

October 2012

## Thomas & Thomas E News

### Live Music Act

On the 1<sup>st</sup> October, the Live Music Act came into effect.

1. The provision of facilities for making music and dancing **are no longer licensable activities**. This means that the following will no longer need to be licensed:
  - Dance floors.
  - In-house sound systems.
  - Musical instruments provided for use by customers, i.e. a piano.
2. Premises licensed for consumption of alcohol on that premises or 'workplaces' no longer require an authorisation from the Licensing Authority for the performance of live music between 8am and 11pm before an audience of 200 people or less. In addition, any conditions on the premises licence that relate to exempt live music will have no effect.
3. The Act also permits unamplified live music in all venues, whether licensed or not, between 8am and 11pm.

However, operators still need to comply with the prevention of public nuisance licensing objective, and action may still be taken against any venue that is found to be causing a nuisance. This could be in the form of a noise abatement notice or the Licensing Authority could review the Premises Licence and impose conditions that restrict the performance of exempt live music.

### Late Night Levies & Early Morning Restriction Orders ("EMROs")

The new legislation relating to Late Night Levies and EMROs is also now in force. Local Authorities are, after consultation, able to charge a Late Night Levy on premises trading anytime between midnight and 6am. In addition, EMROs can be made by local authorities to prohibit the sale of alcohol in specified areas anytime between midnight and 6am.

For more details on how these potentially onerous regimes could affect your business, please refer to our [August E-News](#). There is still no news from Westminster or other central London Boroughs as to whether they intend to adopt or consult on either of these measures.

Local Authorities will have discretion to make the following categories of premises exempt from the Levy:

- Hotels (for hotel residents on the premises)
- Theatres (for ticket holders, performers, staff, or guests to private events)
- Cinemas (for ticket holders or guests invited to a private event)
- Participants in business improvement districts (BIDs), but only BIDs which are established for 'relevant purposes'.

Active members of groups such as Best Bar None or Pubwatch may also be able to claim a discount, although again this is subject to the discretion of the Local Authority.

### EMRO exemptions

The following categories of premises are exempt from the EMRO regime:

- Hotels where the sale of alcohol is to hotel guests in their rooms.
- Premises licensed to supply alcohol in the early hours of New Year's Day only.

If your Local Authority is consulting on introducing the Levy and/or EMRO regime to your area it is essential you take action to challenge the proposals. If you would like further information on how to make a formal consultation response, please do not hesitate to contact one of our partners.

### **NYE & Christmas Temporary Event Notices**

A reminder to shop early for Christmas with any special Licence extensions that you may need. Each premises (or in some cases part of a premises) is allowed 21 days of TENS per calendar year. If you have not used up your annual allowance, now is the time to use your TENS for Christmas and NYE events before the end of the year.

### **In other news...**

The Thomas & Thomas Partners team have recently:

- Licensed the world famous Parisian **Crazy Horse** show on the Southbank: [Forever Crazy](#).
- Advised the operators of **Dukebox**, a new and widely reported club in Chelsea: [Dukebox](#).
- Advised on the opening of **Sushi Samba** at the top of Heron Tower ([Sushi Samba](#)), **Clock Jack Oven** ([Clockjack Oven](#)), London's first aperitivo bar **Il Tempo** ([Il Tempo](#)) and **Patty & Bun** ([Patty & Bun](#)).

### **And finally...Happy Anniversary to us!**

At the beginning of October we celebrated our first anniversary. Our first 12 months have flown by, during which we were awarded Top Tier status by Legal 500 and Chambers & Partners. Our Partners, Alun and Thomas, were also recognised as leading individuals. We would like to thank all of our clients for their tremendous support during our first year.

If you have any queries in respect of the above or any other matter, please contact us.

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