



# **LICENSING ACT 2003**

## **GUIDANCE NOTES**

### **PREMISES LICENCES**

This guidance note is intended as general guidance only and is not a substitute for detailed advice on specific circumstances. For the avoidance of any doubt you should seek your own independent advice on any matter on which you are unclear.

## **Premises Licence**

A premises licence is a licence that is granted to authorise the premises to be used for “licensable activities”, namely the **sale of alcohol** or the provision of **regulated entertainment** or **late night refreshment**.

### **What is regulated entertainment?**

Subject to conditions, definitions and exemptions, descriptions of entertainment to be regulated by the 2003 Act include:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance.

This list is not exhaustive.

More information can be found in the Haringey Council’s leaflet: ***Regulated Entertainment***.

### **What is late night refreshment?**

The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11:00 pm and 5:00 am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

More information can be found in the Haringey Council’s leaflet: ***Late Night Refreshment***.

### **Definition of a Premise**

‘Premises’ as defined in the Licensing act 2003 is any place and includes vehicles, vessel or moveable structure. This very wide definition means for example that:

- a vessel is treated as if it were premises situated at the place where it is usually moored;
- if a vehicle or structure is not permanently sited at one place and is intended to be used for one or more licensable activity, then it is treated as if it were premises situated wherever the licensable activity is to take place. So the big top of a travelling circus, or a beer tent that moves from one agricultural show to another, would have to apply for a premises licence for every site on the tour;
- A hot-dog stand regularly parked outside a nightclub will need a premises licence.

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## Who can apply for a premises licence?

Any individual or business proposing to carry on a business involving licensable activities on the premises that is aged at least 18. Recognised clubs, charities, a proprietor of educational establishments, health service bodies and a chief officer of Police may also apply for a premises licence.

## The Application Process

Whilst you will need to complete a different application form and must provide a schedule of works and plans, the rest of the requirements and decision making are the same as if you are applying for a Premise License .An application for a provisional statement must be made to the licensing authority for the area in which the premises exist. To make an application the following must be submitted:

- A completed application form;
- An operating schedule;
- A schedule of works and plans;
- If alcohol is to be sold, the name of the Designated Premises Supervisor;
- The prescribed fee.

The applicant must also ensure that copies of the application are submitted to responsible authorities which are:

- The Police;
- The Fire Authority;
- Health and Safety or HSE;
- Environmental Protection;
- Social Services;
- The Haringey Planning Department.

See list for contact details.

## What is a Designated Premises Supervisor?

All premises licence's authorising the sale and supply of alcohol must have a Designated Premises Supervisor. A Designated Premises Supervisor (DPS) is the person identified on the premises licence as the person who supervises the premises. This person will be named in the premises licence and also must hold a **Personal Licence**.

For more information, please see the Haringey Council's leaflet: ***Designated Premises Supervisors***.

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## What is an operating schedule?

The operating schedule is a document which the applicant sets out various details on how the premises is proposed to operate when carrying on licensable activities. It must include the following information:

- The licensable activities to be carried out;
- Plans of the proposed premises;
- The proposed hours that the relevant licensable activities are to take place;
- Any other items that the premises are to be open to the public;
- The name and address of the Designated Premises Supervisor if the licensable activities include the supply of alcohol;
- Where alcohol is to be supplied, whether the supplies are proposed to be for consumption on and/or off the premises;
- A statement of the steps the applicant proposes to take to promote the licensing objectives;
- Where the licence is for a limited period, that period;
- Any other prescribed matters.

The significance of the operating schedule is that if the application for the premises licence is granted, it will be incorporated into the licence itself and will set out the permitted activities and any limitations.

Operating Schedules **MUST** clearly satisfy the four licensing objectives set out in the Licensing Act 2003. For further details refer to Haringey Council's ***Statement of Licensing Policy***.

## Fees

The fees for a new premises licence or vary an existing premises licence is dependent on the non-domestic rateable value of the premises.

For further details refer to Haringey Council's leaflet ***Fees Guidance***

## Advertising Applications

All applicants **must** publicise their applications to bring the matter to the attention of interested parties.

To publicise the application, the applicant must clearly display a pale blue A4 size Notice immediately on or outside the premises for a 28 day period during which time interested parties may make representations. Also applicants are required to publish the same details in a local paper within 10 working days of applying.

The Notice should clearly display a brief summary of the application setting out matters such as the proposed licensable activities and the proposed hours of opening, together with information about where the details of the application may be viewed.

Please see the guidance on Public Notices.

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On at least one occasion during the period of 10 working days, starting on the day after the day on which the application was submitted to the Licensing Authority of the Council, you must publish a notice (below) in a local newspaper circulating in the Borough of Haringey.

**LICENSING ACT 2003  
NOTICE OF APPLICATION FOR A PREMISES LICENCE**

Notice is hereby given that (a).....

Has / have applied to the Licensing Authority of London Borough of Haringey for a Premises Licence to permit:

(b).....  
.....  
.....

for the premises (c).....  
Situating at (d).....

A register of licensing applications can be inspected at Licensing Team, Enforcement Service, Technopark, Ashley Road, Tottenham, N17 9LN

Any person wishing to submit relevant representations concerning this application must give notice in writing to the London Borough of Haringey, Licensing team at the above address, giving in detail the grounds of the representation no later than:

(e)...../...../200.....

The Council will not entertain representations where the writer requests that his identity remains anonymous. Copies of all representations will be included in the papers presented to the Licensing Authorities Sub Committee and will therefore pass into the public domain.

Representations must relate to one or more of the four Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

It is an offence liable on conviction to a fine up to £5000 under section 168 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application.

Dated this ..... day of ..... 200.....

Signed.....

Notes: (a) Full name of applicant (b) Brief description of licensable activities and times (c) Name of premises (d) Full postal address of premises (e) The last date for representations to be written in the form at [www.haringey.gov.uk](http://www.haringey.gov.uk) and calculated as 28 days from the date on which the notice is displayed.

## Representations

A hearing on an application will only occur where objections or representations from interested parties or responsible authorities are received:

- Interested parties are businesses or residents in the vicinity of the premises and people representing businesses or residents;
- Responsible authorities are the Police, the Fire Authority, the Health & Safety Enforcement Agency, Environmental Protection, the Child Protection Committee, the relevant Planning Authority.

Where no objections or relevant representations are made by responsible authorities or interested parties, the licensing authority must grant the licence application subject only to the mandatory conditions and the operating schedule.

If relevant representations are received, the licensing authority must hold a hearing and consider the representations. This may result in:

- The rejection of the application;
- The refusal to accept a Designated Premises Supervisor (if the licensable activities relate to the supply of alcohol);
- The attachment of conditions to the licence if this is necessary for the promotion of one or more of the licensing objectives.

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A hearing will be heard if there is a request for a review of the licence or the Police close the premises. At the hearing the licensing authority will review the licence and consider whether to amend the licence or any conditions.

### **Variations to a Premises Licence**

A premises licence holder may apply to the licensing authority to vary their licence. Variations could include the opening times of the premises, or even changes to the physical shape of the premises covered by the licence. More probably, it will relate to the licensable activities of the licence or conditions attached to the licence. Applications to vary a licence must be advertised in the same way as a new Premises Licence application.

For more information, please see the Haringey Council's leaflet: ***Variations, Representations and Appeals for Premises Licences & Club Premises Certificates.***  
or

See related information on the Department for Culture, Media and Sports website:  
[www.culture.gov.uk/alcohol\\_and\\_entertainment/licensing\\_act\\_2003/premises\\_licences.htm](http://www.culture.gov.uk/alcohol_and_entertainment/licensing_act_2003/premises_licences.htm)

### **Contacts**

#### ***Licensing***

Licensing Team  
Enforcement  
Technopark  
Ashley Road  
London  
N17 9LN  
Tel: 020 8489 8232  
Fax: 020 8489 5528

#### ***Police***

Metropolitan Police Service  
Quicksilver Patrol Base  
Unit 1  
Quicksilver Place  
Western Road  
Wood Green, N22 6UH  
Tel: 0203 276 0150  
Fax: 020- 3276 0140

#### ***Fire Department***

LPEPA  
Fire Safety Regulation: North West Area 1  
London Fire Brigade  
169 Union Street  
London  
SE1 0LL  
Tel: 020 8555 1200, ext 53252

#### ***Social Services Contact***

Insp. Chris Thorpe  
Metropolitan Police Service  
Quicksilver Patrol Base  
Unit 1  
Quicksilver Place  
Western Road  
Wood Green, N22 6UH  
Tel: 0203 276 0150

#### ***Planning***

Planning Enforcement  
Environmental Services  
639 High Road  
Tottenham  
London  
N17 8BD

#### ***Health and Safety***

Commercial and Environmental Protection Group  
Enforcement Service  
Technopark  
Ashley Road  
Tottenham  
N17 9LN

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Tel: 020 8489 5508  
Fax: 020 8489 5220  
Email: [development.control@haringey.gov.uk](mailto:development.control@haringey.gov.uk)

Tel: 020 8489 5558  
Fax: 020 8489 5528

<p><b>Trading Standards</b> Enforcement Service Technopark Ashley Road Tottenham N17 9LN 0208489 0000</p>	<p>Commercial and Environmental <b>Food Protection Group</b> Enforcement Service Technopark Ashley Road Tottenham N17 9LN Tel: 020 8489 5558 Fax: 020 8489 5528</p>
<p>Environmental Health <b>Noise Team Leader</b> Enforcement Service Technopark Ashley Road Tottenham N17 9LN 0208489 0000</p>	<p><b>Building Control</b> 639 High Road Tottenham London N17 8BD 0208489 0000</p>