



Out and about: This month we have attended licensing hearings for clients in St Albans, London and Leeds.

We have been to various meetings in London Bristol and Cardiff, including the Institute of Licensing Wales region meeting, Festival Congress and the Bristol & South West Leisure Property Network.

This month in summary

Alcohol & entertainment licensing news

- Update on late night levy action
- Festive season temporary notices
- Ensuring the festive season passes off without a hitch
- Julian Skeens joins the TLT Licensing team

Gambling news

- Gambling Commission to review peer to peer poker

Alcohol & entertainment licensing news

Update on late night levy action

The onset of winter has coincided with a rise in late night levy action around the country. We're not quite sure if there is a causal link, although the drawing in of the nights may seem more than a coincidence to operators likely to be affected. As previously reported, the London Borough of Camden has just completed its second 'consultation' after announcing the first one was simply a trial for the real thing. Liverpool City Council has just finished its consultation and now Plymouth City Council has thrown its hat in the ring and is consulting.

Plymouth City council proposes that the levy will be introduced on 1 April 2016 and the late night supply period will be any time from 1am to 6am.

It proposes to exempt the following permitted categories of premises from paying the levy:

- Premises providing overnight accommodation where alcohol can only be supplied to persons staying at the premises for consumption on the premises.
- Theatres, cinemas and bingo halls.
- Registered community amateur sports clubs.
- Certain community premises.
- Premises within a Business Improvement District.

- Premises only authorised to supply alcohol between midnight and 6am on New Year's Day.

The council intends to allow a reduction in the levy for business led best practice schemes. If an acceptable scheme is approved, the Council is willing to consider permitting a 30% reduction in the levy for members of that scheme.

The council proposes not to exempt country village pubs

The council does not propose to reduce the levy for premises subject to small business rates relief.

It is worth remembering the council can decide to introduce the levy from midnight, if it receives responses which suggest that is the preferred period. The consultation can be found [here](#).

Festive season temporary notices

If you are thinking of hosting events ordinarily outside of your licensing hours or activities, don't forget to make your temporary event notice applications in good time. Ten working days is the minimum period required for a standard temporary event. Although you can submit a 'late' TEN between five and nine working days prior to the event we do not recommend it, as any objection from the police or Environmental Protection Officer leads to an automatic refusal.

Police licensing officers receive significant numbers of applications at this time of year and it is worth getting in early to ensure the best chance of getting yours granted.

On that note, it's worth double-checking your licence to ensure that you have late enough hours for New Year's Eve. There are no national exemptions and as such you can only trade your ordinary hours, unless your licence expressly states that you have an exemption.

Ensuring the festive season passes off without a hitch

Christmas party season seems to start earlier each year. The reality is that whilst Christmas has traditionally been a great time for licensees to dole out cheer in pints and wine-glasses, it also has its own inherent challenges that are well worth considering in advance to ensure that the holidays remain happy.

The occasional drinking party-goer

This time of year, colleagues who would otherwise not usually go to the pub can be found out carousing with their more 'regular' colleagues. On occasion, this can lead to a certain amount of over-indulgence. It is a legal requirement that alcohol is not sold to people who are already drunk. Recently, certain elements of the health lobby made a big thing about how on the spot fines are not used enough to deter bar staff from serving drunk customers. There is a good chance that this year there will be a clampdown by police and trading standards officers on publicans serving those who have already had one too many...

Office juniors

Groups of colleagues out for their office party may include staff members that are underage. Happy and helpful colleagues may well feel that their junior brethren can sup on a mulled wine on such an auspicious occasion and often it is left to the bar server to prevent this particular well meaning breach of the law. It's worth briefing staff in advance, in particular those collecting glasses, to be on the look out.

When Christmas parties go wrong...

Have you planned for enough staff to serve the influx of carol singers, over subscribed parties of diners and nose-to-cheek santas from the front door to the bar? It is worth taking some time to anticipate the possible issues to ensure that there is no unwelcome late Christmas present from the licensing officer inviting you to a new review of your premises licence. May we be the first to wish you a prosperous Christmas trading period!

Julian Skeens joins the TLT Licensing team

A very warm welcome to Julian Skeens who has joined TLT as a partner in the firm's specialist Licensing team.

Julian provide licensing services to clients across England & Wales and Scotland. He will be based out of the firm's London office.

Julian was head of the licensing law group at Jeffrey Green Russell, where he led on a number of high profile cases, advising a range of clients including pubs, nightclubs, galleries, theatres, venues and hotels. He has been involved in a number of industry firsts including licensing the first UK multi-activity centre, the first UK 24-hour Public Entertainment Licence and the UK's largest licensed premises.

Julian has been active in the sector for nearly 30 years and is recognised as a 'leader in the field' of licensing by Chambers, an independent guide to the legal sector. He also sits on the National Licensing Forum and is a fellow of the Institute of Licensing as well as a Companion of the British Institute of Inn Keeping.

TLT's Julia Lucas, partner and head of Leisure, said: "Julian has a fantastic reputation and unrivalled experience in the sector. He brings with him a wealth of expertise that compliments and bolsters the firm's UK licensing offering to our growing client base. I'm delighted to welcome him to TLT."

Julian Skeens said: "TLT has an excellent reputation as one of the UK's leading licensing firms and I look forward to playing my part in further enhancing its reputation."

Gambling news

Gambling Commission to review peer to peer poker

The Gambling Commission is reviewing regulations governing online poker arrangements where games are conducted with players playing against each other rather than the 'house' or operator. The purpose of the review will be to establish whether such facilities remain free of crime and uphold the licensing objectives under the Gambling Act 2005. The review will likely to lead to an update to the licence conditions and codes of practice and remote technical standards. At this stage, the Commission is seeking views from licence holders on how peer to peer poker websites are organised and run.

If you would like any more information on the information in this bulletin, or would like to seek legal advice on any form of licensing law, please feel free to get in touch.

TLT contacts



Matthew Phipps, Partner

T +44 (0)333 006 0201
matthew.phipps@TLTsolicitors.com

TLT has a Licensing team of 15 people and provides leisure sector operators throughout England & Wales with expert advice across the range of licensing and licensing related issues. Additionally TLT is unique in being the first firm able to provide a licensing service which offers genuine and significant expertise across England, Wales and Scotland.

TLT's Leisure team is made up of over 50 lawyers. We provide clients with a full service including licensing, real estate, corporate M&A, finance, equity investment, competition, commercial services, franchising, intellectual property, planning, dispute resolution, employment and pensions. Our clients appreciate the seamless service that we can give them through our innovative approach. Our specialists help some of the sector's leading pub companies, hotels, clubs, restaurants, visitor attractions, festivals and tour operators to stay ahead in this highly competitive industry.

This publication is intended for general guidance and represents our understanding of the relevant law and practice as at 27 November 2015. Specific advice should be sought for specific cases; we cannot be held responsible for any action (or decision not to take action) made in reliance upon the content of this publication.

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