

December 2013

Thomas & Thomas E News

Christmas TENS & New Year's Eve

The deadline for applying for Temporary Event Notices (TENS) over the Christmas period is fast approaching. Please let us know if you need any TENS to extend your hours for Christmas events. Please remember that you cannot carry over your TEN quota to 2014.

Most Premises Licences authorise licensable activities all night on New Year's Eve. However, please check your Premises Licence carefully to ensure you have this permission, otherwise you will need a TEN to open all night on New Year's Eve.

Temporary Town Centre Uses – so, what's the catch?

Some Councils, including Westminster, have planning policies to restrict new A3 restaurant uses and the loss of A1 retail, particularly on the High Street. Such policies are obviously in conflict with the Government's new relaxation to allow temporary changes of use from A1 to A3 with no application.

There are inevitably some tensions arising with Councils having no control over the temporary uses, except for powers under the Licensing Act. Operators who wish to take advantage of the temporary relaxation should be aware that after the end of the two years, there is a risk that the City Council could still rely upon its planning policy to reject a permanent A3 application, even if the premises have operated without complaint during the temporary 2 year period.

Please refer to our [May E News](#) for a reminder on the temporary town centre uses legislation.

Vacant Property Rates Relief

Further measures to revive struggling High Streets have been proposed by the Government in the form of 're-occupation relief'. Business rates will be halved for businesses that take on vacant high street premises for two years.

Annual Fees

The Licensing Act was recently amended to require licensing authorities to suspend a Premises Licence where the annual fee was unpaid. Some licensing authorities, such as Westminster, are proactively chasing licensees for annual fee payments. Please make sure your annual fees are up-to-date to avoid the risk of suspension.

Lambeth & Wandsworth Licensing Updates

Lambeth have a proposed an Early Morning Restriction Order (“EMRO”) on Wandsworth Road which catches just four premises. If approved, the EMRO will impose a blanket restriction on opening after midnight for premises within the designated area. Lambeth are the only London Borough to formally propose an EMRO. If an EMRO is proposed in your area it is essential you make a formal response to the consultation. A recap on EMROs can be found in our [August 2012 E News](#).

Neighbouring Wandsworth are currently consulting on amendments to their Licensing Policy: [Wandsworth Policy](#), which looks set to remain largely unchanged. There are no proposals to introduce an EMRO or special policy area.

Proposed developments to the Licensing Regime

The Government are continuing their proposals to remove the personal licence regime. For more detail please refer to our [October E News](#).

SIA Requirements

The Security Industry Authority have been carrying out spot checks on premises carrying out SIA licensed activities. This includes “manned guarding activities”, more commonly known as door supervision.

Operators should ensure:

1. All door supervisor have up-to-date SIA frontline licences.
2. SIA supervisors clearly display their licence/badge (except when they are undertaking covert activities).
3. Operators employing SIA supervisors directly should have an SIA frontline licence for any persons managing SIA supervisors.
4. A daily record is kept of SIA supervisors on duty.

Please contact us if you would like to discuss your SIA requirements, or if you would like to train your staff to become SIA registered supervisors. SIA registration is open for anyone, as shown by the Hippodrome who recently announced they were employing ‘door dwarfs’!

Chambers UK Top Tier Ranking

We are delighted to announce that we have been awarded the accolade of top tier licensing practice in the Chambers & Partners Legal Awards 2014, with both Alun and Thomas recognised as leading individuals.

Merry Christmas

And finally, Alun and Thomas would like to wish you and your families a very Merry Christmas. We are extremely grateful for your support in 2013 and hope you all have a prosperous 2014.

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

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