

December 2015

Thomas & Thomas E-News

Westminster Licensing Policy 2016

Following the consultation earlier this year, the City Council will shortly publish their revised policy which will come into effect from 7 January. It is more than likely going to accept the consultation proposals which were:

- A “relaxation” for some premises selling alcohol before 8.00 pm without a table meal but subject to a requirement for substantial food.
- More restrictions on premises operating as private member’s clubs and private event spaces within the West End Stress Area.
- No changes to Core Hours following the extension of the late-night tube network.
- Restrictions on opening hours when licensable activities are not taking place.

There will be a further consultation in respect of extensions to Westminster’s Stress Areas. These are more than likely to be in some areas of Mayfair and Charing Cross. It is likely the council will carry out some further evidence gathering with a view to issuing a further formal consultation document in around March or April of next year.

The Licensing Act – 10 Years On

Well, 10 years on there hasn’t been the “catastrophic outcomes” predicted by some and, whilst it is true that Armageddon hasn’t hit the streets of London, one thing that is unchallengeable is the ridiculous amount of added bureaucracy, uncertainty and inflexibility. 10 years ago, a restaurant licence would be granted as a matter of course until midnight and with only two conditions. Where such premises are now in a cumulative impact area, there is no certainty that such an application will be granted and almost certainly with far more conditions. It is about time that both central and local Government recognise the positive impact that the food and drink industry has upon the economy and make a resolution to cut back on this red tape, which was the intention of the legislation.

CCTV Conditions

Comprehensive CCTV conditions are now the norm on most premises licences. A common requirement is that footage must be made available immediately upon the request of an authorised officer or the police.

Premises licence holders are often at risk of breaching this type of condition. For example, inappropriately trained staff or a lack of USB sticks/DVDs present immediate difficulties with compliance. Complying with the condition presents an entirely different risk. The Data Protection Act 1998 requires data controllers not to disclose personal information unless permitted by the Act. An operator holding CCTV footage of customers is caught by the legislation.

The police will often ask for several hours of footage from various cameras. This will inevitably include clear pictures of innocent customers, all of whom have rights under the Data Protection Act. In reality, operators would comply with the police’s request for fear of breaching conditions and aggravating the police. We hope the police will take a more balanced view when drafting and enforcing model CCTV conditions and requesting footage that could breach the Act.

Powers of Entry – Unannounced Visits

Despite an era of local Government cutbacks, we are dealing with an increased number of unannounced inspections by the police and local authority officers in our client's premises. Please refer to our [November E News](#) for guidance on preparing for these visits.

Earlier this year the Government published a new code of practice on powers of entry. The underlying objective of the code was to give operators more notice ahead of visits to minimise disruption to businesses. The code applies to a range of premises, including premises licensed under the Licensing Act 2003.

Gentrification and the Radio Star

Alun was invited by the Soho Society to speak about licensing on Soho Radio, which was interesting as the Society object to the majority of our applications within "their part" of the West End Stress Area.

What it did highlight was the delicate and increasingly difficult balance between restaurants, entertainment uses and residential amenity in the West End. There does seem to be a dichotomy of views. Some stakeholders want more entertainment and live music uses, others unbelievably want retention of sex uses and others simply just want to get a restaurant licence without a myriad of conditions.

If you have the time and the inclination, Alun's Soho radio debut can be heard here (it starts at 10 minutes in). <https://www.mixcloud.com/sohoradio/the-soho-society-hour-18112015/>

Camden's Licensing Committee votes to adopt the Late Night Levy

The only exemption which the Committee agreed is for premises which are only permitted to sell alcohol after midnight on New Year's Eve. They have also given a 30% discount to premises within the BID area and premises with a non-domestic rateable value of £12,000 or less.

The proposed date for the full Council to ratify the decision is 25th January 2016 with the introduction of the Levy on the 25th April 2016.

If this Late Night Levy gets ratified, Camden will join the City of London and the London Borough of Islington as the third London authority to have a Late Night Levy.

What We've Been Up To ...

- Continuing to advise Soho Estates in respect of their development at Walker's Court.
- Obtaining new premises licences within Camden's special policy area.
- Assisting in the nationwide opening of new premises for GBK, Tortilla, Cabana, Be at One and Red's True BBQ.
- Defending the licence review of Boujis.

New Years Eve

It's your last chance to apply for any TENS for New Years Eve, although many premises have the right to sell alcohol through to the start of permitted hours on New Year's day.

But most importantly, have an amazing Christmas break and holiday!

And finally, if you're in the mood for a giggle ...

Here is our Christmas message just for you ... [E card \(very loud sound\)](#)

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

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