

Advertisement of Applications – Licensing Act 2003

(The provisions relating to notices to be displayed on premises
and published in a local newspaper are prescribed by
Regulations 25 and 26 of The Licensing Act 2003 (Premises Licences
and Club Premises Certificates) Regulations 2005)

**If you need information in another format
or in a language other than English,
please contact the Licensing Section
by telephoning 01289 330044**

**Licensing Section
Legal & Democratic Services Unit
Berwick-upon-Tweed Borough Council
Council Offices
Wallace Green
Berwick-upon-Tweed
TD15 1ED**

An applicant applying:

- for a premises licence (under Section 17 of the Act);
- to vary a premises licence (under Section 34 of the Act);
- for a club premises certificate (under Section 71 of the Act);
- to vary a club premises certificate (under Section 84); or
- for a provisional statement (under Section 29 of the Act)

is required to both:

- **display a notice or notices at or on the premises** to which the application relates; and
- **publish a notice in a local newspaper** (the Licensing Authority does not regard regional or national newspapers to be 'local', even though they may be distributed in the vicinity of the premises).

The information to be contained in **all notices** displayed at or on premises and published in a local newspaper are:

- the name of the applicant (or club);
- the postal address of the premises (or club) or, if there is no postal address, a description of those premises sufficient to enable the location and extent of the premises to be identified;
- the postal address and, where applicable, the worldwide web address where the register of the licensing authority is kept and where and when the record of the application may be inspected (i.e. the register is kept at Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED and may be inspected there during normal office hours);
- the date by which an interested party or responsible authority may make representations to the Licensing Authority (the Licensing Authority considers that it is for applicants to specify the date by which representations must be made, rather than stating "within 28 days of the day after the day on which the application was made to the licensing authority", as there is no requirement for the notice to specify the date of the application);

- that representations (the Licensing Authority may only consider ‘relevant representations’ which are representations about the likely effect of granting a premises licence or club premises certificate on only the promotion of the four licensing objectives, see Sections 18(6) and 72(7) of the Act respectively) shall be made in writing (Note: the Licensing Authority is prepared to receive representations by electronic means, so long as they are received by either facsimile or email in html, plain text or rich text format); and
- 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 (Section 158 of the Act provides for a person guilty of an offence under that section to be liable on summary conviction to a fine not exceeding level 5 on the standard scale – currently £5,000).

In addition to the above, which apply to all notices, further details are required to be included in notices relating to applications:

- **for a premises licence**, in respect of which the notice referred to shall also contain a statement of the relevant licensable activities (i.e. the sale by retail of alcohol, the provision of regulated entertainment, provision of late night refreshment), which it is proposed will be carried on, on or from the premises;
- **for a club premises certificate**, in respect of which the notice referred to shall also contain a statement of the relevant qualifying activities (i.e. the supply and / or sale by retail of alcohol, the provision of regulated entertainment), which it is proposed will be carried on, on or from the club premises;
- **to vary a premises licence or a club premises certificate**, in respect of which the notice referred to shall briefly describe the proposed variation (e.g. to “vary the premises licence to include the provision of regulated entertainment” or to “extend the hours for the sale by retail of alcohol”); and
- **for a provisional statement:**
 - may state, where known, the relevant licensable activities or qualifying club activities, as the case may be (see above), which it is proposed will be carried on, on or from the premises (club premises); and
 - shall state that representations are restricted after the issue of a provisional statement.

In respect of **notices to be displayed** at or on the premises, the regulations provide that:

- a notice must be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises;
- an additional notice or notices must be similarly displayed at every 50 meters along the external perimeter of the premises abutting the highway, if the premises cover an area of more than 50 meters square (e.g. a premise which is 9 meters wide and 5 meters deep will only require one notice as it only covers an area of 45 meters square; a premise which is 30 meters wide and 20 meters deep will only require one notice, despite covering an area of 600 meters square, if less than 50 meters of the external perimeter abuts any highway, but will require an additional notice or notices, if more than 50 meters of the external perimeter abuts any highway);
- the notice or notices, as may be the case, must be so displayed for no less than 28 consecutive days, starting the day after the day on which the application is given to the Licensing Authority;
- the notice or notices, as may be the case, must be of a size equal or larger than A4 (e.g. half a sheet of A3 would satisfy this requirement);
- of a pale blue colour (the term 'pale blue' is not defined, but the Licensing Authority considers that a shade of blue that is sufficiently coloured to be clearly seen to be blue and sufficiently lightly coloured to provide a good contrast with black text will comply with this requirement); and
- printed legibly in black ink or typed in black in a font of a size equal to or larger than 16 (the Licensing Authority appreciates that size 16 font appears as different sizes in different fonts. The Licensing Authority therefore reminds applicants of their obligations, under the Disability Discrimination Act 1995, not to treat anyone with a disability less favourably than anyone else and invites applicants to use a font which is simple and clear, with capital letters of at least 4 millimetres in height).

Note: Please refer to the guidance, headed "Giving notice of an application to the Licensing Authority".

In respect of **notices to be published in a local newspaper**, the regulations provide that:

- the notice must be published on a least one occasion during the period of ten working days (Section 193 of the Act defines “working day” as meaning “any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales”), starting the day after the day on which the application is given to the Licensing Authority.

Whilst the regulations do not specify minimum sizes of font or for the notices for publication, the Licensing Authority reminds applicants of their duties under the Disability Discrimination Act 1995.

Giving notice of an application to the Licensing Authority

The Licensing Authority appreciates that, as the legislation requires notices to be:

- **displayed for 28 consecutive days**, starting the day after the day on which the application is given to the Licensing Authority; and
- **published on a least one occasion** during the period of **ten working days**, starting the day after the day on which the application is given to the Licensing Authority,

applicants who send applications by post (rather than delivering it personally to the Licensing Authority) will not necessarily know the day on which the application is received by the Licensing Authority, which may cause them to fail to comply with the foregoing requirements or to specify in the notices the correct date by which representations may be made to the Licensing Authority.

In an attempt to minimise any confusion that may arise, the Licensing Authority will voluntarily endeavour to contact applicants (or their representatives) by telephone or email on the working day on which the application is received by the Licensing Authority. If applicants or their representatives have not received telephone or email confirmation of the receipt of the application within 5 working days of the date of posting, they should contact the Licensing Authority to clarify the position.

Specimen notices for display and publication

The following specimens are merely suggestions, based upon the Licensing Authority’s interpretation of the legislation, which may be revised as and when the courts provide definitive interpretation on such matters. Please feel free to adopt, modify or reject these specimen notices as you wish.

Specimens of each of the types of notices that may be required under the Act appear on the following pages:

- 7 Application for a premises licence, under Section 17 of the Act
- 8 Application to vary a premises licence, under Section 34 of the Act
- 9 Application for a club premises certificate, under Section 71 of the Act
- 10 Application to vary a club premises certificate, under Section 84
- 11 Application for a provisional statement, under Section 29 of the Act

Please note that those parts of the notices which appear in square brackets and highlighted grey, i.e. [highlighted grey] require you to insert information and / or to select the appropriate text from the alternatives suggested.

Take notice that [name of applicant] has applied under section 17 of the Licensing Act 2003 to Berwick-upon-Tweed Borough Council (the licensing authority) for the grant of a new Premises Licence for [the sale by retail of alcohol and / or provision of regulated entertainment and / or provision of late night refreshment] in respect of [name of premises] at [postal address of premises or, if there is no postal address, a description of those premises sufficient to enable the location and extent of those premises to be identified].

The licensing authority's register, which shall include a record of this application, is kept at Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED and may be inspected there during normal office hours.

Only representations about the likely effect of granting the licence on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (the licensing objectives) can be considered by the Licensing Authority.

Any representation must be made in writing and received by the Licensing Section, Legal and Democratic Services Unit, Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED by no later than [twenty-eighth day, starting the day after the day on which the application was given to the licensing authority].

It is an offence knowingly or recklessly to make a false statement in connection with an application, which could result in prosecution and a fine not exceeding level 5 on the standard scale (£5000).

Take notice that [name of applicant] has applied under section 34 of the Licensing Act 2003 to Berwick-upon-Tweed Borough Council (the licensing authority) for the variation of the Premises Licence to [briefly describe the proposed variation] at [postal address of premises or, if there is no postal address, a description of those premises sufficient to enable the location and extent of those premises to be identified].

The licensing authority's register, which shall include a record of this application, is kept at Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED and may be inspected there during normal office hours.

Only representations about the likely effect of varying the licence on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (the licensing objectives) can be considered by the Licensing Authority.

Any representation must be made in writing and received by the Licensing Section, Legal and Democratic Services Unit, Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED by no later than [twenty-eighth day, starting the day after the day on which the application was given to the licensing authority].

It is an offence knowingly or recklessly to make a false statement in connection with an application, which could result in prosecution and a fine not exceeding level 5 on the standard scale (£5000).

Take notice that [name of qualifying club] has applied under section 71 of the Licensing Act 2003 to Berwick-upon-Tweed Borough Council (the licensing authority) for the grant of a new Club Premises Certificate for [the supply of alcohol and / or the sale by retail of alcohol and / or provision of regulated entertainment] in respect of [name of qualifying club] at [postal address of premises or, if there is no postal address, a description of those premises sufficient to enable the location and extent of those premises to be identified].

The licensing authority's register, which shall include a record of this application, is kept at Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED and may be inspected there during normal office hours.

Only representations may about the likely effect of granting the certificate on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (the licensing objectives) can be considered by the Licensing Authority.

Any representation must be made in writing and received by the Licensing Section, Legal and Democratic Services Unit, Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED by no later than [twenty-eighth day, starting the day after the day on which the application was given to the licensing authority].

It is an offence knowingly or recklessly to make a false statement in connection with an application, which could result in prosecution and a fine not exceeding level 5 on the standard scale (£5000).

Take notice that [name of applicant] has applied under section 84 of the Licensing Act 2003 to Berwick-upon-Tweed Borough Council (the licensing authority) for the variation of the Club Premises Certificate to [briefly describe the proposed variation] at [postal address of premises or, if there is no postal address, a description of those premises sufficient to enable the location and extent of those premises to be identified].

The licensing authority's register, which shall include a record of this application, is kept at Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED and may be inspected there during normal office hours.

Representations may only be made about the likely effect of varying the certificate on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (the licensing objectives).

Any representation must be made in writing and received by the Licensing Section, Legal and Democratic Services Unit, Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED by no later than [twenty-eighth day, starting the day after the day on which the application was given to the licensing authority].

It is an offence knowingly or recklessly to make a false statement in connection with an application, which could result in prosecution and a fine not exceeding level 5 on the standard scale (£5000).

Take notice that [name of applicant] has applied under section 29 of the Licensing Act 2003 to Berwick-upon-Tweed Borough Council (the licensing authority) for a Provisional Statement with regard to [* name of premises] [* premises / to be constructed] at [postal address of premises or, if there is no postal address, a description of those premises sufficient to enable the location and extent of those premises to be identified] [* at which premises it is proposed there shall be the sale by retail of alcohol and / or provision of regulated entertainment and / or provision of late night refreshment].

The licensing authority's register, which shall include a record of this application, is kept at Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED and may be inspected there during normal office hours.

Only representations about the likely effect of granting the provisional statement on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (the licensing objectives) can be considered by the Licensing Authority.

Any representation must be made in writing and received by the Licensing Section, Legal and Democratic Services Unit, Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED by no later than [twenty-eighth day, starting the day after the day on which the application was given to the licensing authority].

The right to make representation in respect of an application for a Premises Licence is restricted after the issue of a provisional statement.

It is an offence knowingly or recklessly to make a false statement in connection with an application, which could result in prosecution and a fine not exceeding level 5 on the standard scale (£5000).

Take notice that [name of qualifying club] has applied under section 29 of the Licensing Act 2003 to Berwick-upon-Tweed Borough Council (the licensing authority) for a Provisional Statement with regard to [* name of premises] [* premises / to be constructed] at [postal address of premises or, if there is no postal address, a description of those premises sufficient to enable the location and extent of those premises to be identified] [* at which premises it is proposed there shall be the supply of alcohol and / or the sale by retail of alcohol and / or provision of regulated entertainment].

The licensing authority's register, which shall include a record of this application, is kept at Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED and may be inspected there during normal office hours.

Representations may only be made about the likely effect of granting the provisional statement on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm (the licensing objectives).

Any representation must be made in writing and received by the Licensing Section, Legal and Democratic Services Unit, Berwick-upon-Tweed Borough Council, Council Offices, Wallace Green, Berwick-upon-Tweed TD15 1ED by no later than [twenty-eighth day, starting the day after the day on which the application was given to the licensing authority].

The right to make representation in respect of an application for a Club Premises Certificate is restricted after the issue of a provisional statement.

It is an offence knowingly or recklessly to make a false statement in connection with an application, which could result in prosecution and a fine not exceeding level 5 on the standard scale (£5000).

Further Information:

Information on the Licensing Act 2003 is available:

- on the website of the Department of Culture, Media and Sport at www.culture.gov.uk

- from your local Licensing Authority: Licensing Section
Legal & Democratic Services Unit
Berwick-upon-Tweed Borough Council
Council Offices
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