

Committee(s):	Date(s):	Item no.
Licensing	24 October 2011	
Subject: Applications made under the Licensing Act 2003 – Requirement to advertise in Local Newspapers		Public
Report of: Town Clerk		For Decision
<p style="text-align: center;"><u>Summary</u></p> <p>This report is in response to a query by a Member of the Licensing Committee over the use of newspapers to advertise licensing applications. It provides advice on the use of the term ‘local newspaper’ and whether Licensing Authorities are able to prescribe the use of specific newspapers to ensure notices are published in newspapers with appropriate circulation.</p> <p>Recommendations</p> <p>That the report be received and its contents noted</p>		

Main Report

Background

1. At the last meeting of the Licensing Committee, a Member raised a question concerning the use of newspapers and private publications to advertise licensing applications, highlighting that some applications were advertised in papers with very low circulation rates.
2. In answer to that question, this report outlines the advice received over the definition of the term ‘local newspaper’ and whether Licensing Authorities are able to prescribe the use of specific media.

Current Position

3. As Members will be aware, under the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, persons making an application for:-
 - a new premises licence or club premises certificate

- a variation to an existing premises licence or club premises certificate; or
- a provisional statement

shall advertise the application both by displaying a prominent notice on the premises and by publishing 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.

4. Case law appears to emphasise the ‘local circulation’ of newspapers and, in fact, prevents the use of national newspapers (*Cf. R v Westminster Betting Licensing Committee, ex p Peabody Donation Fund [1963]*).
5. As to the question of circulation, the 2011 Edition of ‘Patterson Licensing Acts’ also adds that ‘in some instances the extent of the circulation in the locality under previous legislation was an issue where the publication is not widely read. For this reason, some Licensing Committees choose to indicate preferred newspapers in their policy documents whilst others discouraged reliance upon those which are distribute free of charge to the recipients.’
6. The City Corporation’s current Statement of Licensing Policy does not make specific reference to which newspapers can or cannot be used by applicants. However, Members may wish to note that at the Court Of Common Council held on 12th September 1991, consideration was given to the issue advertising of our own public and statutory notices in local newspapers and the Court agreed that the Corporation should, from that date, place its official notices in the ‘Evening Standard’.
7. Some London Boroughs (e.g. Newham) provide guidance over what newspapers can (and cannot) be used by applicants. Members may wish to consider whether there would be any benefit in the City issuing similar guidance.

Consultees

8. The Comptroller & City Solicitor and the Director of Public Relations were consulted in the preparation of this report.

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