

May 2012

**Thomas & Thomas E-News**

A reminder first about our seminar. The event will take place this Wednesday, 2<sup>nd</sup> May at 6pm at the House of St Barnabas in Soho. If you haven't already, please let us know if you would like to attend, full details can be found here: [Seminar](#). It's free and it's great. There are a few places still left.

The subjects covered will include the amendments to the Licensing Act which came into force last Thursday and include:

1. **New Responsible Authorities** - Licensing Authorities and Local Health Boards are to become Responsible Authorities, allowing them to make representations and initiate Reviews.
2. **Vicinity Test** - The removal of the vicinity requirement for Interested Parties, meaning persons from a much wider geographical area can make representations/objections.
3. **'Appropriate' test** - A reduction in the evidential burden on Licensing Authorities when determining an application for a Premises Licence or a Review. Licensing Authorities must now only demonstrate that their decisions are 'appropriate' for the promotion of the licensing objectives rather than 'necessary'.
4. **Suspension of a Premises Licence for non-payment of annual fees** – the Licensing Authority is required to suspend a Licence for non payment of annual fees. There is a 21 day grace period in the event of an administrative error or if the Premises Licence holder disputed liability for the fee before or at the due date. If the dispute or error is not resolved within the 21 days the Licence will be suspended. A suspended Licence is reinstated upon payment of the fee.
5. **TENs:**
  - a. New powers for Environmental Health Departments to object to TENs.
  - b. Police and Environmental Health now have three working days to object.
  - c. Objections and counter notices permitted based on all four licensing objectives.
  - d. Licensing Authorities will be able to impose conditions on TENs.
  - e. The period of each TEN is to be increased from 98 hours to 168 hours, subject to an extended maximum of 21 days of TENs each year.
  - f. The ability to apply for a limited number of late TENs – no later than 5 working days before the event but no earlier than 9 working days. Personal Licence holders can apply for up to 10 late TENs per year, non Personal Licence holders can apply for up to 2 late TENs per year (inclusive of other TEN limits).

Changes expected to be brought in later this year:

6. Prohibition of the sale of alcohol in certain areas by way of Early Morning Restriction Orders (EMROs), anytime between midnight and 6am.
7. The ability for Licensing Authorities to charge a Late Night Levy on premises trading anytime between midnight and 6am.