

Thomas & Thomas E-News

Christmas TENS & New Year's Eve

Time will soon run out to use up your Temporary Event Notices (TENS) for special events during the festive period. Remember that you cannot carry over your quota to next year. With Christmas fast approaching, now might be the time to use TENS to extend the hours on a temporary basis.

Many Premises Licences allow the sale of alcohol from the end of usual permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. If you benefit from this flexibility, you are already permitted to stay open all night on New Year's Eve. However, please do check your Premises Licence carefully to ensure you have this permission, otherwise you will need a TEN.

Pattygate – 'Well Done' Davys Wine Bar

Davys Wine Bar has successfully challenged Westminster's ruling to stop serving rare burgers in their restaurants. In 2012 Westminster served a Hygiene Improvement Notice requiring improved safety controls when cooking rare burgers. The notice was appealed by Davys on the basis the Improvement Notice was not justified in respect of their actual preparation of their rare or medium-rare burgers.

In allowing Davys appeal, District Judge Roscoe said "*there is a balance to be struck between ensuring the safety of the public and allowing them the freedom of choice that they would wish and have a right to expect*". The decision has been welcomed by food critics but not food safety experts. The latter maintain whole cuts of meat should be "seared and shaved" before mincing to remove the risk of e-coli poisoning.

Shadow Licences

A shadow Licence is a Premises Licence held in respect of a premises that is already licensed. Shadow Licences are sometimes held by landlords wishing to protect the value of their property in the event their tenant's Licence is reviewed or lapses. They can be an excellent investment where the value of the Licence is paramount.

In a recent High Court case, Guildford Borough Council had refused an application for a shadow Licence on the basis the landlord was not carrying on a business which involved the use of the premises for licensable activities. The High Court disagreed with Guildford Borough Council. The Court held the landlord satisfied the threshold and were entitled to apply for, and hold, a shadow Licence.

British Summer Time ("BST")

Please don't forget to turn your clocks back when BST ends on 27 October. If your Premises Licence authorises licensable activities until 2am or later, you will benefit from an extra hour's trade on the evening of 26/27 October.

Proposed Developments to the Licensing Regime

The Government's latest proposals in respect of its alcohol strategy have been published:

- A removal of the requirement to renew Personal Licences every 10 years. The first batch of Personal Licences were otherwise due for renewal in 2015. Licensees do still need to ensure their address and personal details are keep up to date.
- In addition, the Government are consulting on whether to remove the Personal Licence regime altogether. This may impact upon DPS requirements although it is foreseeable responsible authorities would instead require appropriately trained employees in any event.
- An increase in the number of Temporary Event Notices from 12 to 15 each calendar year, although probably still subject to a maximum of 21 days.

Thomas & Thomas Drinks Reception & Licensing Seminar

Our popular Drinks Reception & Licensing Seminar will be held on the 26 November at 6pm. Further details to follow.

What we've been up to...

- Retaining our top-tier status by the **Legal 500** and winner in the **Global Law Experts 2013** awards.
- Continuing to advise **Burger & Lobster** on their on-going expansion in London.
- Advising the East London Community Land Trust during **Danny Boyle's** Shuffle festivals at the former St Clements Hospital site.
- Advising in respect of the new licensed uses at the **Broadgate Circle** development.
- Successfully obtaining later hours for **Kopapa** despite objections and the premises being inside Camden's Seven Dials Special Policy Area.
- Advising **Hawksmoor** on their latest and highly acclaimed steak restaurants.
- Assisting the **Royal Parks** in a successful summer concert programme at **Hyde Park**.
- Obtaining a 1am extension for **Be At One's** new bar in Westminster.
- Assisting the **House of St Barnabas** in respect of their new members' club in Soho

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

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