



## LICENSING ACT 2003

### Premises Licence Application Guide

#### Introduction

If you are responsible for the provision of **licensable activities** you will require authority from the licensing authority, Islington Council, in the form of a premises licence or club premises certificate. If you only intend to provide licensable activities on an occasional basis you may be able to do so by way of a **Temporary Event Notice (TENs)**. Further advice on TENs is available from the Licensing Section on Islington's web site, [www.islington.gov.uk](http://www.islington.gov.uk)

For the purpose of this document any reference to a licence or premises licence includes certificate or club premises certificate unless a distinction is made. Club premises are essentially members club which are owned and operated by the members for the benefit of the members.

The licensable activities are:

- 1. The sale or supply of alcohol**
- 2. The provision of regulated entertainment**
- 3. The provision of late night refreshment**

#### **1. Sale and/or supply of alcohol**

Places where alcohol is sold will need a Premises Licence, or Temporary Event Notice. Generally it is the actual place where alcohol is sold that is licensed. This will normally be a shop, restaurant, pub or nightclub but can also be a park, community centre, office space, or any other "place". "Sale" of alcohol, includes any form of payment made for alcohol, including pre-paid tokens and instances where alcohol is included in the price of a ticket for an event or activity.

All premises licences have a plan attached to show, among other things, the area in which alcohol may be sold. Licences are also subject to conditions which specify where alcohol purchased on the premises may be drunk. Usually a licence will specify "on" the premises, "off" the premises or both. In most cases this will be straightforward matter, however attention should be paid to the licence plan which can include inside and outside areas. For example a pub beer garden may or may not be included within a licence plan; if it is not include on the plan then the premises licence will need to include permission for "off sales" so alcohol purchased at the pub can be drunk.

Sometimes alcohol will not be served at the time it is purchased, or be delivered to or from a different place from where it is purchased. Examples include catering companies who supply alcohol to guests attending pre-paid functions and internet based companies selling alcohol on line. If you are interested in these types of activities please contact Islington's Licensing Service for further advice.

In most cases premises are licensed for the sale of alcohol, rather than supply. The "supply" of alcohol only becomes licensable when it takes place at a members club, where the members collectively own and run the club, through a committee. Different rules apply to members clubs and further advice is available from Islington's Licensing Service.

Alcohol may only be sold at licensed premises by a person who holds a “personal licence”, or has been authorised by a personal licence holder. A premises where alcohol is sold must have one personal licence holder named on the premises licence. This person is called the Designated Premises Supervisor (DPS) and this person will be expected to have day to management responsibility for the premises. (See Islington Website for further details).

A DPS is not required for a club premises certificate.

From 1<sup>st</sup> November 2014, It is a requirement that all licensed premises in Islington authorised to sell alcohol between 00:01 and 06:00 hours will have to pay an annual Late Night Levy alongside their annual fee. (See Islington Website for further details).

## **2. Regulated Entertainment**

Providing plays, films, indoor sporting events, boxing or wrestling, and music and dancing or entertainment of a similar description, for an audience generally requires a licence. The law has relaxed the need to have a licence in some cases, however if alcohol is sold then a licence (or TEN) would still be needed. .

Some of the kinds of entertainment activity that are not considered licensable include:

- Private events where the entertainment has not been put on with a view to making a profit
- Films shown as part of an exhibition or for educational purposes
- Live television broadcasts
- Background music
- Live music in licensed premises and work places, occurring between 8am and 11pm, for audiences up to 200 people
- Unamplified live music anywhere between 8am and 11pm, for example carol singing and busking.
- Performance of dance or plays between 8am and 11pm, for audiences up to 500 people
- Indoor sports event between 8am and 11pm, for audiences up to 1000 people
- Activities taking place in a place of public worship

## **3. Late Night Refreshment**

This means the supply of hot food or drink to the public anytime between 11pm and 5am.

### **Provisional statements**

If you intend to build premises for the purpose of providing licensable activities or are considering adapting your existing premises to provide new or additional licensable activities you may apply for a provisional statement. A provisional statement does not permit you to carry out licensable activities and an application for a premises licence would need to be made once the building works had been completed. Possession of a provisional statement restricts the grounds on which representations can be made in respect of a subsequent premises licence application.

## Making an Application

Before making an application you are advised to refer to Islington's **Licensing Policy**, available from the Licensing section of Islington's web site, [www.islington.gov.uk](http://www.islington.gov.uk), which provides information about how licence decisions are made in Islington. The policy also contains some advice on completing **operating schedules**. The policy will inform you whether your premises falls with a special saturation, or **cumulative impact area**.

Advice is also available in the form of guidance issued by the Secretary of State, known as "Section 182 guidance", see sources of additional information below.

From 6<sup>th</sup> April 2017 Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity.

Completed applications can be made on-line or sent by email, post or hand delivered to the Licensing Service:

On-line: <https://www.gov.uk/premises-licence/islington/apply>

Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

Post: Licensing Service, 222 Upper Street, London N1 1XR

The application must be made by a person over 18 years and if they are living in the UK, they must be entitled to be in the UK and to work in a licensable activity consist of the following items, a) to e), where applicable:

a) **Application form** completed, either:

- 'Application for a premises licence to be granted under the Licensing Act 2003'.
- 'Application for a provisional statement to be granted under the Licensing Act 2003'.
- 'Application for a club premises certificate to be granted under the Licensing Act 2003'.

b) **Relevant fee**, according to the rateable value of the property, which you must state on the application form. The relevant fees are specified in the fee schedule.

No fee is payable in respect of applications for schools and colleges used for educational purposes, church halls, chapel halls, village halls, parish halls, community halls or other similar buildings, as far if the application relates to the provision of regulated entertainment only.

If the premises are under construction, the rateable value is automatically Band C as no rateable value is determined

c) **A plan of the premises**, in the Standard Scale: 1:100. The plan 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) in a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are to be used for consumption of alcohol;
- vi) 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;
- vii) 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;
- viii) in a case where the premises includes any steps, stairs, elevators or lifts, the location of steps, stairs, elevators or lifts;
- ix) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- x) the location and type of any fire safety and other safety equipment; and
- xi) the location of a kitchen, if any, on the premises.

In the case of provisional statement the application shall be accompanied by a plan of the works being done or intended to be done.

- d) If you intend to sell alcohol then you are required to submit the attached **form of consent** given by the **Designated Premises Supervisor** (DPS). If you are applying for a club certificate or a provisional statement then you do not need to specify a DPS.
- e) In the case of an application for a club premises certificate, a copy of the **club rules** and the “**Declaration** for a club premises certificate to be granted under the Licensing Act 2003” form completed and signed.
- f) If the applicant is an individual or a non-limited partnership they must provide proof that they have right permission to be in the UK and to undertake work in a licensable activity, the applicant must provide clear photocopies/scans and do not need to be endorsed. (See Islington Website for further details List of acceptable documents listed at Annex A in the ‘Guidance for Licensing Authorities to prevent illegal working in licence premises in England and Wales’)

### **Advertising Your Application:**

You are required to advertise your application on the premises and in a local newspaper. We must be satisfied that this requirement has been met before we are able to determine your application. We therefore ask that you complete the “**Notice of advertising**” proforma and send this, together with a copy of the published public notice from a local newspaper, to the Licensing Team. Your application may be delayed if we do not receive these documents.

#### **1. On the premises:**

Applicants must advertised their application on the premises by means of a **notice** for not less than **28 consecutive days**, starting the day after the application is made.

The notice must be at least **A4 size**, of a **pale blue** colour and printed in **black ink** in a font size equal or larger than **16** and must be displayed prominently where it can be read conveniently from outside the premises. Council officers will visit to check that the notice is displayed correctly and **your application may be rejected if the notice is not displayed correctly.**

For premises larger than 50 square metres, further notice in the same form must be displayed every 50 metres along the exterior perimeter of the premises abutting the highway.

Notice Templates are available from the Licensing section of Islington's website, [www.islington.gov.uk](http://www.islington.gov.uk)

## 2. In a Local newspaper:

Applicants must also arrange to have a copy of the notice published in a local newspaper on at least one occasion within 10 days of submitting the application.

Contact details for local newspapers:

Islington Tribune  
40 Camden Road NW1 9DR  
[advert@islingtontribune.co.uk](mailto:advert@islingtontribune.co.uk)  
Tel: 020 7419 9000 ext 250 or 247  
Fax: 020 7209 1322

Islington Gazette  
161 Tottenham Lane N8 9BU  
[hazel.bryce@archant.co.uk](mailto:hazel.bryce@archant.co.uk)  
Tel: 020 8342 5700  
Fax: 020 8342 5710

## Consultation

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 the Licensing Authority. If you chose to submit your application on-line or by email, copies will be forwarded to the responsible authorities on your behalf.

The responsible authorities are:

- (a) **Chief Officer of Police**, C/O Islington Licensing Police C/O Public Protection Division, 222 Upper Street, London, N1 1XR [LicensingPolice@islington.gov.uk](mailto:LicensingPolice@islington.gov.uk)
- (b) **London Fire and Emergency Planning Authority**, Fire Safety Regulations: North East Area 2, London Fire Brigade, 169 Union Street, City Road, London, SE1 0LL [FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)
- (c) **Health & Safety**, Commercial Support Team, Public Protection Division, 222 Upper Street, London N1 1XR. [commercial.envh@islington.gov.uk](mailto:commercial.envh@islington.gov.uk)  
(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. [Planning@islington.gov.uk](mailto:Planning@islington.gov.uk)
- (e) **Noise & Pollution Team**, Noise Team, Public Protection Division, 222 Upper Street, London, N1 1X [Noise.Issues@islington.gov.uk](mailto:Noise.Issues@islington.gov.uk)
- (f) **The Child Protection Team**, Children Services (CSPU Team), 222 Upper Street, London, N1 1XR [CSPUteam@islington.gov.uk](mailto:CSPUteam@islington.gov.uk)

- (g) **Trading Standards**, Public Protection Division, 222 Upper Street, London N1 1XR.  
[Trading.Standards@islington.gov.uk](mailto:Trading.Standards@islington.gov.uk)
- (h) **Public Health**, Public Protection Division, 222 Upper Street, London N1 1XR  
[CIPHlicensing@islington.gov.uk](mailto:CIPHlicensing@islington.gov.uk)
- (i) **Licensing Authority**, Licensing Service, 222 Upper Street, London N1 1XR  
[licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)
- (j) **Home Office**, Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY, [Alcohol@homeoffice.gsi.gov.uk](mailto:Alcohol@homeoffice.gsi.gov.uk)
- (k) 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.

The Licensing Authority will inform local residents that an application has been made.

### **Representations**

Representations may be made by either the responsible authorities or any other person during a period of 28 consecutive days, starting on the day after the application was given to the Licensing Authority (LA).

### **Determination**

If no representations are made, a licence or certificate will be granted subject to any required mandatory conditions and conditions that are consistent with the operating schedule. In the case of a provisional statement if no representations are made than a statement to that effect will be issued.

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.

### **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 licence or the decision to impose or not impose certain conditions.

An appeal must be made to the magistrates' court within 21 days beginning the day on which the appellant was notified by the LA.

### **Application Checklist**

- ☐ Application form completed, signed and dated
- ☐ Correct fee enclosed
- ☐ Plan of the premises enclosed
- ☐ DPS consent form enclosed (alcohol applications only)
- ☐ Club rules and declaration (Club Premises only)
- ☐ Copy of proof to the right to work in the UK (If individual/ or non-limited partnership applicant living in UK – See further guidance on application)
- ☐ 10 copies of the application for the responsible authorities (unless submitting an electronic application)
- ☐ Blue notice public notice filled out, including correct “**last date for representations**”
- ☐ Arrangements made with local newspaper to display notice.
- ☐ Completed “Notice of Advertising”

**Sources of information:**

Islington’s Licensing Team: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk) 020 7527 3031

Islington’s Licensing Policy: [www.islington.gov.uk](http://www.islington.gov.uk)

Secretary of State’s “Section 182 Guidance” - available via [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

‘Guidance for Licensing Authorities to prevent illegal working in licence premises in England and Wales’ - available via [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)