

## **PROTOCOL (B) – PUBLICITY FOR LICENSING APPLICATIONS**

### **Purpose**

1. The purpose of this Protocol is to set out what publicity will be given to Licensing Applications. This is key to ensuring that all interested persons can be made aware of applications so that they can consider whether to make representations.

### **Statutory requirements**

2. The Applicant has to give notice of any application to the Licensing Authority and pay the required fee. There are detailed requirements as to what should be included with an application.
3. There are also many statutory requirements to give publicity to licensing applications. These vary depending on how the application is made (electronically or in paper form). There are obligations placed on the Applicant and the Licensing Authority. The requirements differ according to the type of licensing application that is being made.
4. The requirements may involve site notices, press notices and notices on the Council's website. The aim is to ensure that those who may be affected by an application have an easy means of finding out about applications and so able to make representations in the prescribed time limits.
5. The requirements are contained in the Licensing Act 2003 and regulations; mainly the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2006 (as amended) (SI 2005 No 42).
6. Appendices A, B and C summarise the requirements. Appendix A summarises the provisions about site notices, press notices and notices on the World Wide Web. Appendix B summarises the provisions about notifications to responsible authorities, the police and other persons. Appendix C summarises the provisions about Temporary Event Notices.
7. You are advised to refer to the Act and Regulations for the definitive provisions.

### **The Council's Website**

8. Details of applications and granted licences are included on the Council's website. You can go direct to the site by using the web address <http://publicaccess.newcastle.gov.uk/online-applications/search.do?action=simple&searchType=LicencingApplication> or by accessing the main website [www.newcastle.gov.uk](http://www.newcastle.gov.uk) and clicking on "Business", then "Licences", then "Licensing Act 2003", and finally "Applications" at the bottom of the page. You will then be given an option of

pending “Applications” or completed “Licences”. There are different search options.

9. If you register with the site you can make comments on-line and track applications.

### **Additional Publicity**

10. We think it is important to ensure that everyone likely to be interested in an application is aware of it. We therefore notify councillors and neighbours. This is additional discretionary publicity that we choose to give to applications. It is important to stress that neither the Act nor the Regulations impose any duty on a licensing authority to advertise an application or to take any steps to notify anyone affected by it that it has been made (other than what is set out in the Appendices).

### **Councillors**

11. We will send details by email to councillors representing the ward in which premises are situated. We notify them of all applications/new applications, variations, minor variations, reviews, transfers, interim authority notices, and temporary event notices.

### **Neighbours**

12. We will notify neighbouring residents and businesses about:

- Applications for a new premises licence;
- Applications to vary that will result in an increase the hours during which the premises may operate or will result in the premises operating later;
- Applications to vary a licence by including the sale or supply of alcohol;
- Applications to vary a licence by adding music;

13. We will give notice by letter.

14. Licensing Officers will have to make a judgment as to the area in which neighbours will be notified. There cannot be a hard and fast rule, whether by reference to distance or numbers. In making a decision Licensing Officers will adopt the following approach:-

- a. The starting point will be to write to occupiers of premises that fall within a circle with a radius of 30 metres drawn from a point at the centre of the premises.
- b. Where premises are split by the circle (e.g. a block of flats, groups of office units), the occupiers of all the premises in the block etc. will be

written you.

- c. The Licensing Officer will consider whether the extent of the circle should be properly extended or reduced. This will depend on the character of the area, the type of licensable activity, the extent of existing crime, disorder and nuisance, pedestrian and vehicle flows, and the likely impact of the application on the licensing objectives. For instance, if the entrance to premises and likely pedestrian and vehicle flow is away from a block of flats, whose residents are therefore unlikely to experience any impact from the licensable activity, a decision may be made not to extend the circle to include the block or to exclude the block entirely.
15. If you consider that there should have been wider consultation, get in touch with the Licensing Officers quickly, and they will consider your views. You need to act quickly because the Licensing Authority has no power to extend the statutory time during which representations can be made.

## Appendix A – Public Notices

Type of Application	Site Notice	Press Notice	LA Website	Additional Contents of Notice
Application for Premises Licence (section 17)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	Statement of the relevant licensable activities which it is proposed will be carried on on or from the premises.
Application for a provisional statement (section 29)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	State that representations are restricted after the issue of a provisional statement.  Where known, may state the relevant licensable activities which it is proposed will be carried on on or from the premises.
Application to vary a premises licence (section 34) (except where the only variation is the inclusion of the alternative licence condition)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	Briefly describe the proposed variation.
Application for a club premises certificate (section 71)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	Statement of the relevant qualifying club activities which it is proposed will be carried on on or from the premises.

Type of Application	Site Notice	Press Notice	LA Website	Additional Contents of Notice
Application to vary a club premises certificate (section 84)	✓ How – ① Contents – ❶	✓ How – ② Contents – ❶	✓ How - ③ Contents – ❶	Briefly describe the proposed variation.
Minor variation of a premises licence (section 41A)	✓ How – ④ Contents – ❷			Prescribed Heading “Licensing Act 2003: Minor Variation of Premises Licence”.
Minor variation of a club premises certificate (section 86A)	✓ How – ④ Contents – ❷			Prescribed Heading “Licensing Act 2003: Minor Variation of Club Premises Certificate”.
Application for a review of a premises licence (section 51)	✓ How – ⑤ How long - ★ Contents – ❸		✓ How – ⑥ How long - ★ Contents – ❸	
Application for a review of a club premises certificate (section 87)	✓ How – ⑤ How long - ★ Contents – ❸		✓ How – ⑥ How long - ★ Contents – ❸	

Type of Application	Site Notice	Press Notice	LA Website	Additional Contents of Notice
Summary review of premises licence: serious crime and disorder (section 53A)	✓ How – ⑤ How long - ✪ Contents – ③		✓ How – ⑥ How long - ✪ Contents – ③	The dates for making representations shall be between the date of the first working day after the day on which the notice was published and the date of the ninth subsequent working day AND  The grounds of the review shall be that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both.
Review of premises following closure order (section 167)	✓ How – ⑤ How long - ✪ Contents – ③		✓ How – ⑥ How long - ✪ Contents – ③	

How – ①	<p><b>By Applicant</b></p> <ul style="list-style-type: none"> <li>• For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the licensing authority by displaying a notice</li> <li>• Equal or larger than A4</li> <li>• Of a pale blue colour</li> <li>• Printed legibly in black ink or typed in black in a font of a size equal to or larger than 16</li> <li>• Prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises AND</li> <li>• In the case of premises of more than 50 metres square, a further notice every 50 metres along the external perimeter of the premises abutting any highway.</li> </ul>
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How – ②	<b>By Applicant</b> <ul style="list-style-type: none"><li>• Publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises (i.e. <i>The Journal</i> or <i>Evening Chronicle</i>)</li><li>• On at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the licensing authority.</li></ul>
How - ③	<b>By the Licensing Authority</b> <ul style="list-style-type: none"><li>• Publication of notice on the Licensing Authority’s website</li><li>• For a period of no less than 28 consecutive days starting on the day after the days on which the application was given to the relevant licensing authority.</li></ul>
Contents – ①	<ol style="list-style-type: none"><li>1. Name of the applicant or club.</li><li>2. Postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified.</li><li>3. The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of application may be inspected.</li><li>4. The date by which a responsible authority or any other person may make representations to the relevant licensing authority.</li><li>5. That representations shall be made in writing.</li><li>6. 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.</li><li>7. PLUS additional contents (if any) listed in column 5.</li></ol>

How – ④	<b>By Applicant</b> <ul style="list-style-type: none"><li>• For the continuous period beginning on the first working day after the application was given to the licensing authority and ending at the expiry of the ninth consecutive working day after that day</li><li>• Equal or larger than A4</li><li>• White</li><li>• Printed legibly in black ink or typed in black</li><li>• In the case of the Title in a font of a size equal to or larger than 32</li><li>• In the case of the remainder in a font of a size equal to or larger than 16</li><li>• Prominently at or on the premises to which the application relates so that it can be conveniently read from the exterior of the premises AND</li><li>• If any part of the external perimeter of the premises that is 100 or more metres in length abuts a public highway or other place accessible to the public, by displaying such a notice at least every 50 metres along that part of the perimeter.</li></ul>
Contents – ②	<ol style="list-style-type: none"><li>1. Brief description of the proposed variation or variations.</li><li>2. The name of the applicant or club.</li><li>3. Postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified.</li><li>4. The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of application may be inspected.</li><li>5. The date by which an interested party may make representations to the relevant licensing authority.</li><li>6. That representations shall be made in writing.</li><li>7. 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;</li><li>8. PLUS additional contents (if any) listed in column 5.</li></ol>



How – ⑤	<b>By the Licensing Authority</b> <ul style="list-style-type: none"><li>• Display prominently a notice</li><li>• Of size equal or larger than A4</li><li>• Of pale blue colour</li><li>• Printed legibly in black ink or typed in black in a font of a size equal to or larger than 16</li><li>• At on or near the site of the premises to which the application relates where it can be conveniently read from the exterior of the premises by the public AND</li><li>• In the case of premises covering an area of more than 50 metres square, one further notice every 50 metres along the external perimeter of the premises abutting any highway AND</li><li>• At the offices, or main offices, of the licensing authority in a central and conspicuous place.</li></ul>
How – ⑥	<b>By the Licensing Authority</b> <ul style="list-style-type: none"><li>• On the authority's website.</li></ul>
How long - ★	<ul style="list-style-type: none"><li>• For a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the authority.</li></ul>
How long - ⚡	<ul style="list-style-type: none"><li>• For a period of no less than seven consecutive days starting on the day after the day on which the authority received the application under section 53A/the notice under section 164(4).</li></ul>

Contents – ③	<ol style="list-style-type: none"> <li>1. Address of the premises.</li> <li>2. The dates between which responsible authorities and any other persons may make representations.</li> <li>3. The grounds of the application for review.</li> <li>4. The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the grounds of the review may be inspected.</li> <li>5. 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.</li> <li>6. PLUS additional contents (if any) listed in column 5.</li> </ol>
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**Appendix B –Notification to Responsible Authorities and others**

Type of Application	Electronic Applications	Non-electronic applications
Application for premises licence (section 17)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤
Application for a provisional statement (section 29)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤

<b>Type of Application</b>	<b>Electronic Applications</b>	<b>Non-electronic applications</b>
Application for variation of a premises licence (section 34)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤
Application for a minor variation of a premises licence (section 41A)	✓ To Responsible Authorities (if considered necessary) How - ⑦ What - ④	✓ To Responsible Authorities (if considered necessary) How - ⑧ What - ⑤
Application for a club premises certificate (section 71)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤
Application for variation of a club premises certificate (section 84)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤

<b>Type of Application</b>	<b>Electronic Applications</b>	<b>Non-electronic applications</b>
Application for a minor variation of a club premises certificate (section 86A)	✓ To Responsible Authorities How - ⑦ What - ④	✓ To Responsible Authorities How - ⑧ What - ⑤
Application for a review of a premises licence (section 51)	The Licensing Authority is responsible for giving notice of applications (see column 3)	✓ To Responsible Authorities To Holder of Premises Licence How - ⑨ What - ⑥
Application for a review of a club premises certificate (section 87)	The Licensing Authority is responsible for giving notice of applications (see column 3)	✓ To Responsible Authorities To the Club How - ⑨ What - ⑥

Type of Application	Electronic Applications	Non-electronic applications
Summary review of premises licence: serious crime and disorder (section 53A)	N/A	✓ To Responsible Authorities To Holder of Premises Licence How - ①③ What - ⑦
Review of premises following closure order (section 167)	N/A	✓ To Responsible Authorities To Holder of Premises Licence How - ①① What - ⑧
Application for the inclusion of the alternative licence condition with an application for a premises licence (reg 10(2))	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨
Application for the inclusion of the alternative licence condition with an application to vary a premises licence (reg 12(2))	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨

<b>Type of Application</b>	<b>Electronic Applications</b>	<b>Non-electronic applications</b>
Application to vary a premises licence solely to include the alternative licence condition (reg 13A)	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨
Application to vary a premises licence to specify an individual as premises supervisor (section 37)	✓ To the Police To the Designated Premises Supervisor (if any) How - ①② What - ⑨	✓ To Police To the Designated Premises Supervisor (if any) How - ①③ What - ⑨
Application for the transfer of a premises licence (section 42)	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨
The giving of an interim authority notice (section 47)	✓ To the Police How - ①② What - ⑨	✓ To Police How - ①③ What - ⑨

How - ⑦	<p><b>By Licensing Authority</b></p> <ul style="list-style-type: none"> <li>No later than the first working day after the application was given to the authority.</li> </ul>
What - ④	<ol style="list-style-type: none"> <li>Copy of the application together with any accompanying plan or document.</li> </ol>
How - ⑧	<p><b>By the Applicant</b></p> <ul style="list-style-type: none"> <li>On the same day as the day on which the application was given to the authority.</li> </ul>
What - ⑤	<ol style="list-style-type: none"> <li>Copy of the application together with its accompanying plan, document or other information.</li> </ol>
How - ⑨	<p><b>By the Applicant</b></p> <ul style="list-style-type: none"> <li>On the same day as the day on which the application for review was given to the authority.</li> </ul>
What - ⑥	<ol style="list-style-type: none"> <li>Copy of the application for review with its accompanying plan, document and other information/accompanying documents, if any.</li> </ol>
How - ⑩	<p><b>By Licensing Authority</b></p> <ul style="list-style-type: none"> <li>Within 48 hours of the time of the receipt of the application.</li> </ul>
What - ⑦	<ol style="list-style-type: none"> <li>A copy of the application and of the certificate given under section 53A(1)(b).</li> </ol>
How - ⑪	<p><b>By Licensing Authority</b></p> <ul style="list-style-type: none"> <li>Within the period of one working day starting on the day after the day on which the authority received the notice under section 165(4) from the magistrates' court.</li> </ul>
What - ⑧	<ol style="list-style-type: none"> <li>Notice of the review, dates between which responsible authorities and any other persons may make representations, the closure order and any extension of it, any order made under section 165(2).</li> </ol>

How - ①②	<p><b>By Licensing Authority</b></p> <ul style="list-style-type: none"> <li>On the first working day after the application was given to the authority.</li> </ul>
How - ①③	<p><b>By the Applicant</b></p> <ul style="list-style-type: none"> <li>On the same day as the day on which the application was given to the authority.</li> </ul>
What - ⑨	<ol style="list-style-type: none"> <li>Copy of the application or notice together with its accompanying documents (if any).</li> </ol>

**Appendix C – Temporary Event Notices**

Type of Temporary Event Notice	Electronic Notices	Non-Electronic Notices
Standard TEN	<p>(1) No later than 10 working days before the date on which the event period begins</p> <p><b>By the Applicant to the:</b></p> <ul style="list-style-type: none"> <li>Licensing Authority</li> </ul> <p>(2) No later than the end of the first working day after the day on which the notice was given to the authority</p> <p><b>By the Licensing Authority to</b></p> <ul style="list-style-type: none"> <li>Police</li> <li>Environmental Health</li> </ul>	<p>No later than 10 working days before the date on which the event period begins</p> <p><b>By the Applicant to the:</b></p> <ul style="list-style-type: none"> <li>Licensing Authority</li> <li>Police</li> <li>Environmental Health</li> </ul>
Late TEN	<p>(1) No later than 5 working days, but no earlier than 9 working days before the date the event</p>	<p>No later than 5 working days before the day on which the event period begins:</p>



<b>Type of Temporary Event Notice</b>	<b>Electronic Notices</b>	<b>Non-Electronic Notices</b>
	<p>period begins</p> <p><b>By the Applicant</b> to the:</p> <ul style="list-style-type: none"><li>• Licensing Authority</li></ul> <p>(2) No later than the end of the first working day after the day on which the notice was given to the authority</p> <p><b>By the Licensing Authority</b> to</p> <ul style="list-style-type: none"><li>• Police</li><li>• Environmental Health</li></ul>	<p><b>By the Applicant</b> to the:</p> <ul style="list-style-type: none"><li>• Licensing Authority</li><li>• Police</li><li>• Environmental Health</li></ul> <p>AND it is given to at least one of those persons no earlier than 9 working days before the day on which the event period begins.</p>