



Licensing Committee – 10 September 2014

Licensing Legislation - Update

Purpose of report

To inform members of proposed changes to the licensing legislation, review the Statement of Licensing Policy and guidance and provide an update on licensing matters.

Attachment(s)

- Appendix One – Statement of Licensing Policy
- Appendix Two – Licensing Policy Consultation Results
- Appendix Three – Drinkwise Self Assessment tool
- Appendix Four – Mandatory Condition calculation
- Appendix Five – Case Management Process (awaiting)

1.0 Background

- 1.1 The Government have announced a series of changes to licensing legislation and guidance that affect East Northamptonshire Council. This report provides an update on progress with the planned changes to the Licensing Act and updates the Committee on other relevant licensing matters including a review of the Statement of Licensing Policy currently out to consultation.

2.0 Proposed changes and update

2.1 Licensing Act

The Government is now proposing to retain personal licences. However, they are recommending that the licences will last indefinitely, rather than the 10 years as per the current legislation. The renewal for the original personal licences is November 2014; it is not envisaged that the legislation will have been introduced in time to avoid the need to undertake a massive renewal exercise.

2.2 New Mandatory Condition

A new mandatory condition has been added to all Premises Licences (both new and existing) as follows:-

‘A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price’ There is an equation by which the permitted price is calculated, which is included as Appendix 4.

2.3 Boat Licensing

Policy and Resources Committee agreed to the introduction of boat licensing following a consultation with current operators. We are now in the process of introducing the scheme with a six month period being given to current operators to apply for their licences.

2.4 Licensing Policy Statement

The new licensing policy statement (Appendix 1) has been consulted on internally and externally, the results of which are attached at Appendix 2. It has been put together by Corby Borough Council, on behalf of the County. We have fed in our comments accordingly. In light of recent discussions as a result of our Licensing training, the Licensing Committee need to review the document prior to it being presented to Policy and Resources for adoption at Council. Some of the discussions at the training

related to individualizing our policy. In order to assist in identifying potential areas for development the DRINKWISE assessment toolkit has been used, the results of which are attached as Appendix 3. This identifies some ways we could enhance the policy to be more reflective of East Northamptonshire. We need to balance this with the desire to have a County policy which ensures consistency of approach across the 7 authorities, Police, Trading Standards, Public Health and Fire.

2.5 Taxi Legislation – proposed changes

The Taxi and Private Hire vehicle bill is due to be heard in the House of Lords in October. We will keep members informed as to progress. Their key proposals include:-

- a. Retain the two tier system
- b. Estimate of fare prior to booking
- c. If picking up outside of the authority boundary both taxis and private hire must be pre booked
- d. Inclusion of stretch limousines
- e. Introduction of national standards (conditions)
- f. Operators not restricted to operating in the area in which they are licensed
- g. Locally set Taxi fees but Private Hire set nationally

2.6 Case Management

The recent members training involved some discussions on case management. These discussions have resulted in a change to the process for the administration of Licensing Panels. The revised process is attached at Appendix 5.

3.0 Equality and Diversity Implications

3.1 There are no equality and diversity implications arising from this report.

4.0 Legal Implications

4.1 Implementation of each of the reforms will involve their own legal implications that will need to be considered in more detail when the provisions of the Act are commenced, and the reforms require local implementation.

5.0 Risk Management

5.1 There are no identified risks arising from the report.

6.0 Financial Implications

6.1 These reforms will affect the number of applications received and as such the income received from these types of licences. It is difficult to determine whether this will be positively or negatively without further detail of the new personal licence and taxi licensing requirements.

7.0 Corporate Outcomes

7.1 The Corporate Outcomes affected by this policy are:

- Effective Partnership Working
- Effective Management
- High Quality Service Delivery

- Strong Community Leadership
- Knowledge of Customers and Communities.

8.0 Conclusion

8.1 This information is provided for members to make them aware of changes proposed to the licensing legislation.

Legal	Power: Licensing Act 2003, Scrap Metal Act 2013, local Government (Miscellaneous Provisions) Act 1976 & 82				
	Other considerations:				
Background Papers:					
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**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
DRAFT Statement of Licensing Policy for
Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol

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1. Executive Summary

- 1.1 The Licensing Act 2003 introduced a revised licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy for a five years period, beginning with such day as the Secretary of State may by order appoint. The next subsequent period of 5 years will commence on 1st August 2014.
- 1.3 This document sets out the Licensing Authorities policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each license application will be considered separately on its individual merits.

- 1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the area. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.
- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Licensing Authority has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. This Council may deviate from the guidance but will demonstrate good reasons for doing so.
- 1.8 The scope of this policy covers new applications, renewal of personal licences, transfers and variations of licences and certificates including temporary event licences. This includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

2. Purpose and Scope of the Licensing Policy

- 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 this 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 current legislation, case law, relevant 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. This Authority recognises that in the absence of relevant representations it will grant licenses on the terms sought.
- 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. However this Council recognises 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 night-time economy.
- 2.10 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. This Licensing Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.11 This Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the area attracting tourists and visitors, and is a source of employment.
- 2.12 This 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.
- 2.13 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 offered or agreed with by the applicant 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 appropriate, 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.
- 2.14 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.
- 2.15 Licensing hours will not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and beneficial to tourism 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.
- 2.16 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. Individual applicants should 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.
- 2.17 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, this 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 area with some measure of certainty.
- 2.18 Before determining its policy for any five-year period, this Authority will undertake full consultation as prescribed by the 2003 Act.

- 2.19 The views of all of those consulted will be given appropriate 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.

3. Duplication

- 3.1 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 practicable.
- 3.2 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 schedule 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.
- 3.3 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.

4. Strategies

- 4.1 Where relevant representations are received, this 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 through Crime and Disorder Partnerships.
- 4.2 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.

5. Live Music Act

- 5.1 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music.
- 5.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review. When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits.

6. Objectives

6.1 Prevention of crime and disorder

The essential purpose of the licence or certificate is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents. They can however directly impact on the behaviour of those under the licensee's direction when on their premises or in the immediate vicinity of the premises as they seek entry or leave.

There are a number of offences both within the Licensing Act 2003 and other legislation that relate to crime and disorder that a licensee should be familiar with. These offences stand in their own right and will not be duplicated as conditions on any licence/certificate.

Various 'PubWatch' schemes operate in Northamptonshire which aim to counter individuals who damage property; are violent and cause disorder; or use or deal in drugs through exclusions. This Licensing Authority is supportive of such schemes and considers premises should join where it is appropriate to do so.

6.2 Public safety

The public safety objective is concerned with the physical safety, including fire safety, of the people using the relevant premises and not with public health, which is dealt with in other legislation. Public safety includes the safety of performers appearing at any premises. The Authority has noted that from 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Responsibility for complying with the order rests with the 'responsible person' who has control of premises.

The Licensing Authority is familiar with the "Safer Clubbing Guide" and its application to nightclubs and dance events. The guide contains a number of suggestions and safeguards, which appropriate premises should consider and include within their operating schedules as necessary. There are a number of other key publications that relate to public safety at entertainment events, which the Licensing Authority would recommend to applicants.

6.3 The prevention of public nuisance

The public nuisance objective is designed to deal with the impacts of licensable activities at specific premises on persons living and working (including doing business) in the vicinity that is disproportionate and unreasonable. The main issues for concern will be noise nuisance, light pollution, noxious smells and litter.

The provision of welfare facilities such as toilets within licensed premises is relevant to the prevention of public nuisance. Adequate welfare provisions may prevent nuisance activities taking place within the street, such as urination. Licensees should therefore ensure that adequate facilities are provided within the premises and include these details within their operating schedule.

Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. This may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined) in the vicinity of the licensed premises.

This Licensing Authority will have regard to the powers available within the Anti Social Behaviour Act 2003. This provides that if noise from licensed premises is causing a public nuisance the local authority has powers to issue a closure order for up to 24 hours. This compliments the police powers under Part 8 of the 2003 Act.

6.4 The protection of children from harm

The Act has tightened up on the controls relating to the sale and supply of alcohol to children with new and further principle offences contained within the Act itself. However the intention of the Act is to make licensed premises accessible to families and only limit access to children where it is necessary in order to prevent physical, moral or psychological harm to them. This would include the protection of children from too early an exposure to strong language, sexual expletives, violence or frightening images, for example, in the context of film exhibitions, or where adult entertainment is provided.

When deciding where restrictions should be imposed, this Licensing Authority will examine the individual merits of each application and only impose conditions where the circumstances justify them.

Aspects of an application that would be likely to raise concerns in relation to access by children would include:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- 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 (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

It is not possible to provide an exhaustive list of the entertainment or services that are of an adult or sexual nature, therefore a common sense approach will be taken to interpretation. However such entertainment or services would also include entertainment involving strong and offensive language.

Where conditions are required for the prevention of harm to children, a range of alternatives will be considered as methods for limiting access. These could include:

- Limitations on hours when children may be present;
- Limitations of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of the premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

This Licensing Authority, Northamptonshire County Council Trading Standards Service and the Northamptonshire Police take a very serious view of the persistent and illegal sale of alcohol and other age-restricted goods to children. Together with Trading Standards, this Licensing Authority will continue to seek to ensure that illegal sales of alcohol and other age-restricted goods are reduced and ultimately eradicated.

The sale of alcohol to minors (under 18 years of age) is a criminal offence and Trading Standards Service has over time, worked to advise the off-licence trade on how to set up systems to avoid sales taking place.

The Licensing Authority will maintain close contact with the police, young offender's team and Trading Standards officers regarding unlawful activities and share actions and intelligence where appropriate

7. The Licensing Authority as a responsible authority

- 7.1 This Licensing Authority acknowledges that it is now included in the list of responsible authorities. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. Therefore, it is for this Licensing Authority to determine when it considers it appropriate to act in its capacity as a responsible authority.

- 7.2 This Licensing authorities will not normally act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.
- 7.3 This Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.
- 7.4 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention and may do so where the authority consider it appropriate without having to wait for representations from other responsible authorities.
- 7.5 In cases where this Licensing Authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 7.6 Accordingly, the officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities.

8. Health as a responsible authority

- 8.0 Northamptonshire County Council Directors of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings.
- 8.1 This Licensing Authority acknowledges that DPH will be useful in providing evidence of alcohol-related health harms when there is a revision of policy particularly in relation to cumulative impact policies or early morning restriction orders.
- 8.2 This Licensing Authority envisages that DPH's will also be useful in providing evidence such as alcohol-related A & E admissions or ambulance service data that might be directly relevant to an application under the Act.

9. Responsible Authorities

- 9.1 Northamptonshire Police Service
- 9.2 Northamptonshire Fire and Rescue Service
- 9.3 Northamptonshire County Council
- 9.4 District/Borough Council

10. Planning

- 10.1 This Licensing Authority acknowledges that 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.
- 10.2 The Licensing Committee may 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.
- 10.3 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.
- 10.4 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. There is no legal basis for this Licensing Authority to refuse a licence application because it does not have planning permission,
- 10.5 The strength of planning 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.

11. Licensing Hours

- 11.1 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 need to be managed effectively 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.
- 11.2 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.
- 11.3 In considering licence applications, where relevant representations are made, this 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.
- 11.4 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. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.
- 11.5 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.

12. Temporary Event Notices

- 12.1 The most important aspect of the system of permitted temporary activities is that no permission as such is required for these events from the Council. The system involves the notification of an event to the Licensing Authority, Environmental Health and Northamptonshire Police, subject to fulfilling certain conditions.
- 12.2 As many users giving TEN's will not have commercial backgrounds or ready access to legal advice, the Licensing Authority will ensure that guidance is clear and understandable and will aim to keep arrangements manageable and user friendly for these groups.
- 12.3 Northamptonshire Licensing Authorities recommend that at least 28 days and no more than 3 months notice be given to hold such events, to allow it to help organisers plan their events safely. A longer period than this may mean that all relevant details are not available and any lesser time may mean that the planning may be rushed; this may increase the likelihood of Northamptonshire Police objecting.
- 12.4 The Licensing Authority will also remind notice givers of relevant offences under licensing law, including:
- the sale of alcohol to minors,
 - the sale of alcohol to a person who is drunk,
- 12.5 The Licensing Authority will also advise notice givers of the police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises. Where the application is not within the parameters described above, the Licensing Authority will issue a Counter Notice to the person giving the TEN.
- 12.6 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice given the possibility of police intervention. Event organisers are encouraged to contact local Northamptonshire Police Licensing Officers as early as possible about their proposed event(s).

13. Sexual Entertainment

- 13.1 This Licensing Authority has adopted a policy in relation sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. With reference to this related policy standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous apply.
- 13.2 This Licensing Authority acknowledges there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly,

14. Cumulative Impact and Special Policies

- 14.1 Commercial demand for additional licensed premises is not a matter for this 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.
- 14.2 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 this 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 this Licensing Authority may consider the question of whether the granting 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.

- 14.3 However this 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.
- 14.4 However, it may be necessary for this 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.
- 14.5 In deciding whether to adopt such a policy, the licensing authority will have regard to:
- a) Identification of serious and chronic concern about crime and disorder or public nuisance;
 - b) 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;
 - c) Consultation with those persons and bodies identified in Section 5(3) of the 2003 Act.
- 14.6 Where this process identifies such a need, this Licensing Authority will consider adoption of 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.
- 14.7 A special policy cannot be used to set a terminal hour for premises in the identified area.
- 14.8 This 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.
- 14.9 In considering representations relating to a particular application, this Licensing Authority will have regard to the impact on the promotion of the licensing objectives in the 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.
- 14.10 Any special policy adopted by this Licensing 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.
- 14.11 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).
- 14.12 This 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.
- 14.13 This authority recognises that once away from these premises, only a minority of consumers will behave badly and unlawfully. The licensing policy is 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:

- a) planning controls;
- b) 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;
- c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- e) police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- g) the confiscation of alcohol from adults and children in designated areas;
- h) 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;
- i) 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.

14.14 This Licensing Authority and Northamptonshire Police will continue to 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.

15. Early Morning Restriction Orders

15.1 The power for this licensing authority to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31st October 2012.

15.2 This Licensing Authority will have reference to the guidance that has been introduced which relates to:

- the EMRO process
- the evidence base
- introducing an EMRO
- advertising an EMRO
- dealing with representations
- hearings
- implementation
- limitations
- enforcement

15.3 The legislation provides this licensing authority with the discretion to restrict sales of alcohol by introducing an EMRO to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of this licensing authority's area and if relevant on specific days and at specific times. This licensing authority will be satisfied that such an order would be appropriate to promote the licensing objectives.

15.4 The only exemptions relating to EMROs are New Years Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

15.5 The decision to implement an EMRO will be evidence based and will be considered by Full Council.

16. Children

- 16.1 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-away food businesses and fast food outlets as well as public houses and nightclubs. In addition, subject to the licensee's discretion and any conditions included in a premises licence or club premises certificate, the Licensing Act 2003 does not prohibit children having free access to licensed premises of all kinds, including those selling alcohol for consumption on those premises.
- 16.2 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.
- 16.3 However, notwithstanding the above, this authority considers that the following premises give rise to particular concern in respect of children:
- a) 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;
 - b) with a known association with drug taking or dealing;
 - c) where there is a strong element of gambling on the premises;
 - d) where entertainment or services of an adult or sexual nature are commonly provided;
 - e) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 16.4 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:
- a) Limitations on the hours when children may be present;
 - b) Age limitations (below 18);
 - c) Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place;
 - d) Requirements for an accompanying adult;
 - e) Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 16.5 This 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.
- 16.6 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.
- 16.7 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.
- 16.8 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.

- 16.9 In the case of premises giving film exhibitions, this 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. This Licensing Authority will expect Licensees to demonstrate the controls they have in place for the showing of recordings which have no age classification.

17. Conditions

- 17.1 A key concept underscoring the Licensing Act 2003 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.
- 17.2 This Licensing Authority agrees that any condition imposed must be:
- clear;
 - enforceable;
 - evidenced;
 - proportionate;
 - relevant; and be expressed in plain language capable of being understood
- 17.3 This authority will therefore avoid the general application of standardised conditions to licences and certificates.
- 17.4 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
 - Public nuisance
 - Protection of children from harm

18. Reviews

- 18.1 The Licensing Act 2003 makes provision for the Review of premises licenses where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.
- 18.2 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request

this Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 18.3 A review of a premises licence will follow any action by Northamptonshire Police to close down premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.
- 18.4 In all cases, the representation must relate to a particular premises for which a licence is in force and must be relevant to the promotion of the licensing objectives.
- 18.5 Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.
- 18.6 Where the request for a review originates from an interested party e.g. a local resident or residents' association, this Licensing Authority will first to consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 18.7 A repetitious complaint is one that is identical or substantially similar to:
- a) a ground for review made in respect of the same premises licence which has already been determined; or
 - b) representations considered by the Licensing Authority when the premises licence was granted; or
 - c) representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
 - d) in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.
- 18.8 This Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. This Licensing Authority has regard to the recommendation in the guidance that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.
- 18.9 This Licensing Authority also recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Council would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement. This Licensing Authority will advise licence holders that a failure to respond to such a warning may lead to a responsible authority requesting a Review.
- 18.10 This Licensing Authority will hold a hearing following a request for a Review from a responsible authority, interested party or after closure procedures described earlier. This Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.
- 18.11 In determining a Review, this authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
- a) no action necessary as no steps required to promote the licensing objectives;
 - b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
 - c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
 - d) excluding a licensable activity from the licence;
 - e) remove the designated premises supervisor,
 - f) suspend the licence for a period of three months;
 - g) to revoke the licence.

18.12 This Licensing Authority in determining what action to take will seek to establish the causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

19. Minor Variations

19.1 The purpose of the minor variation process is to save time, money and regulatory resources by allowing small variations that could not impair the promotion of the licensing objectives to be made to premises licences and club premises certificates through a simplified and less costly procedure. Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display it on a white notice at the premises. The notice must be displayed for a period of 10 working days starting on the working day after the minor variation application was given to the Licensing Authority.

19.2 The holder of a premises licence or a club premises certificate can apply to the licensing authority for a minor variation to the licence or the certificate using the prescribed form. In determining an application this licensing authority will consult such of the Responsible Authorities as it considers appropriate.

19.3 This Licensing Authority will take into account any relevant representations made concerning the application by Responsible Authorities or by an interested party. Relevant representations must be about the **likely effect** of the grant of the application on the promotion of the licensing objectives. This Licensing Authority will grant an application only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the authority must reject the application. There is no right to a hearing in this process.

19.4 An application may not be made under the minor variation provision if the effect of the variations proposed in it would be to:

- extend the period for which a premises licence has effect;
- to vary substantially the premises to which a premises licence/club premises certificate relates;
- to specify (in a premises licence) an individual as the Designated Premises Supervisor (DPS);
- to authorise the sale or supply of alcohol or to authorise the sale by retail or supply of alcohol at any time between 11pm and 7am or increase in the amount of time on any day during which alcohol may be sold by retail or otherwise supplied; or
- to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence at a community premises.

19.5 If an application is refused, the Authority must notify the applicant in writing, giving its reasons for the refusal. The Authority is required to reach its determination within a period of fifteen (15) working days starting on the first working day after the authority receives the application, otherwise the application is rejected and the Authority must return the application fee.

19.6 Minor variations will generally fall into four categories:

- minor changes to the structure or layout of a premises;
- small adjustments to licensing hours;
- the removal of out of date, irrelevant or unenforceable conditions or volunteered conditions;
- the addition of certain licensable activities.

20. Enforcement

20.1 This 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.

- 20.2 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.
- 20.3 The Licensing Act 2003 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.

21. Licence Suspensions

- 21.1 This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This Licensing Authority must suspend premises licences and club premises certificates on the non-payment of annual fees. The procedure to be used is set out in regulation;

22. Administration, Exercise and Delegation of Functions

- 22.1 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.
- 22.2 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.
- 22.3 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.
- 22.4 This 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.
- 22.5 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.
- 22.6 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 Annex 1.
- 22.7 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

23. Advice and Guidance

- 23.1 Advice can be obtained via the Central Licensing Administration Unit and we will assist people in advising them on the type's of licences they will need to apply for, the unit can be contacted in the following ways:-

Website

www.northantslicensing.gov.uk

Email : licensingunit@east-northamptonshire.gov.uk

Telephone: 01832 742102

In person or writing to:
Central Licensing Administration Unit,
East Northamptonshire Council
Cedar Drive
Thrapston
Northamptonshire
NN14 4LZ

The details above will be different for South Northants and Northampton Borough Councils.

25. Equal Opportunities

- 25.1 Over the last four decades, discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow.
- 25.2 [The Equality Act 2010](#) provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.
- 25.3 In implementing the Licensing Act 2003, associated legislation and guidance, this Licensing Authority is committed to ensuring that the obligations and duties within this legislation are met.

26. Review of the Policy

- 26.1 This licensing policy will be formally reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy will be subject to the consultation process. Section 5(4) of the Act provides that the licensing authority must keep its policy under review **during** each five year period and make appropriate revisions. Again, any revisions must be subject to consultation.
- 26.2 Where a special policy relating to cumulative impact or early morning restriction orders is being adopted this will be reviewed regularly at least every five years, to assess whether it is needed any longer, or indeed needs expanding. Any cumulative impact policy will also be reviewed to ensure that it has had the intended effect. There will be on-going dialogue and consultation with local residents to consider whether any area is nearing the point where the concentration of premises has a cumulative impact.
- 26.3 This Licensing Authority will consider the most appropriate time to refresh policies, with a view to balancing businesses' need to be kept advised of changes with the additional burden that responding to frequent consultations can bring.

27. Late night levy

27.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.

27.2 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.

Guidance has also been introduced in relation to:

- implementing the levy and the consultation process
- the design of the levy
- exemptions from the levy
- reductions in levy charges
- how revenue raised from the levy may be spent
- the levy charges
- the levy collection process

27.3 With regard to exemptions, this licensing authority retains discretion whether to exempt certain premises or not but only for those types of premises set out in paragraphs 1.24 to 1.31 of the guidance on the Late Night Levy.

27.4 This Licensing Authority also has the discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes i.e. Best Bar None.

27.5 Any revenue from a levy will be split between this licensing authority and Northamptonshire Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. A formal service level agreement will be established to ensure that this licensing authority and Northamptonshire Police are aware of responsibilities and undertakings, and to ensure that the use of levy funds can be clearly communicated to those businesses contributing to it.

27.6 These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. Any decision to introduce, vary or cease the requirement for a levy will be made by the full council. Other decisions in relation to how the levy is administered may be subject to delegation.

Annex 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	-

Annex 2 – Northamptonshire Licensing Authority Contacts

<p>Steve Elsey Head of Public Protection Northampton Borough Council The Guildhall St Giles Square Northampton NN1 1DE</p> <p>Tel: (01604) 837508 Out of Hours: 0300 330 7000 E-mail : selsey@northampton.gov.uk</p>	<p>Julia Smith Health Protection Manager East Northamptonshire District Council Cedar Drive, Thrapston Northants NN14 4LZ</p> <p>Tel: (01832) 742066 Out of Hours: (01933) 412000 Fax: (01832) 734839 Email: jsmith@east-northamptonshire.gov.uk</p>
<p>Amanda Wilcox Health Protection Manager Borough Council of Wellingborough Croyland Abbey Tithe Barn Road Wellingborough Northants NN8 1BJ</p> <p>Tel: (01933) 231954 Out of Hours: (01933) 222931 FAX: (01933) 231980 Email: awilcox@wellingborough.gov.uk</p>	<p>Jackie Fitzsimons Environment Manager Commercial South Northamptonshire Council Environment & Implementation Division Springfields Towcester Northamptonshire NN12 6AE</p> <p>Tel: (01327) 322283 Out of Hours: (01327) 322399 FAX: (01327) 359946 Email: jackie.fitzsimons@southnorthants.gov.uk</p>
<p>Russ Howell Health Services Manager Kettering Borough Council Municipal Offices Bowling Green Road Kettering Northants NN15 7QX</p> <p>Tel: (01536) 534323 Out of Hours: (01536) 410333 FAX: (01536) 410795 Email: russhowell@kettering.gov.uk</p>	<p>Damian Wilkins Health Protection Manager Corby Borough Council Deene House New Post Office Square Corby Northants NN17 1QB</p> <p>Tel: (01536) 464299 Out of Hours: (01536) 400088 Fax: (01536) 464644 Email: damian.wilkins@corby.gov.uk</p>
<p>Ed Cooke Environmental Health Manager (Health Improvement) Daventry District Council Lodge Road Daventry Northants NN11 5AF</p> <p>Tel: (01327) 302549 FAX: (01327) 302540 Email: ecooke@daventrydc.gov.uk</p>	

Annex 3 Other policies, legislation, and guidance sources

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement this authority's licensing policy. In particular the policy should provide a clear indication of how the licensing authority will secure the proper integration of the licensing policy and other local policies such as the local crime prevention, planning, transport, tourism, cultural strategies and the local alcohol policy.

(i) Legislation

- Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Crime and Security Act 2010
- Human Rights Act 1998
- Criminal Justice and Police Act 2001
- Private Security Industry Act 2001
- Equalities Act 2010
- Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006
- The Health Act 2006
- The Clean Neighbourhoods and Environment Act 2005
- Live Music Act 2012

Note: These and other relevant pieces of legislation can be found at www.opsi.gov.uk

(ii) Strategies and Policies

- Alcohol Strategy
- Alcohol Harm Reduction Strategy for Northamptonshire
- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- Community Alcohol Strategy
- Community Safety Strategy
- Compliance Code
- Crime & Disorder Reduction Strategy
- Council's Enforcement Policy
- Cultural and Tourism Strategies including promotion of live music and community events
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Development Framework
- Local Transport Plan
- National and local PubWatch schemes
- [Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#).
- Purple Flag (ATCM)
- Safer Socialising

(iii) Guidance Documents

- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office Safer Clubbing Guide](#)
- [Home Office Designated Public Place Order \(DPPO\) Guidance](#)
- [Home Office s182 Guidance](#)
- [LACORS/TSI Code of Practice on Test Purchasing](#)
- [The Event Safety Guide](#)

- [Licensing large scale events \(music festivals etc\)](#)
- [Managing Crowds Safely](#)
- [5 Steps to Risk Assessment](#)
- [The Guide to Safety at Sports Grounds](#)
- [Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances](#)
- [UK BIDS: Business Improvement Districts \(national BIDS advisory service\)](#)
- [BIS Code of Practice on Consultation](#)
- [The Plain English Campaign](#)

(iv) Relevant case law regarding policy statements

- Limits of licensing policy:
[BBPA & Others v Canterbury City Council \[2005\] EWHC 1318 \(Admin\)](#)
- “Strict” licensing policies and exceptions to policy:
[R \(Westminster City Council\) v Middlesex Crown Court and Chorion plc \[2002\] LLR 538](#)
- Cumulative impact policies and hours
[R \(JD Wetherspoon plc\) v Guildford Borough Council \[2006\] EWHC 815 \(Admin\)](#)
- Duplication and conditions:
[R \(on the application of Bristol Council\) v Bristol Magistrates’ Court \[2009\] EWHC 625 \(Admin\)](#)
- Extra-statutory notification by the licensing authority:
[R \(on the application of Albert Court Residents Association and others\) v Westminster City Council \[2010\] EWHC 393 \(Admin\)](#)
- The prevention of crime and disorder: ambit of the objective
[Blackpool Council, R \(on the application of\) v Howitt \[2008\]](#)
- Crime and disorder: sanctions on review: deterrence
[Bassetlaw District Council, R \(on the application of\) v Workshop Magistrates Court \[2008\]](#)

Note: This list is not exhaustive

Annex 4 Useful References (organisations)

Local Government Association:

<http://www.local.gov.uk/regulatory-services-and-licensing>

Association of Convenience Stores (ACS)

<http://www.acs.org.uk/>

Association of Licensed Multiple Retailers (ALMR) Now incorporating Bar, Entertainment and Dance Association (BEDA)

<http://www.almr.org.uk/>

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Better Regulation Delivery Office (BRDO)

<http://www.bis.gov.uk/brdo>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

<http://www.bbfc.co.uk/>

<http:///>

British Institute of Inn Keeping (BII)

<http://www.bii.org/home>

British Retail Consortium (BRC)

http://www.brc.org.uk/brc_home.asp

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport

www.culture.gov.uk

Home Office

www.homeoffice.gov.uk

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Licensing and Enforcement Officers (NALEO)

<http://www.naleo.org.uk/>

The Portman Group

<http://www.portmangroup.org.uk/>



Northamptonshire Statement of Licensing Policy Consultation Response

Name: Sgt Mark Worthington on behalf of Ch Constable Adrian Lee

Address: Wootton Hall, Northampton NN4 0JQ

Telephone Number: 03000 111222 ext 346187

Email address: mark.worthington@northants.police.uk

Area consultation comment relates to (tick all that apply):

Borough Council of Wellingborough	<input type="checkbox"/>
Corby Borough Council	<input type="checkbox"/>
Daventry District Council	<input type="checkbox"/>
East Northamptonshire Council	<input type="checkbox"/>
Kettering Borough Council	<input type="checkbox"/>
Northampton Borough Council	<input type="checkbox"/>
South Northants Council	<input type="checkbox"/>
All areas of the County	<input checked="" type="checkbox"/>

Please note Sgt Worthington is due to retire from the force in August , please ensure Ch Insp Dave Spencer and Sgt Martin O'Connell are included in any future correspondence

What do you like about the Policy Statement?

What do you think we could improve in the policy statement?

It is the view of Northamptonshire Police that it is difficult to assess this SoLP as it covers the whole county and there are 7 local authorities within the county, no local context has been provided.

Are there any areas you think we have missed that should be Included?

I have annotated the SoLP with points which Northamptonshire Police feel have been made erroneously or omitted

We also think there needs to be more reference to Public Health's role in licensing

There should also be reference to the LAs views on drunkenness either in relation to sale of alcohol to drunks or allowing drunks to be on licensed premises, the second point, although not covered by legislation, could be reflected in the SoLP in relation to the weight Licensing Authorities will place upon such matters.

Is there anything else you would like to say about the policy statement?

We would welcome to view the local context supplements before the end of the consultation process for us to be able to provide a more detailed critique of the document.

The SoLP as it has been supplied is not sufficient to distinguish between the differing economies across the county.



Northamptonshire Statement of Licensing Policy Consultation Response

Name: Cllr. Judy Caine - Oakley Vale Ward, Corby.

Address: 5 Osbourne Close, Corby, Northants, NN18 8PJ

Telephone Number: 07962 879928

Email address: judy.caine@corby.gov.uk

Area consultation comment relates to (tick all that apply):

Borough Council of Wellingborough	<input type="checkbox"/>
Corby Borough Council	<input checked="" type="checkbox"/>
Daventry District Council	<input type="checkbox"/>
East Northamptonshire Council	<input type="checkbox"/>
Kettering Borough Council	<input type="checkbox"/>
Northampton Borough Council	<input type="checkbox"/>
South Northants Council	<input type="checkbox"/>
All areas of the County	<input type="checkbox"/>

What do you like about the Policy Statement?

It all seems very comprehensive but I'm not a expert.

What do you think we could improve in the policy statement?

In **section 6.3 Prevention of Public Nuisance** I would like to see some specific details concerning distance of events from residential dwellings where alcohol is served and music performed. In particular a tightening up of powers to stop the event if they go beyond the agreed time or the music is above at acceptable level. This to protect residents nearby.

Are there any areas you think we have missed that should be Included?

Under **section 20 'enforcement'** I see no reference to powers being given to PCSOs. Is there a reason for this? With constant cutbacks it is often the PCSOs who are on-site and not a regular PC and I know from talking to them that they get very frustrated at their lack of powers to enforce the law.

I think It's worth looking at extending enforcement powers to PCSOs. I know this will have a training / cost implication but In the long run I think this will save money and time.

Is there anything else you would like to say about the policy statement?

No, licensing is not an area I know much about and as far as I can tell everything seems to be well covered in this document. Apart from my 2 comments above I have nothing else to add.



Drink Wise Statement of Licensing Policy Self-Assessment Framework

This Self-Assessment Framework has been developed by Drink Wise to support local areas hold a structured and innovative discussion around the development of local Statement of Licensing Policies (SOLPs). It is the first of its kind across England and Wales.

Using this framework local areas can kick start action to review, debate and innovate around SOLPs. Drink Wise recommend that the framework is used to challenge and support all Responsible Authorities to think differently and look for new opportunities in this area to reduce alcohol related harms whilst recognising and reflecting local priorities. The framework questions are structured to take a review team on a journey of development and each question should be considered as a starting point for discussion rather than a question to satisfy.

Drink Wise carried out a subjective diagnostic review of all North West SOLPs in order to research and understand the local commitment to the regulation of alcohol and establish a baseline framework for the construction of a SOLP. The diagnostic review was based on three levels of commitment which could be identified from reading local SOLPs:

1. Established innovative commitment for the reduction of alcohol harm
2. Basic commitment to providing guidance/information for the reduction of alcohol harm
3. No prescriptive commitment recorded for the reduction of alcohol harm

The diagnostic review was then put through a scrutiny panel and the Self-Assessment Framework was designed. Drink Wise invited four local areas to pilot the Self-Assessment Framework, along with a workshop and feedback from the pilots has been used to further develop the framework.



Once you have carried out your self-assessment Drink Wise are offering areas a supportive review meeting to discuss your SOLP and Self-Assessment Framework and share good and innovative practice across the North West. **If you would like this support, please contact:** holly.keogh@ourlife.org.uk

Drink Wise would recommend that this Self-Assessment Framework is used in the following way:

1. To gain agreement to review your local SOLP
2. To agree who should be part of the review team e.g. all Responsible Authority organisations, other organisation representatives, local residents, licence applicants
3. Allow individual review team members to use the Self-Assessment Framework independently to review the SOLP
4. Facilitate a round table discussion on individual independent assessments to share findings and ideas
5. Agree local area commitment and action
6. Hold a review meeting with Drink Wise

Many thanks

Holly Keogh

Policy & Communications Manager
Drink Wise

Getting started

We would advise areas to read their most up-to-date SOLP and use the key below to rate their current commitment to alcohol harm reduction.

Key to self-assessment rating:

- Established innovative commitment for the reduction of alcohol harm 
- Basic commitment to providing guidance/information for the reduction of alcohol harm 
- No prescriptive commitment recorded for the reduction of alcohol harm 

This is an example of how to complete the framework:

Framework questions	Self-Assessment rating (see key above)	Explanation and evidence for choosing your rating	Specific challenges you face in this category	Actions for improvement e.g. how to progress from 'red' to 'green'	Good and innovative examples provided by Drink Wise gathered from local areas (NB: this will be continually updated as areas review their SOLPs)
<p>How do you review your SOLP?</p> <ul style="list-style-type: none"> • How often? • Who is involved? • What is your process? • Is your SOLP transparent to the public? 		<p>Review SOLP every 3 years currently. Past date for review. Could review more frequently? E.g. every 2 years and less admin and bureaucratic</p>	<p>Currently written in isolation. No consultation with partners or public</p>	<p>Influence senior leaders within local area e.g. DPH, Chief Exec, police and community safety team. External scrutiny would help!</p>	<p>We would recommend that:</p> <ul style="list-style-type: none"> • Your SOLP is reviewed every 3 years • Your SOLP remains under review should legislation change • A champion for public health for example a public health portfolio holder, council member task group, health and wellbeing board strategy

**Self-Assessment Framework to support Responsible Authorities to review and develop their
Statement of Licensing Policy (SOLP)**

LOCAL AREAEast Northamptonshire Council.....

Framework questions	Self-Assessment rating (see key above)	Explanation and evidence for choosing your rating	Specific challenges you face in this category	Actions for improvement e.g. how to progress from 'red' to 'green'
<p>How do you review your SOLP?</p> <ul style="list-style-type: none"> • How often? • Who is involved? • What is your process? • Is your SOLP transparent to the public? 		<p>Every three years – soon to move to five.</p> <p>Partners, police, TS, Fire, public.</p> <p>Write to responsible authorities and hold working group meeting. Website for public</p> <p>Yes consultation fully available and on website.</p>		<p>We could involve the health and wellbeing board/local health Fora</p>

<p>What are your local authority corporate objectives and are they included in your SOLP?</p>	<p>●</p>			<p>Include our corporate objectives in the SOLP.</p>
<p>Does your SOLP reflect the aims and objectives for your local authority for reducing alcohol related harm?</p>	<p>●</p>			<p>No specific ones included as we don't have any. Could link with CSP to make sure theirs are documented within the policy.</p> <p>Could also include health profile relevant elements.</p>
<p>Are there examples within your SOLP of where you have worked collaboratively to integrate alcohol strategies from all Responsible Authorities?</p>	<p>●</p>	<p>Working with the Police and TS to agree the policy and ensure reflective of how they operate.</p>		
<p>Do you have an area specific proof of age scheme in place?</p>	<p>●</p>	<p>We adopt challenge 25, the County Trading Standards scheme. All operators provided with this as part of application process.</p>		

Do you have any commitment to introducing voluntary agreements?	●	No specific ones but support pub watch in the key towns and help encourage active premises within the scheme.		
Do you have any local advertising codes of practice in place?	●	No we adopt the portman group code of practice.		
Does your SOLP consider any specific child focused conditions?	●	No, but have liaised with NCC to try to enhance.		
Do you have areas of the Police Reform and Social Responsibility Act included within your SOLP? If so, have they been used in any local capacity?	●	Yes detailed but no call to enact at this stage i.e. LNL and EMRO's		
Do you have a locally agreed decision making matrix on how to make licensing decisions?	●	We have member training and a member liaison group across the county to encourage consistency and challenge.		
Which Responsible Authorities and other people have been	●	All of the responsible authorities.		

consulted as part of the decision making during the production of your SOLP?				
How do you ensure your SOLP is transparent to the public?		Publication on the web.		

Appendix Four – Mandatory Condition Calculation

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula—

$$P = D + (DxV)$$

where—

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Case Management – Licensing Panels

Aim of procedure

This procedure is for applications for licences where a hearing is required. The aim of the policy is to involve members prior to the notice of hearing or letter inviting people to hearing going out. This will enable members to highlight any matters the applicants and interested parties may want to provide as part of the hearing.

1. An application is identified which requires a hearing.
2. Democratic Services must be notified at the earliest opportunity by the Licensing Enforcement Officer.
3. A provisional date for a panel hearing is established.
4. Once the application is complete and a hearing is deemed necessary. A hearing date must be confirmed with the relevant panel members and officers required.
5. A case management meeting will be arranged for with the Chair or Vice Chair of the Licensing Committee, Licensing Officer and Democratic Services at least 2 weeks prior to the hearing.
6. The case management meeting takes place with the aim of:
 - a. Reviewing the report and relevant paperwork
 - b. Determining if there is any missing evidence the panel would wish to see as part of the hearing process.
 - c. Ensuring interested parties are aware of any additional information or evidence required or that would be useful for the panel to see or hear as part of the hearing process.
7. Hearing takes place.

Note:

The following provides details as to timing requirements of the case management meeting.

Liquor Licensing Panels where 20 Working Days applies

Day after consultations close	Day 1
Case management meeting to take place	Hearing date minus 13 working days
Report deadline	Hearing date minus 11 working days
Agenda and supporting documents despatch	Hearing date minus 10 working days
Period for registering to make representations at Hearing	
Last date for registering those making representations at Hearing	Hearing date minus 5 working days
Hearing	Day 1 plus 20 working days (latest date for Hearing)

Liquor Licensing Panels where 10 Working Days applies

Day after consultations close	Day 1
Case management meeting to take place	Hearing date minus 9 working days
Report deadline	Hearing date minus 9 working days
Agenda and supporting documents despatch	Hearing date minus 8 working days (minimum requirement)
Period for registering to make representations at Hearing	
Last date for registering those making representations at Hearing	Hearing date minus 5 working days
Hearing	Day 1 plus 10 working days (latest date for Hearing)

Taxi, House-to-House, etc Licensing Panels

Date determined that application needs to be referred to Panel	Day 1
Case management meeting to take place	Hearing date minus 9 working days
Report deadline	Hearing date minus 6 working days
Agenda and supporting documents despatch	Hearing date minus 5 working days (minimum requirement)
Hearing	As soon as practicable