

HOW TO APPLY TO VARY A PREMISES LICENCE

An application cannot be made for variation to a licence to vary substantially the premises to which it relates; this would require a new licence application. If in doubt please contact the Licensing Team.

We expect that most applications for variation will be to change hours. If your application is to vary the Designated Premises Supervisor please refer to the guidance document “How to Apply to Vary a Designated Premises Supervisor (DPS)”

You are advised to consult with the relevant responsible authorities prior to making your variation application.

Application

Application must consist of the following items, a) to c) where applicable:

- a) Form “Application to vary a premises licence under the Licensing Act 2003” completed by the appropriate person.
- b) Relevant fee, see enclosed fee schedule.
- c) A plan of the premises if the application involves a change to the plan attached to the current licence. The plan shall be in the standard scale, 1:100, unless agreed otherwise and shall show:
 - i) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - ii) the location of points of access to and egress from the premises;
 - iii) if different from paragraph ii, the location of escape routes from the premises;
 - iv) in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
 - v) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - vi) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - vii) in a case where the premises includes any steps, stairs, elevators or lifts, the location of steps, stairs, elevators or lifts;
 - viii) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - ix) the location and type of any fire safety and other safety equipment; and
 - x) the location of a kitchen, if any, on the premises.

You are advised to refer to Islington’s Statement of Licensing Policy.

Advertising and giving of Notice:

The application must be advertised on the premises by means of a **notice** for not less than a period of **28 consecutive days**, starting the day following the giving of the application. The notice shall be: at least **A4 size**, of a **pale blue** colour and printed in **black ink** in a font size equal or larger than **16**. The notice must be displayed prominently where it can be read conveniently from outside the premises.

For premises larger than 50 square metres, a further notice in the same form subject to the same requirements shall be erected for every 50 metres along the exterior perimeter of the premises abutting the highway.

The applicant shall also arrange to have published a notice in a newspaper circulating in the vicinity of the premises on at least one occasion in the period of 10 days starting on the day after the day the application was given.

Contact details for local newspapers:

Islington Tribune

40 Camden Road

London NW1 9DR

Tel: 020 7419 9000 ext: 250 or 247

Fax: 020 7209 1322

Email: advert@islingtontribune.co.uk

Islington Gazette

161 Tottenham Lane

London N8 9BU

Tel: 020 8340 6868

Fax: 020 8342 5710

Email: suzanne.jacobs@archant.co.uk

If you intend to advertise the variation application in another local newspaper, you are advised to contact the Licensing Team first to confirm it is acceptable.

The above notices shall briefly describe the proposed variation. **If the variation application relates to a change of times, please state the relevant times.** The notices shall further state:

- The name of the applicant;
- The postal address of the premises;
- The postal address, and web address, where the licensing authority register is kept and where and when the record of the application may be inspected;
- The date by which interested parties or responsible authorities may make representations to the Licensing Authority;
- That representations shall be in writing;
- That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

The applicant must give a complete copy of the application, together with any relevant attachments, to each responsible authority on the same day as giving the application to Islington's Licensing Service.

The responsible authorities are:

- (a) **Chief Officer of Police**, Licensing Office, Islington Police Station, 2 Tolpuddle Street, London N1 0YY.
- (b) **Fire Safety Regulation**: North East Area 2, London Fire Brigade, 169 Union Street, London, SE1 0LL.

- (c) The local health and safety enforcing authority. For most business premises in Islington such as pubs, bars, night clubs and restaurants this will be:

Health & Safety, Commercial Support Team, Public Protection, 222 Upper Street, London N1 1XR.

Exceptionally, for larger premises including hospitals, education establishments and factories, this will be:

Health & Safety Executive, Rose Court, 2 Southwark Bridge, London SE1 9HS.

- (d) **Development Control Team**, Planning Division, Municipal Office, 222 Upper Street, London N1 1YA.
- (e) **Noise & Pollution Team**, Public Protection, 222 Upper Street, London N1 1XR.
- (f) **The Child Protection Team**, Social Services Department, 3 Elwood Street, London N5 1EB.
- (g) in relation to a vessel -
- i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities
 - ii) the Environment Agency
 - iii) the British Waterways Board, or
 - iv) the Secretary of State.
- (h) **Trading Standards**, Public Protection, 222 Upper Street, London N1 1XR.

Where application is made in accordance with the above, the licensing authority will grant the variation unless a relevant representation is made, i.e. by an **interested party** or **responsible authority**.

An interested party means:

- A person living in the vicinity of the premises;
- A body representing persons who live in that vicinity;
- A person involved in business in that vicinity;
- A body representing persons involved in such businesses.

Representations

Representations made by interested parties and responsible authorities must be made during a period of 28 consecutive days, starting on the day after the application was given to the Licensing Authority (LA).

Determination of Variation

Where relevant representations are made the LA will hold a hearing, usually within 2 months of receiving the application, to consider the representations, unless all parties agree that a hearing is unnecessary. The LA will, having regard to the representations, take such steps as it considers necessary to promote the licensing objectives. The steps are: modify conditions of licence or refuse whole or part of the application.

The varied licence shall take effect when it is deemed granted at committee.

Appeals

- Where an application is rejected whole or in part the applicant may appeal.
- Where the licence conditions are modified the applicant may appeal.
- A person making a relevant representation may appeal a decision to grant a variation or the decision to impose or not impose certain conditions.

An appeal must be made to the magistrates' court and notice of appeal must be given to the magistrates within 21 days beginning the day on which the appellant is notified in writing by the LA of its decision.

Licensing Service
Public Protection Division
222 Upper Street
London N1 1XR