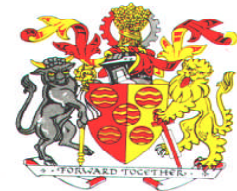




South Northamptonshire Council



Borough Council of Wellingborough

**NORTHAMPTONSHIRE  
Licensing Act 2003  
Statement of Licensing Policy  
for  
Regulated Entertainment, Late Night  
Refreshment and the Sale of Alcohol**

*Produced in consultation with:*



Northamptonshire Police



Northamptonshire Fire and Rescue Service

NORTHAMPTONSHIRE Licensing Act 2003  
Statement of Licensing Policy for  
Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol

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## 1. Introduction

- 1.1 This Statement of Licensing Policy is determined by The Licensing Act 2003, and is in line with the Guidance produced by the Department of Culture, Media and Sport under Section 182 of that Act for Local Authorities and takes effect from 7 February 2008.
- 1.2 The policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-
- Retail sale of alcohol
  - Supply of alcohol to club members
  - Provision of Regulated Entertainment
  - The Provision of Late Night Refreshment
- 1.3 There are legal exemptions within the above.
- 1.4 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy every three years.
- 1.5 Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the 2003 Act.

## 2. Licensing Objectives

- 2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance, and
  - The protection of children from harm
- 2.2 The purpose of this Policy is to detail how the Authority will comply with that duty.
- 2.3 In determining its statement of licensing policy, this Authority will have regard to the Guidance issued by central government and other regulatory bodies to ensure that its actions are consistent with those nationally. To further ensure consistency the licensing authorities of Northamptonshire will meet as necessary to ensure that a consistent approach is being achieved.
- 2.4 Licensing decisions will be made in accordance with the relevant legislation, any guidance and in accordance with this policy.
- 2.5 No decision will be made which undermines the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 2.6 Authorised persons, interested parties and responsible authorities, as defined in the Act, will have the right to make representations to the Licensing Authority on any application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 2.7 Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 2.8 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. It must however be recognised that licensing legislation is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 2.9 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the control of the licence holder. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and nighttime economy in town centres.
- 2.10 In undertaking its licensing function, the Licensing Authority is also bound by or must have regard to other legislation, strategies and policies, including:-

### a. Legislation

- The Crime and Disorder Act 1998
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006

- The Health Act 2005
- The Clean Neighbourhoods and Environment Act 2005
- Regulatory Reform (Fire Safety) Order 2005

*(These and other relevant pieces of legislation can be found at [www.opsi.gov.uk](http://www.opsi.gov.uk))*

## **b. Strategies**

- Local strategies for tackling alcohol related crime, disorder and nuisance
- Safer Clubbing
- Alcohol Harm Reduction Strategy – Safe, Sensible, Social
- Choosing Health

## **c. Policies**

- Local Policies for Crime and Disorder Reduction
- Enforcement Policies
- Local Plan

## **d. Guidance**

- Guidance to Health and Safety at Outdoor Events (Purple Book)
- A suite of guidance documents to support the Regulatory Reform (Fire Safety) Order 2005 can be found at [www.firesafetyguides.communities.gov.uk](http://www.firesafetyguides.communities.gov.uk)
- Any Local Authority guidance in relation to noise and nuisance

*(This list is not exhaustive)*

- 2.11 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.12 The Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the District attracting tourists and visitors, and is a source of employment.
- 2.13 The Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
- 2.14 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions relevant to the operating plan will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are necessary, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public. (e.g. Health and Safety at Work and Fire Safety legislation).
- 2.15 In considering licensing hours the licensing authority will place significant emphasis on the individual merits of an application. The licensing authority recognises the Government's view that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided so as to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which may lead to disorder and disturbance. The views of the police and other agencies will be important in this consideration.
- 2.16 Licensing hours should not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local

services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration. The legislation does not provide for standard closing times.

- 2.17 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 2.18 The purpose of this policy document is to assist the Licensing Authority in reaching a decision on a particular application, setting out those matters which will normally be taken into account. In addition, the policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the District with some measure of certainty.

### **3. Consultation**

- 3.1 Before determining its policy for any three-year period, this Authority will consult the persons listed in section 5(3) of the 2003 Act. These are:
- the chief officer of police for the area
  - the fire authority
  - bodies representing local holders of premises licences
  - bodies representing local holders of club premises certificates
  - bodies representing local holders of personal licences
  - bodies representing businesses and residents in its area
  - Other bodies will be consulted as considered appropriate to the area
- 3.2 The views of all these bodies listed will be given proper weight when the policy is determined together with those of any other persons or bodies which the Authority considers appropriate to consult with. When undertaking consultation exercises, this Authority will also have regard to cost and time.

### **4. Consideration of Cumulative Impact and Special Policies**

- 4.1 Commercial demand for additional licensed premises is not a matter for the licensing authority or its statement of policy but a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Committee.
- 4.2 Conditions may only relate to matters that the licensee can be expected to control. These are likely to relate to the premises themselves and the immediate vicinity. Where the number, type and density of premises selling alcohol are unusual, serious problems of nuisance and disorder can sometimes arise or begin to arise outside or some distance from the licensed premises. This has been described as the cumulative effect of the increasing capacity of all premises taken together and is outside of the control of licence conditions. There may be circumstances where the licensing authority receives relevant representations from a responsible authority or interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for large groups of people to gather and circulate, away from the licensed premises themselves. This might be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In such circumstances the licensing authority may consider the question of whether the grant of any further premises licences or club premises certificates would undermine one of the licensing objectives. The Licensing Act 2003 allows for this, so

long as cumulative impact is addressed in the context of the individual merits of any application.

- 4.3 However the licensing authority will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas, either formally or informally.
- 4.4 It may be necessary for the licensing authority to adopt a special policy of refusing new licences because the area is already saturated with certain types of licensed premises. In such circumstances this policy is not absolute and will still allow for the circumstances of each application to be considered properly and for licences which are unlikely to add significantly to saturation to be approved provided all other requirements are met.
- 4.5 In deciding whether to adopt such a policy, the licensing authority will have regard to:
- Identification of serious and chronic concern about crime and disorder or public nuisance;
  - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identify the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
  - Consultation with those persons and bodies identified in Section 5 (3) of the 2003 Act
- 4.6 Where this process identifies such a need, the licensing authority will adopt a special policy relating to future licence applications from that area. Reference to any such special policy will be made in the Licensing Policy Statement and the special policy will be published as part of the statement of licensing policy.
- 4.7 A special policy cannot be used to set a terminal hour for premises in the identified area.
- 4.8 The licensing authority has duties under section 17 of the Crime and Disorder Act 1998 to do all that it can to prevent crime and disorder in its locality and to promote the licensing objectives in the Licensing Act 2003.
- 4.9 In considering representations relating to a particular application, the Licensing Authority must have regard to the impact on the promotion of the licensing objectives in the licensing authority's area. In any representations, the onus will be on the objector to lay an evidentiary base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.
- 4.10 Any special policy adopted by the authority will be reviewed regularly to assess whether it has had the effect intended, whether it is needed any longer or whether it needs extending.
- 4.11 A special policy on cumulative impact will not be used as grounds for removing a licence when representations are received about problems with an existing licensed premises. Nor can it justify rejecting variations to a licence except where those variations are directly relevant to the policy (as would be the case with an amendment significantly to increase the capacity limits of a premises).
- 4.12 The Authority will not adopt quotas which pre-determine the individual merits of any application – even in respect of premises selling alcohol for consumption on those premises – as they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the local community.
- 4.13 Once away from these premises, a minority of consumers will behave badly and unlawfully. The licensing policy is only part of a much wider strategy for addressing these problems.

Other mechanisms which may be used to deal with such issues which fall outside of the scope of this licensing policy include:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- the confiscation of alcohol from adults and children in designated areas;
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

4.14 The Licensing Authority and Northamptonshire Police will work closely together to ensure that these other mechanisms are used appropriately to deal with the issues of concern and where possible will supplement these with other local initiatives that similarly address these problems.

## 5. Licensing hours

5.1 Consideration will always be given to the individual merits of an application in line with the four licensing objectives and any relevant representations. This Authority recognises that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.

5.2 However, when issuing a licence with hours beyond 23.00 hours, higher standards may be expected to be included in Operating Schedules to address the Licensing Objectives especially premises which are situated near to residential properties.

5.3 In considering licence applications, where relevant representations are made, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.

5.4 Where relevant representations are made, this Authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. The authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.

5.5 In general terms, this Authority supports the view that, with regard to shops, stores and supermarkets, they should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of isolated shops known to be a focus of disorder and disturbance.

## 6. Children

6.1 This Authority recognises that there will be a considerable variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafes, take-aways and fast food outlets as well as public houses and nightclubs. Subject to the

licensee's discretion and any conditions included in a premises licence or club premises certificate, the 2003 Act does not prohibit children having free access to licensed premises of all kinds, including those selling alcohol for consumption on those premises.

- 6.2 This Authority will not limit the access of children to such premises unless it is necessary for the prevention of harm to children. No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and so general rules have not been included. Consideration of the individual merits of each application remains the best mechanism for judging such matters.
- 6.3 However, notwithstanding the above, this authority considers that the following premises give rise to particular concern in respect of children:
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
  - with a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises;
  - where entertainment or services of an adult or sexual nature are commonly provided;
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 6.4 In these circumstances the Authority will consider the appropriate option for the prevention of harm to children where relevant representations are made. While complete bans on access to children are likely to be rare, there may be circumstances when no other option is considered appropriate. However, in the majority of cases where limiting the access of children to licensed premises is considered necessary, the options which will be considered are:
- Limitations on the hours when children may be present
  - Age limitations (below 18)
  - Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place
  - Requirements for an accompanying adult
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 6.5 The authority will not impose conditions requiring that children must be admitted to any premises. Where the above restrictions are not considered necessary, access to licensed premises by children will remain a matter for the discretion of the individual licence holder or club. Where the licence holder volunteers prohibitions and restrictions and no other relevant representations are made, the volunteered prohibitions and restrictions will be made into conditions and no other conditions in relation to the presence of children will be applied.
- 6.6 Northamptonshire Police and Northamptonshire County Council Trading Standards Service are jointly responsible for the enforcement of ss146, 147, 147(a) and 147(b) of the Licensing Act 2003 (The sale of, and allowing the sale of alcohol to children). Trading Standards are mainly responsible for 'off licence' premises and the Police have the main responsibility for 'on licence' premises.
- 6.7 With regard to children in premises giving film exhibitions, this authority will impose conditions requiring that arrangements must be in place for restricting children from viewing age-restricted films or videos classified according to the recommendations of the British Board of Film Classification or the local authority itself.
- 6.8 The guidance requires that the Licensing policy identify a responsible authority for the protection of children. In Northamptonshire it has been agreed that this Authority will be Head of Service, Safeguarding Children, Children & Families Service, Northamptonshire County Council, County Hall, Guildhall Rd, Northampton, NN1 1AN Tel: 01604 236236.

The responsible authority must be notified about applications for premises licences or club premises certificates or major variations of the same and are entitled to lodge representations or request reviews of premises licences and club premises certificates.

## **The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

6.9 The Portman Group operates a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks on behalf of the alcohol industry. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. A copy of the Code can be found at [www.portman-group.org.uk](http://www.portman-group.org.uk).

## **Children and cinemas**

6.10 In the case of premises giving film exhibitions, the licensing authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself. The 2003 Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984 (the British Board of Film Classification is the only body which has been so designated) or by the licensing authority itself. The Licensing Authority will expect Licensees to demonstrate the controls they have in place for the showing of recordings which have no age classification.

## **7. Integrating strategies**

### **Crime prevention**

7.1 Where relevant representations are received, the licensing authority will attach conditions to premises licences and club premises certificates where appropriate to reflect local crime prevention strategies, for example, the provision of closed circuit television cameras in certain premises. The need for such conditions will be considered specifically as part of the application consultation process with Northamptonshire Police and more generally at licensing liaison groups and through the Crime and Disorder Partnership.

### **Cultural Strategies**

7.2 The Licensing Committee will be advised of any relevant information received either reactively or proactively indicating that this policy is having a detrimental impact on live music and dancing and other regulated activities, to ensure that broader cultural activities and entertainment are not being affected. Where indications are that there is a negative effect on such events then this policy will be reviewed in order to identify how the issues may be remedied. Advice will be sought from other relevant bodies as appropriate where such issues are identified. Every care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions are applied.

### **Transport**

7.3 When necessary or appropriate the local police and other licensing enforcement officers will make representations to the relevant committee or forum of the Local Authority so that those committees may have regard to the transport issues which may be identified surrounding the need to disperse people from the town centres swiftly and safely to avoid concentrations

which produce disorder and disturbance. Such representations may be instigated by either party.

## **Tourism, Employment, Planning and Building Control**

- 7.4 The Licensing committee will receive reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in their considerations as appropriate. The licensing committee will also be advised as necessary of the employment situation in the area and the need for new investment and employment where appropriate.
- 7.5 There must be proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. The Licensing Committee will provide reports to the planning committee on the situation regarding licensed premises in the area to ensure proper integration, including the general impact of alcohol related crime and disorder, to provide background information to any planning applications for potential licensed premises under consideration. The planning authority also has a duty to consider matters of crime and disorder at this stage. This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 7.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
- 7.7 The Council's Planning Policies are set out in its Local Plan. Government guidance, in the form of Planning Policy Guidance Notes (PPG) and Regional Planning Policy Guidance Notes (RPG), is also relevant.
- 7.8 The strength of these policies is that there is an obligation both on the council, as local planning authority, and the decision maker on any appeal to give considerable weight to them. This helps ensure consistency in the decision making process.
- 7.9 In general, planning permissions authorise a broad type of use of a premises, where as licences are granted for a particular type of activity. A planning permission for an entertainment use, for example, may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by a prospective licence holder need to be considered when an application is made for a premises licence.
- 7.10 All applications for premises or club premises licences will normally only be considered where:
- The activity to be authorised by the licence is a lawful planning use, and
  - The hours sought do not exceed those authorised by any planning permission

## **Promotion of Racial Equality**

- 7.11 The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. In implementing the Licensing Act 2003, associated legislation and guidance, the licensing authority is committed to ensuring that this obligation is met.
- 7.12 The Licensing Authority recognises the importance that proper steps should be taken to provide for the safety of people and performers with disabilities. It will, however, ensure that well meaning conditions which are intended to provide for the safety of people or performers with disabilities, but which may actively deter operators from admitting or employing them, are avoided.

- 7.13 The Licensing Authority will also avoid conditions which duplicate the requirements of Disability Discrimination legislation but where appropriate will remind applicants of their duties under said legislation.

## 8. Duplication of Enforcement

- 8.1 The enforcement of licensing legislation will at all times be distinct from other regulatory regimes such as fire safety and health and safety so far as is possible.
- 8.2 Conditions will only be attached to premises licences and club premises certificates that are necessary for the promotion of the licensing objectives detailed in the introduction to this policy, be they mandatory conditions, conditions made against the operating plan and/or following relevant representations. Under normal circumstances where matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law. However such regulations will not always cover the unique circumstances that arise in connection with entertainment and certain safety legislation includes exemptions because it is assumed that licensing controls will provide the necessary coverage.
- 8.3 To ensure clarity of enforcement roles appropriate liaison with other enforcing authorities will take place and, where considered appropriate, joint inspections by enforcement agencies will be arranged.

## 9. Licence and Certificate Conditions

- 9.1 A key concept underscoring the 2003 Act is for conditions to be attached to licences and certificates that are tailored to the individual style and characteristics of the premises and events concerned. Conditions may only be applied following the receipt of relevant representations where they have been agreed by all parties concerned or have been applied by the Licensing Committee. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- 9.2 This authority will therefore avoid the general application of standardised conditions to licences and certificates.
- 9.3 However to ensure consistency, when it is necessary to apply conditions, this authority will draw from pools of model conditions where available, from which appropriate and proportionate conditions may be drawn in particular circumstances to suit individual cases. The model conditions will cover the following:-
- **Crime and disorder**
  - **Public safety (including fire safety)**
  - **Public nuisance**
  - **Protection of children from harm**

## 10. Enforcement

- 10.1 The licensing authority will establish protocols and have regular liaison with the local police, fire & rescue service, trading standards, other County local authorities and other agencies on enforcement issues. This will provide for a more efficient deployment of local authority staff and police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. There will also be regular liaison with other enforcement authorities.
- 10.2 In particular, these protocols will provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. The limited validity of public entertainment, theatre, cinema and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether such inspections are necessary. The 2003 Act does not require inspections to take place save at the discretion of those charged with this role. The principle of risk assessment and targeting will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

## 11. Live music, dancing and theatre

- 11.1 The impact of this policy on regulated entertainment, particularly live music and dancing will be monitored. Where there is an indication that such events are being deterred by licensing requirements the policy will be revisited with a view to investigating how the situation might be reversed. As part of implementing the local authority's cultural strategy, proper account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives, the licensing authority will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a substantial nature. The Licensing Authority will be aware that the views of vocal minorities should not be allowed to predominate over the general interests of the community that the committee represents.
- 11.2 Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circus and street arts. The Council subscribes to the view expressed in the Guidance to the Act that the absence of cultural provision in any area can lead in itself to a loss of community awareness and can expose young people to anti-social activities that damage local communities.
- 11.3 Proper account will be taken of the need to encourage and promote a broad range of entertainment particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider benefit of communities. A natural concern to prevent disturbance should always be balanced with these wider cultural benefits, particularly those for children.
- 11.4 The Council will also seek Premises Licences for public spaces in the community in its own name. This could include, for example, open spaces, town centre squares, community halls and similar public spaces. With regard to those places, performers and entertainers will not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead they would require permission from the Council as the Premises Licence holder. Any charges related to this permission will be reasonable and proportionate. The Council will also monitor the impact of licensing on regulated entertainment to ensure that only necessary, proportionate and reasonable licensing conditions impose restrictions on such events. Where there is an indication that licensing requirements are deterring such events, the Council will re-visit the Licensing Policy and endeavour to reverse these effects.

## 12. Legislation

- 12.1 Other Statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder.
- 12.2 In reaching a decision on whether or not to grant or review a licence, the Licensing Authority may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm and nuisance.
- 12.3 The grant of a Licence does not imply the approval of other legislative requirements.

## 13. Drugs

- 13.1 The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. However, special conditions may need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. The conditions to be imposed in such cases are taken from the DCMS pool of conditions which take into account the report 'Safer Clubbing' issued

by the Home Office. In all cases where these conditions are imposed, advice will be taken from the police and any other local drugs advisory group.

## **14. Control of Consumers**

- 14.1 The Licensing Authority may adopt relevant powers to designate the relevant parts of the District as places where alcohol may not be consumed publicly. The Licensing Authority will keep this under review.
- 14.2 The 'Challenge 21' scheme will also be promoted across the County whereby any person seeking to purchase alcohol will be asked for PASS (Proof of Age Standards Scheme) accredited proof of age if they look younger than 21.
- 14.3 "Pubwatch" and other schemes may be adopted by the Police. They will be supported by the Licensing Authority as they are intended to promote and encourage public safety and reduce crime and disorder.
- 14.4 The Licensing Authority will continue to liaise with Northamptonshire Police Northamptonshire Fire and Rescue Service and Northamptonshire County Council Trading Standards Service to inspect licensed premises. This joint partnership approach is intended to maximise the potential for controlling crime, disorder and hazards at premises and to ensure compliance with the relevant conditions.

## **15. Noise**

- 15.1 Applicants for licensable activities will be required to demonstrate the measures they have in place to prevent unnecessary noise and disturbance to local residents, as considered appropriate. This may include restrictions on the times when music or other licensable activities may take place and may include restrictions on sound levels at the premises. Measures may be imposed requiring licensees to display signs at all exits of premises reminding customers to leave premises quietly and to respect the rights of nearby residents.

## **16. Capacity**

- 16.1 Where it is considered necessary to control the maximum number of persons attending premises for the purpose of preventing crime and disorder or for public safety the Licensing Authority may impose conditions relating to the maximum number of persons permitted to attend premises.
- 16.2 The maximum number of persons attending a premises is deemed to be the total number of people in the licensed areas of the premises at any one time and includes performers, staff, etc. This number is a maximum and may need to be reduced for certain events. It will therefore be the duty of the licence holder to carry out a risk assessment of the premises whenever events are to be held which may reduce the capacity of the premises to ensure that crime and disorder and public safety issues are not compromised.

## **17. Fees**

- 17.1 Fees and charges will be levied in accordance with those prescribed by central government.

## **18. Administration, Exercise and Delegation of Functions**

- 18.1 The Powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority.
- 18.2 Many of the licensing procedures will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness officers will generally carry out these duties.
- 18.3 On applications where there are relevant representations these will be dealt with by a Committee or sub committee of the Licensing Authority, as will any application for review of a licence.

- 18.4 The Licensing Authority will expect applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 18.5 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule.
- 18.6 The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees or delegated to sub-committees or in appropriate cases, to officials supporting the licensing authority. In the interests of speed, efficiency and cost-effectiveness, as many of the decisions and functions will be purely administrative in nature, functions will be delegated to the appropriate level within the organisation where possible. See Appendix A.
- 18.7 Where applications are non contentious, (for example, no representations to the grant of a premises licence) these applications will be delegated to officers in order to speed matters through the system. Any such matters passed in this way will then be listed for comment at the next Committee meeting. The Committee will not have the opportunity to reverse officers' decisions. Delegation of appropriate licensing matters will be as shown at Appendix 1.
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## Appendix 1 - Delegation of functions

Matter to be dealt with	Full Committee	Sub Committee or Panel	Officers
Application for personal Licence	-	If a police objection made	If no objection made
Application for personal licence with unspent convictions	-	All cases	-
Application for premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application for provisional statement	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	-	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	-	All cases
Application for transfer of premises licence	-	If a police objection	All other cases
Applications for interim Authorities	-	If a police objection	All other cases
Application to review premises licence/club premises certificate	-	All cases	-
Decision on whether a complaint is irrelevant frivolous vexatious etc	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of a police objection to a temporary event notice	-	All cases	-