

March 2012

Thomas & Thomas E-News

The Olympics – Ready? Set? Go!

Olympic TENS

It looks increasingly unlikely that the Government will offer any relaxation during the Olympic period. Similarly, many local Councils, particularly Westminster, have indicated they will not be prepared to offer any exceptions to their regular licensing policies during this summer's Games.

It is therefore expected that operators will be utilising their Temporary Event Notices ("TENS") during this period. 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.

Local Councils are expecting an influx of TEN applications ahead of the Games, so it is very important your application is submitted as soon as possible. Key application deadlines are as follows:

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

Operators should also consider submitting their TEN applications before April, as it now looks likely the Police and Social Responsibility Act 2011 will come into force in April 2012. The Act brings important changes to the TEN regime, notably giving Environmental Health Officers new powers to object to TEN applications. Please refer to the news section below for more details on the new Act.

Advertising & Trading during the London Olympics 2012

Premises within the "Olympic Zones" are subject to various restrictions on advertising and outside trading during the Olympics. If your premises is close to an Olympic venue you can find out whether you are within an "Olympic Zone" by following the link: [Olympic Zone Finder](#). Maps are also available at: [Olympic Zone Maps](#).

If your premises is located within an "Olympic Zone" permission should be sought to use the external areas during the summer. This may be regardless of any existing consent under your Premises Licence or Tables and Chairs Licence. There are some exemptions for premises operating on private land, although we suggest you check the position with the Olympic Delivery Authority, who may require you to submit an application to either advertise or trade during the summer. The deadline for such applications is 31 March 2012.

Queen's Jubilee

You will be pleased to note that the Government has decided to relax and extend licensing hours for the Queen's Jubilee. The relaxation is very similar to that enjoyed by operators during last year's Royal Wedding. Pubs, clubs and other licensed premises will be allowed to open until **01.00am** on the nights of:

- Friday 1 June/Saturday 2 June 2012; and
- Saturday 2 June/Sunday 3 June 2012.

Police and Social Responsibility Act 2011

Most of the licensing provisions introduced by the Police and Social Responsibility Act 2011 are now expected to come into force on 6 April 2012. The provisions relating to Late Night Levies and Early Morning Restriction Orders are expected to be implemented later this year.

There are some significant implications for operators and landlords, summarised as follows:

- Suspension of a Premises Licence for non-payment of annual fees.
- Licensing Authorities and Local Health Boards to become Responsible Authorities, allowing them to make representations and initiate Reviews.
- In relation to reviews, Licensing Authorities must now only demonstrate that their decisions are 'appropriate' for the promotion of the licensing objectives rather than 'necessary'.
- Removal of vicinity requirement for Interested Parties, meaning persons from a much wider geographical area can make representations.
- TENS:
 - New powers for Environmental Health Departments to object to TENS. Operators should therefore consider submitting Olympic event TENS before April.
 - Period of each TEN to be increased from 98 hours to 168 hours, subject to an extended maximum of 21 days of TENS each year.
- Doubling 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.
- Prohibition of the sale of alcohol late at night in certain areas by way of Early Morning Restriction Orders.
- The ability for Licensing Authorities to charge a Late Night Levy on premises trading late at night.

Live Music Act 2012

The much welcomed Live Music Bill has received Royal Assent and is now an Act of Parliament. The Act represents one of the first significant de-regularising measures since the Licensing Act 2003. It is anticipated the Act will come into force in the autumn. The new Act will mean un-amplified and small amplified live music events will no longer require a Premises Licence, so long as they do not take place any later than 11:00pm.

For more details on the Live Music Act please refer to our January e-news: [January E News](#).

Operation Condor

The Metropolitan Police launched Operation Condor at the end of February as part of a huge crackdown on unauthorised licensable activity in London. The headlines:

- The operation affected all 32 London Boroughs.
- 4,896 premises were visited.
- 658 licensing breaches identified.
- 420 arrests.

It is not yet known whether another coordinated operation across London will occur any time soon. If you would like to have a free consultation on the scope of your Premises Licence you might be interested in the **complimentary Thomas & Thomas Premises Licence "MOT"**. Please do not hesitate to contact one of our Partners if you would like to benefit from this offer.

Westminster SEVL Applications

We are now finalising Sexual Entertainment Venue Licence ("SEVL") applications for numerous operators in Westminster. Existing operators should apply for their SEVL by no later than 1 April 2012. For more information on the SEVL regime, please refer to our November 2011 and February 2012 E-News: [November 2012](#) and [February 2012](#).

British Summertime

The clocks go forward on Sunday 25 March 2012 at 01:00am to 02:00am.

Operators open later than 01:00 on a Saturday night into Sunday morning should check their Premises Licence to ensure it authorises an additional hour's trade when British Summertime begins. If your Licence does not specifically allow this, you will not be authorised to trade during this hour and may need to apply for a TEN.

Hyde Park Just Keeps on Rocking!

Thomas & Thomas are proud to have been able to help save this year's concerts following a review of Hyde Park's Premise Licence. A copy of our Press Statement and digest of the issues can be found at [Hyde Park Case Study](#) and [Hyde Park Press Release](#).

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

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