



East
Northamptonshire
Council

Policy and Resources Committee - 4th November 2019

Statement of Licensing Policy

Purpose of report

This report details the outcome of the 6 week consultation process for the proposed Statement of Licensing Policy and seeks approval for the final draft.

Attachments:

Appendix 1: Final Draft Statement of Licensing Policy

Appendix 2: Consultation responses

Appendix 3: Health Impact Assessment

Appendix 4: Initial Equalities Impact Assessment

1.0 Background

- 1.1 The Licensing Act 2003 requires each Licensing Authority to have a Statement of Licensing Policy which must be reviewed and published at least every five years.
- 1.2 The Statement of Licensing Policy provides a framework to aid decision making and provide clarity for applicants and residents with a view to promotion of the four statutory licensing objectives
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.3 On 2nd September 2019 Policy and Resources Committee approved commencement of a 6 week consultation period which ended on the 18th October 2019, (minute 167 refers). The final draft Statement of Licensing Policy can be found in Appendix 1.

2.0 Consultation responses

- 2.1 There were two responses to the consultation from Punch Taverns Limited and the Public Health Officer of Northamptonshire County Council. The responses and our comments and actions are attached in Appendix 2.
- 2.2 The Statement of Licensing Policy has been amended at section 8 to account for comments made by the Public Health Officer. The Northamptonshire Health and Wellbeing Strategy and Director of Public Health Northamptonshire Annual Report have also been added to Annex 3. A link to the Regulator's code has been added to the guidance documents section as suggested by Punch Taverns Limited. There are no other changes to the policy.

3.0 Health Impact Implications

- 3.1 The Statement of Licensing Policy will have a positive impact on public health by virtue of promotion of the four licensing objectives. The Health Impact Assessment can be found in Appendix 3.

4.0 Equality and Diversity Implications

- 4.1 In preparing this report, due consideration has been given to the Council's statutory Equality Duty to eliminate unlawful discrimination, advance equality of opportunity and

foster good relations, as set out in Section 149(1) of the Equality Act 2010.

- 4.2 An Initial Equality Impact Assessment has been carried out which identifies a positive impact for children and young people by virtue of the licensing objective of protection of children from harm.

5.0 Legal Implications

- 5.1 The Licensing Act 2003 sets out the primary legislative framework for the licensing of pubs, clubs, off licences, private members' clubs, cinemas, public entertainment, stage plays and late night takeaways etc. By virtue of Section 3 of the Act, this council is the Licensing Authority for the above types of premises and for personal licences under the Act.

- 5.2 The way in which we exercise our licensing functions under the Licensing Act 2003 is itself regulated. Section 4 of the Act states that we must seek to promote the four licensing objectives and we must have regard to the Secretary of State's Guidance (issued under Section 182 of the Act) and to our own Statement of Licensing Policy. As such, the Statement of Licensing Policy is an important cornerstone of the licensing framework of the council.

6.0 Risk Management

- 6.1 The greatest risk to the council is that it will misapply the law. Through training for staff and Councillors we seek to mitigate this risk. The adoption of a revised Statement of Licensing Policy also seeks to ensure that the law is accurately reflected in the Statement.

7.0 Resource and Financial Implications

- 7.1 There are no resources or financial implications arising from the proposals.

8.0 Constitutional Implications

- 8.1 There are no constitutional implications arising from this report.

9.0 Implications for our Customers

- 9.1 The Statement of Licensing Policy will have a positive impact on residents by helping to prevent crime and disorder and public nuisance and by the promotion of public safety and protection of children from harm.

10.0 Corporate Outcomes


- 10.1
- Good Quality of Life – By providing clear policy to protect the public
 - High Quality Service Delivery – By ensuring appropriate direction to licensed establishments

11.0 Recommendation

- 11.1 The Committee is recommended to

- (1) **Resolve to recommend** to Council that the Statement of Licensing Policy be approved.

(Reason - To accord with legislation and the constitution of the Council)

Legal	Power: Licensing Act 2003				
	Other considerations: Section 182 Guidance (issued under the Licensing Act 2003)				
Background Papers: Policy and Resources Committee Report 2 nd September 2019					
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Date:					
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