LICENSING ACT 2003

GUIDANCE NOTES

PREMISES LICENCES
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.

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;
- Please note payment will be taken over the phone once the application has been accepted; a reference number will be allocated to you. We will contact you via phone to take payment. You will need a debit or credit card.

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 for additional authorities.

Right to work/immigration status:

A premises licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this by providing with this application copies or scanned copies of the following documents in the application check list (which do not need to be certified).

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.

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.

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.

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

Contacts

Licensing
Licensing Team
Alexandra House
6th Floor
10 Station Road
Wood Green
London N22 7TR
Tel: 020 8489 8232
Fax: 020 8489 5528

Metropolitan Police Service
PC Mark Greaves
Quicksilver Patrol Base
C/o Tottenham Police Station
398 High Road
Tottenham
London N17 9JA
Tel: 020 3276 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 & Regeneration Service
River Park House
Level 2
225 High Road
Wood Green
London N22 8HQ

Health and Safety & Food Protection Group
Commercial and Environmental Protection Group
Alexandra House
Level 6
10 Station Road
London N22 7TR
Tel: 020 8489 8229
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<td>Lunar House</td>
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<td>40 Wellesley Road</td>
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