

**LICENSING ACT 2003 – LICENSING POLICY STATEMENT**

**1 Purpose of Report**

- 1.1 To seek Member's approval of the licensing authority's Licensing Policy Statement as prescribed by Section 5 of the Licensing Act 2003 (the Act)

**2 Executive Summary**

- 2.1.1 The Act requires each council, referred to as a licensing authority, to:-

- determine its policy in respect of the exercise of its licensing functions;
- publish a statement of that policy.

- 2.2 The Statement of Licensing Policy must be reviewed and republished every five years.

**3 Appendices**

Appendix 1 - Statement of Licensing Policy

**4 Proposed Action:**

**4.1 The Committee is invited to RESOLVE to approve the Statement of Licensing Policy as reviewed and as prescribed by the Licensing Act 2003; or**

**4.2 The Committee is invited to RESOLVE to request that the Statement of Licensing Policy is sent out for further local consultation.**

**5 Background**

- 5.1 The statement of licensing policy describes in general terms how the local authority will deal with licensing matters within its area. The governments guidance under section 182 of the Licensing Act 2013, prescribes the core content of the policy.

- 5.2 A policy has been in operation with three yearly reviews since the Licensing Act 2003 came into effect and has to date successfully supported the operation of the licensing process. The current policy was the subject of a Community Committee report in January 2011.

- 5.3 The policies must now be reviewed every 5 years, rather than every three years as previously required, so the current policy was not due for renewal until January 2016. Legislation has however changed significantly over the past two years and as a result the current policy is in need of review. The policy will be reviewed again by 2020.

## **6. Discussion**

- 6.1 The policy was reviewed by the Northamptonshire Licensing Liaison group and the same version was consulted upon by each local authority within the county. The Act requires the following persons to be consulted regarding the review of the policy statement;
- The Chief Officer of Police
  - The fire authority for the area
  - Persons / bodies representative of local holders of premises licenses
  - Persons / bodies representative of local holders of club premises certificates
  - Persons / bodies representative of local holders of personal licenses
  - Persons / bodies representative of business and residents in its area
- 6.2 The required consultation has been undertaken and very few responses were received. The draft policy was taken to the Wellingborough Community Safety Partnership and the Health and Wellbeing Forum. There was general agreement expressed by these groups that the policy should reflect local circumstances and the county version should be adapted accordingly.
- 6.3 A licensing authority is only permitted to include special policies for the area where there is good evidence that crime and disorder or nuisance are occurring, or where there are activities which pose a threat to public safety or the protection of children from harm.
- 6.4 No local consultation responses were received and no evidence was provided to indicate that the draft policy did not support the operation of the licensing process. The policy has not therefore been significantly altered from the draft version consulted upon and changes made were those required to update the county generic version to be specific to the Wellingborough area.
- 6.5 This updated policy is now in the process of being adopted within each authority within the county, although it is understood that Northampton Borough Council are still considering their policy due to the nature of their night time economy.
- 6.6 The revised Statement of Licensing Policy is given in Appendix 1. Members are requested to consider whether the draft policy as attached is accepted as suitable, or whether further local consultation is required to alter the policy to better suit the needs of the local area.

## **7 Legal Powers**

- 7.1 There is a statutory requirement that the Licensing Authority will review its policies set out in the Statement of Licensing Policy on a 5 year cycle. That duty is prescribed by Section 5 of the Licensing Act 2003.

## **8 Financial and Value For Money Implications**

8.1 There are no financial and value for money implications associated with this report.

## 9 Risk Analysis

9.1 This table needs to be completed for any report setting out a proposed course of action that entails risks at the outset of the project or if the risks change along the way.

<b>Nature of risk</b>	<b>Consequences if realised</b>	<b>Likelihood of occurrence</b>	<b>Control measures</b>
That the Statement of Licensing Policy is not approved.	The Licensing Authority has no policies against which to determine licence applications and enforce the provisions of the Licensing Act 2003.	Low	To approve the policy statement.

## 10 Implications for Resources

None directly from this report.

## 11. Implications for Stronger and Safer Communities

The policies contained within the Statement of Licensing Policy determine the Council's approach to the four licensing objectives;

- the prevention of crime and disorder
- public safety
- prevention of public nuisance
- the protection of children from harm

## 12 Implications for Equalities

None directly from this report

## 13 Author and Contact Officer

Amanda Wilcox, Principal Health Protection Manager

## 14 Consultees

Various interested parties, and licensed organisations.

**15 Background Papers**

The Licensing Authority's current published Statement of Licensing Policy.

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## Licensing Act 2003

Borough Council of Wellingborough  
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. Initially this policy was to last for a three year period but this period was extended to 5 years by the Police Reform and Social Responsibility Act 2011. As a result the Policy issued with effect from January 2011 was extended to January 2016. However significant changes to licensing legislation during the term of the 2011 – 16 Policy have required a review of that document prior to the expiry date.
- 1.3 This document sets out the Licensing Authority's 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 licence 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.
- 1.9 It covers all licensed premises within the Borough unless there is specific reference to the contrary within the text.

## **2. Purpose and Scope of the Licensing Policy**

- 2.1 The Borough of Wellingborough covers an area of 163 sq km centrally situated in the country with excellent communications. The urban centre is the town of Wellingborough where over two thirds of the 76,100 (JSNA 2013) residents live. The remainder live in 19 surrounding settlements.
- 2.2 The town has expanded significantly from its market square base in the last sixty years. These changes have brought new housing, industry and people. A proportion of these people have come to settle from overseas. India, Africa and the Caribbean have been the main sources of migration. Taken together these communities represent 11% of the urban population — comparable with some of the most diverse urban communities in the country.
- 2.3 The Authority supports the Pubwatch scheme operating in the area.
- 2.4 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
- 2.5 The purpose of this Policy is to detail how this Authority will comply with that duty.
- 2.6 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.
- 2.7 Licensing decisions will be made in accordance with the current legislation, case law, relevant guidance and in accordance with this policy.

- 2.8 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.
- 2.9 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 licences on the terms sought.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area including littering, fouling, noise and street crime.
- 2.16 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.
- 2.17 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.
- 2.18 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.
- 2.19 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.



- 2.20 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.
- 2.21 Before determining its policy for any five-year period, this Authority will undertake full consultation as prescribed by the 2003 Act.
- 2.22 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.

A Pubwatch scheme operates in Wellingborough town centre which aims to counter individuals through exclusions who damage property, are violent, cause disorder or use or deal in drugs. This Licensing Authority is supportive of such schemes and considers premises should join where it is appropriate to do so. However this authority is aware that it is not appropriate to make it a condition of licence to be a member of PubWatch.

It is important to note that crime and disorder are two separate elements of this objective. An authorisation can be considered by the Committee where crime alone has taken place and relevant representations are made.

### **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 1<sup>st</sup> 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.

There are a number of key publications that relate to public safety at entertainment events which the Licensing Authority would recommend to applicants as appropriate. This guidance will also be referred to when considering any relevant premises licence application.

### **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 and available 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. The Anti Social Behaviour, Crime and Policing Act 2014 also provides powers to close premises due to nuisance or disorder.

## 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 whether 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 all appropriate agencies 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 authority 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. Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority. Licensing determinations will continue to be made by the licensing committee or sub committee comprising elected members of the authority although they are advised by a licensing officer.
- 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 The Director of Public Health at Northamptonshire County Council (DPH) is now a responsible authority with all of the powers and responsibilities this brings.
- 8.1 This Licensing Authority acknowledges that the 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 the DPH 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 for the Borough of Wellingborough

Licensing Officer  
Northamptonshire Police  
Licensing Unit  
Wellingborough Police Station  
Midland Road  
Wellingborough NN8 1HF  
TEL: 03000 111222 Ext 5741  
FAX: 01933 235175  
EMAIL [liquorlicensing@northants.pnn.police.uk](mailto:liquorlicensing@northants.pnn.police.uk)

### 9.2 Northamptonshire Fire and Rescue Service:

The Inspection Team Manager  
Northamptonshire Fire & Rescue Service  
Fire Service Headquarters  
Moulton Way  
Northampton  
NN3 6XJ  
TEL: 01604 797000

### 9.3 Child Protection:

Head of Services  
Safeguarding Children & Family Service  
Northamptonshire County Council  
County Hall  
Guildhall Road  
Northampton NN1 1AN  
TEL: 0300 126 1000

### 9.4 Trading Standards:

Wootton Hall Park  
Northampton  
NN4 0GB  
TEL: 01604 368100  
[licensing@northamptonshire.gov.uk](mailto:licensing@northamptonshire.gov.uk)

### 9.5 Local Health Authority:

Susan Mishko  
Public Health and Wellbeing  
Directorate  
Northamptonshire County Council  
Guildhall Road  
Northampton  
NN1 1DN

### 9.6 Licensing Authority:

As well as the Licensing Authority the following services within the Council are responsible authorities as defined within the Act

For Planning – Planning and Local Development  
For Environmental Protection – Environmental Protection Team, Environmental Health  
For Public Safety - Health Protection Team, Environmental Health

Borough Council of Wellingborough  
Swanspool House  
Wellingborough  
Northants NN8 1BP

Tel: (01536) 229777  
Out of Hours: (01536) 229777  
Email : [licensing@wellingborough.gov.uk](mailto:licensing@wellingborough.gov.uk)

## 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 It is recommended 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 representations against the notice. 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 and Environmental health departments as early as possible about their proposed event(s).
- 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 Notice givers will be advised 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.
- 12.6 Where the application is not within the parameters defined in legislation, the Licensing Authority will issue a Counter Notice to the person giving the TEN.

## **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.
- 13.2 This Licensing Authority acknowledges that 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 in 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 31<sup>st</sup> 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 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 unaccompanied children in licensed premises except in the circumstances defined in Section 145 of that legislation.
- 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;
- 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](http://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 exercising powers to close licensed premises under Sec 161 Licensing Act 2003 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 any person, 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 any one person 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, from any other person 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 any other person. 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 introduced 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. This Licensing Authority will follow the relevant guidance in issuing suspensions for non-payment.

## **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 Borough Council of Wellingborough is one of 5 Northamptonshire Authorities in a partnership providing a centralised administration service. Advice about licensing processes can be obtained via the Central Licensing Administration Unit and they will advise on the types of licences, application processes, etc. The unit can be contacted in the following ways:-

Website <http://www.northantslicensing.gov.uk/>

Email : [Licensing@east-northamptonshire.gov.uk](mailto:Licensing@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

Enforcement enquiries should be made to the licensing authority (details in Section 9 above)

## 24. Annexes

24.1 The following annexes are provided with this policy

Annex 1 - Delegation of functions  
Annex 2 – Northamptonshire Licensing Authority Contacts  
Annex 3 - Other policies, legislation, and guidance sources  
Annex 4 - Useful References (organisations)

24.2 Should any further information of relevance become available, this will be distributed to relevant parties by appropriate means and/or made available through the Unit website.

## 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 (as amended)). 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 31<sup>st</sup> 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.

*Produced in consultation with:*  
Northamptonshire Police  
Northamptonshire Fire and Rescue  
Northamptonshire Trading Standards  
Corby Borough Council  
East Northamptonshire Council  
Kettering Borough Council  
Northampton Borough Council  
South Northamptonshire Council  
Daventry District Council



## Annex 1 - Delegation of functions

Matter to be dealt with or Panel	Full Committee	Sub Committee	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 (DPS)	-	If a police objection	All other cases
Request to be removed as DPS	-	-	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 an objection to a temporary event notice	-	All cases	-
Determination of application to vary premises licence at Community premises to include alternative licence condition	-	If police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application	-	-	All cases
Determination of minor Variation application.	-	-	All cases

## Annex 2 – Northamptonshire Licensing Authority Contacts

<p>Steve Eley 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 : <a href="mailto:selsey@northampton.gov.uk">selsey@northampton.gov.uk</a></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: <a href="mailto:jsmith@east-northamptonshire.gov.uk">jsmith@east-northamptonshire.gov.uk</a></p>
<p>Amanda Wilcox Principal 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) 229777 FAX: (01933) 231980 Email: <a href="mailto:awilcox@wellingborough.gov.uk">awilcox@wellingborough.gov.uk</a></p>	<p>Jackie Fitzsimons Environment Manager Commercial South Northamptonshire Council Environment &amp; Implementation Division Springfields Towcester Northamptonshire NN12 6AE</p> <p>Tel: (01327) 322283 Out of Hours: (01327) 322399 FAX: (01327) 359946 Email: <a href="mailto:jackie.fitzsimons@southnorthants.gov.uk">jackie.fitzsimons@southnorthants.gov.uk</a></p>
<p>Russ Howell Health Services Manager Borough Council of Wellingborough Municipal Offices Bowling Green Road Kettering Northants NN15 7QX</p> <p>Tel: (01536) 534323 Out of Hours: (01536) 410333 FAX: (01536) 410795 Email: <a href="mailto:russhowell@kettering.gov.uk">russhowell@kettering.gov.uk</a></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: <a href="mailto:damian.wilkins@corby.gov.uk">damian.wilkins@corby.gov.uk</a></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: <a href="mailto:ecooke@daventrydc.gov.uk">ecooke@daventrydc.gov.uk</a></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
- Anti Social Behaviour, Crime and Policing Act 2014

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

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### British Institute of Inn Keeping (BII)

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

### British Retail Consortium (BRC)

[http://www.brc.org.uk/brc\\_home.asp](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](http://www.culture.gov.uk)

### Home Office

[www.homeoffice.gov.uk](http://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/>

DRAFT