

December 2017

Thomas & Thomas E-News

Early Xmas shopping.

The deadlines for submitting TENs for the festive period are fast approaching. The allocation starts again on 1st January. If you don't use it - you lose it!

Hackney & Tower Hamlets Late-Night Levy

Hackney have now introduced the late night levy with effect from 1st November. The levy affects all premises authorised to sell alcohol after midnight. Their decision was made despite a low level of consultation responses, a narrow margin of consultees in favour of the levy and the [House of Lords recent criticism of the levy regime](#).

Tower Hamlets have also voted to introduce the levy, effective from 1 January 2018 but with some exemptions.

Hackney Licensing Policy

Hackney's latest licensing policy consultation was launched recently. The consultation documents are here: [Hackney Licensing Policy Consultation](#). A summary of the key proposals:

1. [Shoreditch Special Policy Area \("SPA"\)](#) - re-wording of the policy and extension of the SPA boundary SPA boundary west to City Road, south towards the City and east to the boundary with Tower Hamlets. This is expected to bring a significant number of existing and new premises within the ambit of the SPA – making future licence applications for these premises much more difficult.
2. [A new policy for 'outdoor activities'](#) - restricting outdoor activities to 10pm. This could potentially catch street market concepts.
3. [A new borough wide hours policy](#) - 11pm Monday to Thursday, midnight Friday and Saturday, 10.30pm Sunday.
4. [Dalston SPA](#) – removal of Dalston premises hours guidance, potentially meaning earlier terminal hours imposed on new premises in Dalston.

Operators are encouraged to respond to the consultation before the deadline on 12 January 2018.

Emerging policy

On the other 'hand', the Night 'Mayor' has published local authority and developer guidance aimed at protecting, supporting and sustaining the London's night-time venues.

The guidance encourages local authorities to ensure that new homes can co-exist with current live music venues, night clubs and pubs. It also supports partnership working with planning, licensing and noise teams.

This guidance is published ahead of the draft London Plan, the city-wide planning framework. The new London Plan published soon, will be the most pro-cultural ever and will hopefully include strong policies supporting the night-time economy

There is clear disconnect between the Mayor's admirable objectives and the polar opposite mindset of some local authorities. London's world-class status as a 24 hour city is at stake. There are signs of hope, for example Hackney's recognition that some late-night venues can have a positive impact in CIP areas; Waltham Forest's proactive welcoming of night-time venues to their borough and Westminster's new "Licensees Charter" initiative. A properly thought-out and joined up approach, which distinguishes good operators from bad, will help enhance the night-time economy in London and ensure we can all go out for that drink or dance after midnight in the future.

Form 696

The police, in some cases, require applicants, particularly for temporary event notices, to complete this form. It's been around for about 10 years and is aimed at profiling promoters. However, the Mayor, following consultation, has required its practice to be withdrawn. It will be interesting to see whether TENs are now more difficult to get as presumably the police will have less information upon which to carry out their due diligence.

Effects of Insolvency

Insolvency of a premises licence holder has a serious effect on a premises licence, from the moment the licence holder becomes insolvent no licensable activities can take place at the premises and the premises licence itself will lapse immediately unless steps are taken to rectify this within 28 days.

For a company, it means:

- The approval of a voluntary arrangement proposed by its directors; or
- The appointment of an administrator in respect of the company; or
- The appointment of an administrative receiver in respect of the company; or
- Going into liquidation.

There is only 28 days thereafter to resurrect the lapsed licence by way of interim authority or transfer.

Counter Terrorism

Premises Licence holders are encouraged to proactively risk assess and address the current high terrorism threat level.

The Government has recently published a guidance document to help operators keep their premises as safe as possible: [Counter Terrorism Guidance](#).

And what we've been doing ...

- Licensing Marble Arch Island for the Underbelly theatre production of [Five Guys Named Moe](#)
- Assisting [Sophie's Steakhouse](#) in the opening of their new restaurant in Soho
- Obtaining a new 2am, 2,500 capacity licence for the [Hackney Arts Centre](#) in the Dalston Special Policy Area

