

November 2011

Thomas & Thomas E-News

Sex in the City

As Christmas approaches, we thought we would warm you up with some Christmas cheer. Unfortunately, we couldn't as it's more doom and gloom; this time in the form of the Sexual Entertainment Venue Licence ("SEVL") legislation.

This was enacted by Parliament several months ago but as it is "adoptive" legislation, each individual council has to resolve to adopt it. Westminster resolved to adopt the legislation as from 1 October and have published a consultation document. However, they have not yet issued the application forms or the policy itself. Therefore, it is possible to apply in Westminster for the new licence now but obviously one would do so "blind" of the requirements of the council and their policy. Their fees are not yet known but we believe the new application fee and the annual renewal thereafter will be in the region of £5,000 per premises.

Camden is resolving to adopt as from the 1 November and appears to be resolving that the quota of licences will be "zero", although there appears to be an exemption for existing operators. Westminster has not yet published their quota but we suspect that their quota will be the same as existing and operating premises, at least for the time being.

Applications must be submitted within 6 months of the council adopting that legislation, so in the case of Westminster, the 1 April 2012. Unlike the Licensing Act 2003, there are numerous grounds for objecting to the licences and the Council can and probably will issue Standard Conditions which could have a substantial impact on current and future operations. For example, in Westminster's Consultation, a possible policy has been suggested that all licences are restricted to the Council's current Core Hours!

Here are a few further key points to note about the SEVL regime:

- Residents may oppose SEVLs if they deem them "inappropriate" to the area.
- SEVL's must be renewed annually.
- There are no "grandfather" rights for existing licence holders and all applications (new or from existing operators) are considered on their individual merits.
- The date the council adopts the legislation is called the "First Appointed Day" (FAD); 6 months after the FAD is known as the Second Appointed Day ("SAD"); 6 months after the SAD is known as the Third Appointed Day ("TAD").
- Existing operators wishing to provide striptease beyond the TAD should apply for a SEVL after the FAD and before the SAD.
- An existing operator can continue to use their existing licence until either the TAD or the grant of the SEVL.
- Applications submitted by either existing or new operators will be determined together on their own merits after the SAD, there is no first come first served policy.

- Only existing operators who have a licence which authorises striptease on the FAD may continue to do so until the TAD (12 months later) regardless of the outcome of the application.

We will report more news as soon as we hear.

The Westminster Consultation, to which we will be replying can be found at:

<http://www.westminster.gov.uk/services/business/businessandstreettradinglicences/licensing-public-consultations/>

An update on the Police and Social Responsibility Act

Since our last newsletter, there has been little additional news on these changes. The most we've heard is that the changes are not likely to come into effect until next April.

Temporary Event Notices

A reminder to shop early for Xmas with any extensions that you may need. Each premises is allowed 15 days per annum and generally these are granted without difficulty if the hours applied for are not too extravagant.

Other news

We are delighted to have been instructed in relation to the opening of two new outstanding restaurants in Mayfair, namely Aurelia in Cork Street and Downtown Mayfair in New Burlington Place. Both venues to watch or even better to eat in !

Please do contact any member of Thomas & Thomas should you need any further information.