



**Out and about:** Last month took us to hearings for various matters in Essex, Oxford and London and client meetings in Wales, Reading, Leeds, Birmingham, Manchester and Burton on Trent. Of particular interest was a summary review application where the police tried to suggest that details couldn't be given of crime and disorder allegations because of ongoing investigations and the public nature of the hearing. We pointed out the matter could be heard excluding the public - something that was then able to happen at the final hearing. We also attended the ALMR spring conference where we joined with others across the sector sharing insights on the industry.

### This month in summary

#### Alcohol & entertainment licensing news

- Nottingham late night levy raises a third less than predicted
- Queen's 90th birthday celebrations likely to lead to extended opening hours and street parties
- The importance of record keeping: why records are the winner in a battle of 'who said what'

#### Gambling news

- Consumers take centre stage in new Gambling Commission business plan
- Action plan for anti-money laundering and counter-terrorist finance produced

### Alcohol & entertainment licensing news

#### Nottingham late night levy raises a third less than predicted

Hot on the heels of Cheltenham announcing disappointing revenue figures for the late night levy, Nottingham City Council has disclosed that it raised over a third less revenue (34%) than had been predicted in its consultation literature. Although it is not proposing to review the levy because of this, the figures follow a pattern that many operators predicted in their objections to the levy. These include:

- higher administration fees; and
- a greater uptake in varying hours to avoid payment than predicted.

Various authorities, particularly in London, are considering implementing the levy. They would follow in the footsteps of Islington, City of London and Camden, whilst Tower Hamlets has just consulted. News therefore that the predictions of authorities actually implementing the levy have been, in certain cases, wildly optimistic adds to the growing weight of evidence that the late night levy is an unworkable tax that fails to involve all parties who contribute to the night-time economy. Should more authorities consult, then it is for the industry to voice these concerns and engage in the consultation process.

## Queen's 90th birthday celebrations likely to lead to extended opening hours and street parties

### Alcohol licensed premises:

Friday and Saturday 10 and 11 June are likely to benefit from universal 1am extensions to sell alcohol. It is unlikely that the extension will permit live or recorded music. If you want to provide music and your licence doesn't currently permit it, then you should apply in good time for a TEN. If the extensions end up permitting regulated entertainment, then you can always withdraw the TEN.

### Street parties:

Like the Jubilee, there are likely to be street parties up and down the country. Here is a quick guide for those people looking to put on a party:

- **Consumption of alcohol.** As consumption is not licensable, no licence is needed for street party goers to consume alcohol, either brought from home or sold from licensed premises that are licensed to sell alcohol for consumption off the premises.
- **Sale of alcohol.** Any bar where alcohol is to be sold that is not licensed by a premises licence will require licensing or a TEN being obtained. TENs can only be obtained for events with fewer than 500 persons, so consider whether you are likely to comply with this.
- **Regulated entertainment/exemptions.** Provision of plays, films, recorded or live music, boxing or wrestling all require licensing, unless otherwise exempted. Any of the above can be applied for by way of a TEN and as such if you are considering sales of alcohol, combine the application. A list of full exemptions can be found on the [Home Office website](#).
- **Live music/ recorded music exemptions.** The live music and recorded music exemptions only apply to premises permitted to sell alcohol at times they are open to do so, with the exception of acoustic live music which can be provided between 8am and 11pm anywhere. In addition, there is a work-place exemption for live music, so if people are working at the street party, live music in any form can be provided between 8am and 11pm to an audience of 500 or fewer. Also remember that background music and live TV are not licensable and so therefore no licence is required for either.

### The importance of record keeping: why records are the winner in a battle of 'who said what'

A significant number of premises licences now have conditions on them requiring records to be kept in various circumstances. These can include:

- refusals registers;
- complaints books;
- incident logs; and
- various policies, such as dispersal, CCTV operation or garden management.

A lot of the time, these conditions will specify that the records must be made available to officers from the council or police. If you have such conditions, it is a criminal offence to fail to comply. However, what about those premises who do not have such conditions. Are there any benefits to doing so?

The answer, leaving aside the time it takes to complete such records, is yes. Even if you have instigated a raft of registers and policies and have never had to make an entry, it is still worth the effort. If the worst happens, such as a failed test purchase operation, the fact that you have kept records will assist in formulating a defence to any charge, or indeed expose a weakness that perhaps staff have taken their eye off the ball because nothing is being recorded.

On the other hand, it is more likely that once in a while, a complaint will be received or an incident will occur. In those circumstances, dealing with matters effectively has to be the main priority, but a little bit of time spent making a note of what happened, and more importantly what action was taken, is the makings of a due diligence defence should the complaint or incident require investigation by the authorities.

As is always the case, the usefulness of the record is made or broken by the information it contains. All records should be comprehensive enough to give a picture of what happened; time, place, names and details, along with the all-important actions taken, allow you to refute any suggestions that perhaps the matter was not dealt with properly. If it comes to an argument about what actually happened, a detailed note taken at the time is great evidence to be able to point to.

## Gambling news

### Consumers take centre stage in new Gambling Commission business plan

A new business plan sets out how consumers will be at the heart of the Gambling Commission's work over the coming year. The plan covers the period from April 2016 to March 2017. Themes providing direction to the Commission's work include:

- Building on vital work to protect the most vulnerable, and set standards for responsible and safe gambling.
- Ensuring markets are fair and open for consumers by tackling problems with online marketing, terms and conditions, and unsolicited texts.
- Giving consumers confidence that markets are not rigged, or subject to fixing, and otherwise are kept free from crime.

A full copy of the business plan can be found [here](#).

### Action plan for anti-money laundering and counter-terrorist finance produced

The Home Office and HM Treasury have published their action plan for anti-money laundering and counter-terrorist finance. The Office of Financial Sanctions Implementation has a free alerts service which notifies subscribers of changes to financial sanctions listings to help with compliance.

A copy of the full action plan document can be found [here](#).

**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



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TLT has a Licensing team of 18 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.