction Orders (EMROs), anytime between midnight and 6am. The Government is currently consulting on these measures, which are due to come into effect later this year (not 6 April).
7. The ability for Licensing Authorities to charge a Late Night Levy on premises trading anytime between midnight and 6am. Like EMROs, the Government is currently consulting on these measures, which are due to come into effect later this year (not 6 April).
8. Temporary Event Notices (TENs) - see below.

TENs and the Olympics

The PRSRA makes some significant changes to the TEN regime:

- New powers for Environmental Health Departments to object to TENs.
- Objections permitted based on all four licensing objectives.
- Licensing Authorities will be able to impose conditions on TENs.
- The period of each TEN is to be increased from 98 hours to 168 hours, subject to an extended maximum of 21 days of TENs each year.
- The ability to apply for a limited number of TENs late and within the existing 10 working day deadline.

If you wish to apply to add additional licensable activities or extend your licensed hours over the Olympic period, please make sure you do so in plenty of time. Some key application deadlines are as follows:

1. Olympic opening ceremony – 12 July 2012
2. Closing ceremony – 27 July 2012

Bearing in mind the increased scope for TEN objections under the new PRSRA, operators should consider submitting their TEN applications before 6 April.

Operation Trafalgar

The Metropolitan Police have launched a major crackdown on crime and anti-social behaviour in the West End. Up to an extra 400 officers will be on patrol during the busiest nights of the week until September.

Olympic Deliveries

Premises operating on or close to the Olympic Route Network or the Paralympic Route Network may be subject to restrictions on the times of their deliveries and collections this summer. This could cause difficulties for operators, particularly those with Licence restrictions on night time deliveries and collections. It is important you plan ahead if you are affected, otherwise you may risk enforcement action. Further information can be found from the TFL website: www.tfl.gov.uk/2012 or from Westminster: Westminster Olympic Deliveries.

Monmouth Training Launch

We are pleased to confirm the launch of our new training service - Monmouth Training. Our first students are undertaking their Personal Licence training this month. If you are interested in Personal Licence, SIA, Food Hygiene, Fire Safety or Health & Safety training please do not hesitate to contact us.

Seminar

We are delighted to announce our licensing seminar and drinks reception co-hosted by Barclays Bank. The event will take place on Wednesday 2 May at 6pm at the House of St Barnabas in Soho. Please let us know if you would like to attend; full details can be found here.

Recent Work

We have been particularly busy since Christmas working on the following projects:

- The Royal Parks, defending a review of the Hyde Park Premises Licence. See our website for further details: Hyde Park Press Release.
- Robin Birley's new club and restaurant in Shepherd's Market, opening this summer.
- Big Easy and Hawksmoor Restaurants - in relation to their expansion plans and extension of hours.
- Advising Westfield in Stratford in relation to the Olympics, particularly hospitality and corporate uses.
- Sexual Entertainment Venue Licences – including Stringfellows and other West End Gentlemen's Clubs, to obtain their licences under the recently adopted new licensing provisions.

If you have any queries in respect of the above or any other matter, please do contact one of the Partners:

Alun Thomas
E: athomas@tandtp.com
T: 020 7042 0412
M: 07956 805464

Thomas O'Maoileoin
E: tomaoileoin@tandtp.com
T: 020 7042 0414
M: 07786 966173