

January 2012

Thomas & Thomas E-News

Olympics

With the 2012 programme fast approaching, we have been keeping a close eye on Councils such as Westminster and indeed the Government to see if there would be any relaxation in licensing hours during the Olympic period. Unfortunately, from what we have seen and heard, there seems to be little intention for any local or national relaxation. We therefore suggest that operators either submit temporary event notices nearer the time or apply for a variation of the premises licence for the period in question. There may of course be policy presumptions which will need to be overcome but adverse publicity may of course be a factor which some local authorities will want to avoid.

Sex Entertainment Venues (“SEVs”)

At the time of writing, most London Councils have now adopted the SEV Licensing legislation. Some Councils have adopted similar policies and application procedures to that currently used for sex shop and sex cinema licences, which can be onerous. We are still waiting for news on Westminster’s policy, application requirements and the level of fees. We responded to Westminster’s SEV policy consultation on behalf of a number of operators, in particular about proposals relating to strict standard conditions and restrictions on the operating hours of SEV Licences. For more information about the SEV regime, and to find out if we can help you too, please visit our *‘Sex in the City’* article: [Sex in the City](#).

The Police Reform and Social Responsibility Act

This rather restrictive Act of Parliament was passed at the end of last year. At the time of writing, it has not come into force but is anticipated that it will do so in the first or second quarter of 2012.

In summary, the key reforms are:

1. To broaden the ambit of responsible authorities.
2. To remove the test of “vicinity” so that persons having a resident or business in a wider geographical area will be able to make representations. This could, inadvertently, give rise to commercial objections, albeit the local authorities’ power to disregard such representations as being frivolous or vexatious.
3. To amend the requirement that licensing authorities have to take steps which are “necessary” for the promotion of a licensing objective to that which is “appropriate”.
4. A relaxation (for a change) in relation to temporary event notices so that they can apply for a single event for up to seven days, subject to a total of 21 days in any calendar year. However, objections can be made by an environmental health officer and quite possibly on policy grounds.

5. Early morning restriction orders which would enable a licensing authority to prohibit the sale of alcohol between midnight and 6.00 am in the whole or part of an area. Obviously, if a local authority intends on making an order, it must be made by the full council of a licensing authority. It might therefore be necessary to lobby certain local authorities at the appropriate time to resist any such proposal. The effect, if passed, could be that any premises, even restaurants, with a licence after midnight would automatically be curtailed.
6. The suspension of a licence if an annual fee is not paid and the licence would be not be reinstated until the fee is paid, subject to a grace period of 21 days.
7. Late-night levy, a further power for local authorities to restrict late-night uses (after midnight and before 6.00 am) by being able to impose a financial levy on late-night premises. However, ironically and conversely, alcohol disorder zones which were passed under previous legislation had been completely unused and this measure has already been repealed from the statute book.

Live Music – a Private Members Bill to sing and dance about

A private members bill aimed at relaxing the rules for licensing small live music events has been passed by the House of Commons. The proposals will mean the following activities will no longer require a Licence:

1. unamplified live music taking place between 08:00 and 23:00; and
2. amplified live music between 08:00 and 23:00 before audiences of no more than 200.

The Bill also proposes an exemption to comply with existing Licence conditions relating to live music, providing the premises complies with points 1 and 2 above.

The Bill needs to pass through the House of Lords before it becomes law - although the Bill is making all the right noises, which is good news for operators of smaller venues wishing to offer live music.

And finally.....are you feeling healthy?

Thomas & Thomas have decided to introduce a "MOT" check. This free service allows clients to ask us to examine their existing licence(s) and identify any particular conditions or restrictions that could either be varied, removed or indeed might already be unlawful. Please contact any member of the team should you require further information in this respect.

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