

# Public Document Pack



**North  
Northamptonshire  
Council**

Democratic Services  
The Corby Cube,  
George Street,  
Corby,  
Northants,  
NN17 1QG

**Meeting:** Council  
**Date:** Wednesday 1st December, 2021  
**Time:** 2.00 pm  
**Venue:** Council Chamber, Cedar Drive, Thrapston, NN14 4LZ

## **Council Membership:**

Councillors Addison, Allebone, Anslow, Armour, Binley, Bone, Brackenbury, Brackenbury, Brown, Brown, Buckingham, Buckingham, Bunday, Carr, Carter, Colquhoun, Currall, Dalziel, de Capell Brooke, Dearing, Dell, Edwards, Ekins, Fedorowycz, Griffiths, Hakewill, Hallam, Harrington, Harrison, Harrison, Howell, Howes, Irwin, Jackson, Jelley, Jenney, Jenney, Keane, Lawal, Lawman, Lawman, Lee, Levell, Marks, Maxwell, McEwan, McGhee, McGhee, Mercer, Mercer, Nichol, North, O'Hara, Pandey, Partridge-Underwood, Pengelly, Pentland, Powell, Prentice, Rielly, Roberts, Rowley, Shacklock, Sims, Smith-Haynes, Smithers, Smyth, Tebbutt, Thurland, Tubbs, Tye, Ward, Waters, Watt, Weatherill and Wilkes

## **A G E N D A SUPPLEMENT**

**The following additional reports and appendices have now been published which were not available at the time the agenda was published.**

This supplementary agenda has been published by Democratic Services.

Contact: [democraticservices@northnorthants.gov.uk](mailto:democraticservices@northnorthants.gov.uk)

<b>Item</b>	<b>Subject</b>	<b>Page no.</b>
<b>020.</b>	<b>Council Tax Base 2022/23</b>  <i>To seek approval for the Council Tax Base for 2022/23 as required by Section 33 of the Local Government Finance Act 1992, and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.</i>	5 - 10
<b>Urgent Items</b>		
	To consider any items of business of which notice has been given to the Proper Officer and the Chair considers to be urgent, pursuant to the Local Government Act 1972.	
	<b>Statement of Licensing Policy 2022 - 2027</b>  <i>To seek approval for the adoption of the Licensing Act 2003 Statement of Licensing Policy for North Northamptonshire Council.</i>	11 - 56

This agenda has been published by Democratic Services.

**Committee Officer:** Paul Goult

☎ 01536 464013 ✉ democraticservices@northnorthants.gov.uk

## Public Participation

The Council has approved procedures for you to request to address meetings of the Council.

ITEM	NARRATIVE	DEADLINE												
Members of the Public Questions	Questions may be submitted by members of the Public to meetings of the committee. The question must be in writing and submitted 2 clear working days prior to the meeting. There are no supplementary questions permitted, and no debate on questions or answers. A period of 15 minutes (Chair's Discretion) is allocated for Public Questions.	9:00 am on Monday 29 <sup>th</sup> November 2021												
Members of the Public Agenda Statements	Members of the Public may make statements at meetings in relation to reports on the agenda. A request to address the committee must be received 2 clear working days prior to the meeting. The member of the Public has a maximum of 3 minutes to address the committee. A written copy of the statement must be submitted by the deadline indicated.	9:00 am on Monday 29 <sup>th</sup> November 2021												
Other Members Questions	Written questions of up to 50 words maximum permitted. To be received at least 2 clear working days prior to the meeting. Chair's discretion on supplementary question. A period of 30 minutes (Chair's Discretion) is allocated for Other Members Questions.	9:00 am on Monday 29 <sup>th</sup> November 2021												
Other Members Agenda Statements	Other Members may make statements at meetings in relation to reports on the agenda. A request to address the meeting must be received 2 clear working days prior to the meeting. The Member has a maximum of 3 minutes to address the committee. A period of 30 minutes (Chair's Discretion) is allocated for Member Statements.	9:00 am on Monday 29 <sup>th</sup> November 2021												
Members of the Public Petitions	<p>Anyone who lives, works or studies in North Northamptonshire may submit a petition to the Shadow Authority. Depending on the size of your petition it will be responded to as follows:-</p> <table border="1"> <thead> <tr> <th>Category</th> <th>Signatory Threshold</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Petition which triggers a debate</td> <td>1,500 +</td> <td>Any petition with 1,500 or more signatures will trigger a debate at a Full Authority meeting</td> </tr> <tr> <td>Petition which calls an officer to account</td> <td>750 – 1,499</td> <td>Any petition with 750 – 1,499 signatures will summon a senior officer of the Authority to give evidence at a public Authority meeting</td> </tr> <tr> <td>Standard Petition</td> <td>5 – 749</td> <td>Any petition with 5 – 749 signatures will be referred to a senior officer of the Authority to provide a response</td> </tr> </tbody> </table>	Category	Signatory Threshold	Description	Petition which triggers a debate	1,500 +	Any petition with 1,500 or more signatures will trigger a debate at a Full Authority meeting	Petition which calls an officer to account	750 – 1,499	Any petition with 750 – 1,499 signatures will summon a senior officer of the Authority to give evidence at a public Authority meeting	Standard Petition	5 – 749	Any petition with 5 – 749 signatures will be referred to a senior officer of the Authority to provide a response	
Category	Signatory Threshold	Description												
Petition which triggers a debate	1,500 +	Any petition with 1,500 or more signatures will trigger a debate at a Full Authority meeting												
Petition which calls an officer to account	750 – 1,499	Any petition with 750 – 1,499 signatures will summon a senior officer of the Authority to give evidence at a public Authority meeting												
Standard Petition	5 – 749	Any petition with 5 – 749 signatures will be referred to a senior officer of the Authority to provide a response												

These procedures are included within the Council's Constitution. Please contact [democraticservices@northnorthants.gov.uk](mailto:democraticservices@northnorthants.gov.uk) for more information.

### **Members' Declarations of Interest**

Members are reminded of their duty to ensure they abide by the approved Member Code of Conduct whilst undertaking their role as a Councillor. Where a matter arises at a meeting which **relates to** a Disclosable Pecuniary Interest, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

Where a matter arises at a meeting which **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

Members are reminded that they should continue to adhere to the Council's approved rules and protocols during the conduct of meetings. These are contained in the Council's approved Constitution

If Members have any queries as to whether a Declaration of Interest should be made please contact the Monitoring Officer at – [monitoringofficer@northnorthants.gov.uk](mailto:monitoringofficer@northnorthants.gov.uk)

### **Press & Media Enquiries**

Any press or media enquiries should be directed through the Council's Communications Team to [NNU-Comms-Team@northnorthants.gov.uk](mailto:NNU-Comms-Team@northnorthants.gov.uk)

### **Public Enquiries**

Public enquiries regarding the Council's meetings can be made to [democraticservices@northnorthants.gov.uk](mailto:democraticservices@northnorthants.gov.uk)

This page is intentionally left blank

## Full Council

1<sup>st</sup> December 2021

<b>Report Title</b>	<b>Council Tax Base 2022/23</b>
<b>Report Author</b>	Janice Gotts, Executive Director of Finance <a href="mailto:Janice.gotts@northnorthants.gov.uk">Janice.gotts@northnorthants.gov.uk</a>

### List of Appendices

#### Appendix A - 2022/23 Tax Base by Town/Parish area

##### **1. Purpose of Report**

---

- 1.1. The purpose of this report is to set the Council Tax Base for 2022/23 as required by Section 33 of the Local Government Finance Act 1992, and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

##### **2. Executive Summary**

---

- 2.1 A Council Tax Base calculation for the whole of North Northamptonshire Council's (NNC) area for the year 2022/23 has been undertaken with data as at the relevant date, i.e., 31<sup>st</sup> October 2020 to 30<sup>th</sup> September 2021.
- 2.2 The calculation has taken account of the number of new properties likely to be completed and banded for Council Tax purposes during the period December 2021 to March 2023 and the anticipated level of occupation. In addition, the predicted discounts and premiums, including those within the NNC Discretionary Council Tax Policy and Council Tax Support Payments, have been applied as these have an impact on the Tax Base figure.
- 2.3 The resulting calculation equates to a Band D equivalent Tax Base of 114,769 properties before applying the expected collection rate. The Tax Base is reduced by a percentage which, in the Council's opinion, represents the likely level of collection. This collection rate has been assumed to be 98.5%, based on current collection levels. This compares to 98.461% for last year. On applying this reduction to the calculation, a net Tax Base figure of 113,047 is achieved which is an increase of 1% on 2021/22.

##### **3. Recommendations**

---

- 3.1 It is recommended that Council:

a) Approves, in accordance with the Local Authorities (Calculation of Tax Base) Regulation 1992, as amended, the amount calculated by the Council as its Council Tax Base for the whole of the North Northamptonshire area for 2022/23 shall be 113,047 as detailed in this report and appendices. This is an increase of 1,155 over the 2021/22 Tax Base, a 1% increase.

b) Notes a Council Tax Collection rate assumption of 98.5% for 2022/23.

3.2 *Reason for Recommendations* – Section 33 of the Local Government Finance Act 1992 and the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 requires the Council as the Billing Authority to calculate a Council Tax Base for its area by 31 January each year.

#### **4. Report Background**

---

4.1 The Local Government Finance Act 1992 requires the Billing Authority (North Northamptonshire Council) to calculate and approve a Tax Base for Council Tax purposes and to notify major preceptors by 31 January in respect of the following financial year.

4.2 The Government regulations require the Council to review the council tax base to be used for setting its 2022/23 Council Tax and the Council Tax Collection Rate for 2021/22.

4.3 The provisional tax base for North Northamptonshire is 113,047 dwellings this is based on a Band D and includes projected growth and an average collection rate of 98.5%.

#### **5. Issues and Choices**

---

5.1 The main considerations in relation to Council Tax Base for 2022/23 is set out below:

5.2 **New Properties.** Provision is made in the 2022/23 Tax Base for new properties that are likely to be occupied before the end of the next financial year. This provision is calculated by taking into consideration assumptions around new housing developments.

5.3 **Discounts, reliefs, and exemptions.** Provision is made in the 2022/23 Tax Base for discounts (including Council Tax Support Scheme), reliefs and exemptions based on the actuals submitted in the CTB1 form completed in mid-October.<sup>1</sup>

5.4 **Collection Rate.** A review of the collection rates has been carried out with consideration to the level of debts written off and estimates of the current years collection rate, together with the longer-term impact of the pandemic, the assumptions used to calculate the 2021/22 Tax Base (98.5%) are adequate and is an increase of 0.04%.

---

<sup>1</sup> The CTB1 is the annual return to Government which sets out the number of dwellings and those liable for council tax.

- 5.5 Taking all the assumptions together there is a net increase in the overall council tax base of 1%
- 5.6 **Appendix A** sets out the Band D equivalent properties by towns and parishes for 2022/23.

## **6. Implications (including financial implications)**

---

### **6.1 Resources and Financial**

- 6.1.1 The Council Tax Base is used to calculate the budgeted Council Tax Requirement any movement on the Council Tax Base will be dealt with as part of the Medium-Term Strategic Plan, in terms of impact on growth and collection rates on future years.

### **6.2 Legal**

- 6.2.1 This report is part of the process required for the Council to meet its legal obligations to set its Tax Base that it notifies to Town and Parish Councils, Police and Fire.

### **6.3 Risk**

- 6.3.1 There are a number of risks associated with estimating the amount of Council Tax Base for the year as this based on the forecasted movement in dwellings, discounts and exemptions as outlined in section 5 of the report.

### **6.4 Consultation**

- 6.4.1 There is no requirement to consult on the tax base calculation.

### **6.5 Consideration by Scrutiny**

- 6.5.1 None.

### **6.6 Climate Impact**

- 6.6.1 None specific.

### **6.7 Community Impact**

- 6.7.1 None specific.

## **7. Background Papers**

---

- 7.1 The following background papers were considered in relation to this report.  
CTB1 form October 2021

## Tax Base by Town/Parish

Town/Parish	Council Tax Base 2022/23
Aldwincle	159
Apethorpe	92
Ashley	135
Ashton	115
Barnwell	179
Barton Seagrave	2,493
Benefield	184
Blatherwycke	24
Bozeat	752
Brampton Ash	36
Braybrooke	192
Brigstock	539
Broughton	838
Bulwick	82
Burton Latimer	3,216
Chelveston	222
Clopton	69
Collyweston	223
Corby	15,997
Cotterstock	86
Cottingham	369
Cranford	166
Cransley	115
Deene	29
Deenethorpe	73
Denford	135
Desborough	3,836
Dingley	109
Duddington	77
Earls Barton	2,218
East Carlton	117
Easton Maudit	40
Easton-On-The-Hill	460
Ecton	226
Finedon	1,488
Fineshade	19
Fotheringhay	71
Geddington	636
Glaphorn	160
Grafton Underwood	70
Great Addington	131
Great Doddington	488
Great Harrowden	43



Town/Parish	Council Tax Base 2022/23
Grendon	249
Gretton	560
Hardwick	45
Hargrave	124
Harrington	73
Harringworth	139
Hemington	46
Higham Ferrers	2,917
Irchester	1,536
Irlingborough	2,823
Isham	335
Islip	289
Kettering	16,636
Kings Cliffe	610
Laxton	65
Lilford-cum-Wigsthorpe	57
Little Addington	145
Little Harrowden	345
Little Stanion	698
Loddington	219
Lowick	133
Luddington	31
Lutton	66
Mawsley	910
Mears Ashby	229
Middleton	199
Nassington	359
Newton Bromswold	31
Orlingbury	233
Orton	39
Oundle	2,248
Pilton	28
Polebrook	200
Pytchley	194
Raunds	3,381
Ringstead	498
Rockingham	50
Rothwell	2,777
Rushden	9,948
Rushton	261
Southwick	78
Stanion	404
Stanwick	701
Stoke Albany	155
Stoke Doyle	41
Strixton	14

Town/Parish	Council Tax Base 2022/23
Sudborough	101
Sutton Bassett	51
Sywell	374
Tansor	97
Thorpe Achurch	78
Thorpe Malsor	54
Thrapston	2,612
Thurning	51
Titchmarsh	248
Twywell	82
Wadenhoe	59
Wakerley	39
Warkton	64
Warmington	460
Weekley	75
Weldon	2,553
Wellingborough	15,478
Weston By Welland	86
Wilbarston	275
Wilby	223
Wollaston	1,197
Woodford	499
Woodnewton	231
Yarwell	232
<b>TOTAL</b>	<b>113,047</b>

## Full Council 1<sup>st</sup> December 2021

Report Title	Statement of Licensing Policy 2022 – 2027
Report Author	Iain Smith, Assistant Director - Regulatory Services

### List of Appendices

**Appendix A - Draft Licensing Act 2003 Statement of Licensing Policy 2022 – 2027**

**Appendix B - Consultation responses**

#### **1. Purpose of Report**

---

- 1.1 To seek approval for the adoption of the Licensing Act 2003 Statement of Licensing Policy for North Northamptonshire Council.

#### **2. Executive Summary**

---

- 2.1 The Licensing Act 2003 requires that a licensing authority has a Statement of Licensing Policy.
- 2.2 This Policy is presented to meet that legal requirement and support the Authority's Licensing Act 2003 processes going forward. It will be in effect from January 2022 – January 2027.
- 2.3 The document can be subject to further review during this period as necessary.

#### **3. Recommendations**

---

- 3.1 Council is recommended to –
- (i) approve the adoption of the Statement of Licensing Policy.

*Reason for recommendation – for the Council to meet its statutory obligations.*

#### **4. Report Background**

---

- 4.1 Each of the sovereign authorities had their own Statement of Licensing Policy which is due for review at the end of 2023.
- 4.2 Those policies were all very similar as they were prepared as a county wide project.

- 4.3 The policy before the Council is therefore the amalgamation of those documents to produce a North Northamptonshire Council policy.
- 4.4 No substantive changes have been made to the contents of the sovereign documents, in bringing them together to produce this North Northamptonshire Policy.
- 4.5 Before determining its policy, the licensing authority consulted with the following:
- the chief officer of police for the area;
  - the fire and rescue authority for the area;
  - the Director of Public Health (DPH)
  - persons/bodies representative of local premises licence holders;
  - persons/bodies representative of local club premises certificate holders;
  - persons/bodies representative of local personal licence holders; and
  - persons/bodies representative of businesses and residents in its area.
- 4.6 The Policy is in principle identical to the policies previously in place, therefore consultation was limited to a 4-week period.
- 4.7 The consultation responses are attached together with the details of any actions relating to each one.
- 4.8 The Policy must be reviewed every five years, so this Policy will be in effect from 31 January 2022 – 31 January 2027. The document can be subject to review during this period as necessary.

## **5. Issues and Choices**

---

- 5.1 Section 5 of the Licensing Act 2003 requires that each licensing authority must in respect of each five-year period, determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy.
- 5.2 That policy must be adopted by full Council.
- 5.3 The draft Policy was presented to the Licensing and Appeals Committee on 22 November 2021 for discussion and comment. The Committee were asked to consider whether to recommend that the Policy is adopted for North Northamptonshire Council. Given the timing of the Committee meeting, a verbal update will be provided on their recommendations.

## **6. Implications (including financial implications)**

---

### **6.1 Resources and Financial**

- 6.1.1 There are no resource or financial implications in relation to this report

### **6.2 Legal**

- 6.2.1 Section 5 of the Licensing Act 2003 requires that each licensing authority must in respect of each five-year period, determine its policy with respect to the exercise of its licensing functions or review as necessary during that period.

### 6.3 Risk

- 6.3.1 There are no significant risks arising from the proposed recommendations in this report.
- 6.3.2 There is a risk of decisions made under the Licensing Act 2003 by the Authority being subject to challenge through the Courts if no Statement of Licensing Policy is in place.

### 6.4 Consultation

- 6.4.1 A consultation process has been carried out in accordance with the requirements of the Licensing Act 2003 and associated guidance.

### 6.5 Consideration by Scrutiny

- 6.5.1 Not considered

### 6.6 Climate Impact

- 6.6.1 No climate impact.

### 6.7 Community Impact

- 6.7.1 The overall conclusion of the Equality Impact Assessment is that there is no negative impact on any characteristic or group as a result of this Policy.
- 6.7.2 The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 6.7.3 The licensing objectives are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is always a paramount consideration.

- 6.7.3 The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - giving the police and licensing authorities the powers, they need to effectively manage and police the night-time economy and act against those premises that are causing problems;

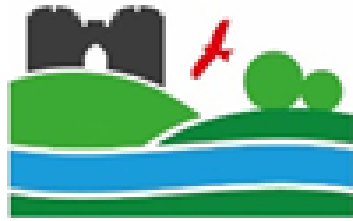
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving residents the opportunity to have their say regarding licensing decisions that may affect them.

6.7.4 The Licensing Act 2003 Statement of Licensing Policy is fundamental to supporting the Licensing Authority's engagement in all of the above.

## **7. Background Papers**

---

None



North  
Northamptonshire  
Council

---

**LICENSING ACT 2003**

**STATEMENT OF LICENSING  
POLICY FOR REGULATED  
ENTERTAINMENT, LATE NIGHT  
REFRESHMENT AND THE SALE OF  
ALCOHOL**

**2022 – 2027**

## Revisions

<b>Version</b>	<b>Date</b>	<b>Author</b>
NNCLP1	07/09/21	RH
NNCLP2	10/11/21	RH



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

---

**CONTENTS**

1.	Executive Summary	1
2.	Purpose and Scope of Licensing Policy	1
3.	Duplication	4
4.	Strategies	4
5.	Live Music	4
6.	Objectives	5
7.	The Licensing Authority as a Responsible Authority	7
8.	Health Authority as a Responsible Authority	8
9.	Responsible Authorities	8
10.	Planning	9
11.	Licensing Hours	9
12.	Temporary Event Notices	10
13.	Sexual Entertainment	10
14.	Cumulative Impact and Special Policies	10
15.	Early Morning Restriction Orders	13
16.	Children	13
17.	Conditions	15
18.	Reviews	16
19.	Minor Variations	17
20.	Enforcement	18
21.	Licensing Suspensions	19
22.	Administration, Exercise & Delegation of Functions	19
23.	Advice and Guidance	19
24.	Equal Opportunities	20
25.	Review of Policy	20
26.	Late night levy	21
	<i>Annex 1 Delegation of Functions</i>	22
	<i>Annex 2 Other Policies, Legislation &amp; Guidance</i>	23
	<i>Annex 3 Useful Information</i>	26
	<i>Annex 4 Local Area Profile</i>	28

## **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 imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy for a five years period. This policy commenced ??????.
- 1.3 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 in 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 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, transfers and variations of licences and certificates including temporary event notices. 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 North and West 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 licences 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 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, supply of alcohol by or on behalf of a club to its members, regulated entertainment, and late night refreshment, 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. It is recognised that the night time economy is important for investment and employment locally and beneficial to tourism. 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 and proportionate 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 Community Safety 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 1<sup>st</sup> October 2012 and is designed to encourage more performances of 'live' music.
- 5.2 Where licensable activities take place on premises, any licence conditions relating to 'live' music will be suspended between 08:00 and 23:00 hours, 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 or in the immediate vicinity of 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 their staff or agents. They can however directly impact on the behavior 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 North 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 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 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 any disproportionate and unreasonable impacts of licensable activities at specific premises, on persons living and working (including doing business) in the vicinity. 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 when 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 commonsense 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, the Trading Standards Service and 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 the 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 Authority will not normally act as a responsible authority 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**

- 8.1 Directors of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings. The introduction of Public Health as a responsible authority has gone some way towards starting to reduce alcohol-related harms through the use of licensing legislation. Conditions may be added by way of representation against an application or review of a licence if there is a specific health concern at a premises, related to any or all of the four licensing objectives.
- 8.2 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.
- 8.3 This Licensing Authority envisages that DPH's will also be useful in providing evidence such as alcohol-related Accident and Emergency admissions or ambulance service data that might be directly relevant to an application under the Act.

## **9. Responsible Authorities**

- 9.1 The responsible authorities are:
- Northamptonshire Police Service
  - Northamptonshire Fire and Rescue Service
  - Trading Standards
  - Environmental Health (Health and Safety and Environmental Protection)
  - Planning
  - Child Protection
  - Home Office Immigration Enforcement
  - Local Health Authority
  - In relation to a vessel, a navigation authority, the Environment Agency or the Canal and River Trust

## **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 licensed premises in the area, to ensure proper integration. This will allow consideration of the general impact of alcohol related crime and disorder and provide background information to any planning applications 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.

## **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 North Northamptonshire Council recommends 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.
- 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 would encourage event organisers not to rely on giving the minimum amount of notice; Event organisers are encouraged to contact Northamptonshire Police Licensing Officers as early as possible about their proposed event(s).

## **13. Sexual Entertainment**

- 13.1 This Licensing Authority will adopt a policy in relation to sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. In the meantime the policies of the four sovereign authorities will be applied. With reference to this, standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous will apply.
- 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 licensing 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 reasonably 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:
- Identification of serious and chronic concern about crime and disorder or public nuisance;
  - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identify the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
  - Consultation with those persons and bodies identified in Section 5(3) of the 2003 Act.
- 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 reasonably 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 Licensing 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 Licensing 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:
- planning controls;
  - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
  - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
  - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
  - police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
  - the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
  - the confiscation of alcohol from adults and children in designated areas;
  - Police powers to close down instantly for up to 24 hours, any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
  - the power of the Police, other responsible authority or a local resident or business

to seek a review of the licence or certificate in question.

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 in licensed premises except in the

circumstances detailed in s145 of the Licensing Act 2003.

- 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:
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
  - with a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises;
  - where entertainment or services of an adult or sexual nature are commonly provided;
- 16.4 In these circumstances this Authority will consider the appropriate option for the prevention of harm to children where relevant representations are made. While complete bans on access to children are likely to be rare, there may be circumstances when no other option is considered appropriate. However, in the majority of cases where limiting the access of children to licensed premises is considered necessary, the options which will be considered are:
- Limitations on the hours when children may be present;
  - Age limitations (below 18);
  - Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place;
  - Requirements for an accompanying adult;
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 16.5 Where the above restrictions are not considered necessary, access to licensed premises by children will remain a matter for the discretion of the holder of the premises licence or club premises certificate. 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 the 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 request 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.portmangroup.org.uk](http://www.portmangroup.org.uk). [www.portmangroup.org.uk](http://www.portmangroup.org.uk)

## 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 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 ground for review made in respect of the same premises licence which has already been determined; or
  - representations considered by the Licensing Authority when the premises licence was granted; or
  - 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
  - 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:
- no action necessary, as no steps are required to promote the licensing objectives;
  - 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;
  - modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
  - excluding a licensable activity from the licence;
  - remove the designated premises supervisor;
  - suspend the licence for a period of three months;
  - 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 will 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. They must however 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 their licence or certificate, using the prescribed form. In determining an application this licensing authority will consult those Responsible Authorities 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; unenforceable 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 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 the Police Reform and Social Responsibility Act 2011.

## **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 administrative decisions and functions will be delegated to the appropriate level within the organisation as possible. See Annex 1.
- 22.7 Where applications are not 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.

## **23. Advice and Guidance**

- 23.1 Advice may be obtained from the Licensing Administration Team on the type of licences applicants will need to apply for. The unit can be contacted in the following ways:-

Website: [www.northnorthants.gov.uk](http://www.northnorthants.gov.uk)

Email: [LicensingUnit.ENC@northnorthants.gov.uk](mailto:LicensingUnit.ENC@northnorthants.gov.uk)

Telephone: 01832 742102

In person or writing to:

Licensing Administration Team  
Regulatory Services  
North Northamptonshire  
Council Cedar Drive  
Thrapston  
NN14 4LZ

## **24. Equal Opportunities**

- 24.1 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.
- 24.2 [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.
- 24.3 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.

## **25. Review of the Policy**

- 25.1 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. A revisions must be subject to consultation.
- 25.2 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.
- 25.3 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.

## **26. Late Night Levy**

26.1 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.

26.2 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

26.3 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.

26.4 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 such as Best Bar None.

26.5 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.

26.6 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 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 a 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 - 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
- Equality Act 2010
- Deregulation Act 2015
- The Anti-social Behaviour, Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- The Health Act 2006
- Live Music Act 2012
- Policing Act 2014
- Immigration Act 2016
- Gambling Act 2005
- Environmental Protection Act 1990
- Noise Act 1996
- Clean Neighbourhoods and Environmental Act 2005
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

*Note: These and other relevant pieces of legislation can be found at [www.opsi.gov.uk](http://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
- Northamptonshire Health and Wellbeing Strategy



- Director of Public Health Northamptonshire Annual Report

**(iii) Guidance Documents**

- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office Safer Clubbing Guide link doesn't work – document not found](#)
- [Home Office Designated Public Place Order \(DPPO\) Guidance](#)
- [Home Office s182 Guidance](#)
- [LACORS/TSI Code of Practice on Test Purchasing link doesn't work – document not found](#)
- [The Event Safety Guide](#)
- [Licensing large scale events \(music festivals etc.\) this link doesn't seem to work](#)
- [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](#)
- [Regulators Code](#)

**(iv) Relevant case law regarding policy statements**

- Limits of licensing policy:  
[BBPA & Others v Canterbury City Council \[2005\] EWHC 1318 \(Admin\)](#)  
[this isn't a link](#)
- “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 \[2008\]](#)

- Guidance to Licensing Committees and Responsible Authorities  
[\*R \(on application of Hope and Glory Public House Ltd\) v City of Westminster Magistrates' Court and Others \(2011\) EWCA Civ 312\*](#)
- Role of responsible authorities in providing information to decision makers  
[\*R \(on application of Daniel Thwaites plc\) v Wirral Magistrates' Court and Others \(2008\) EWHC 838 \(Admin\)\*](#)
- Licensing committees and courts can require applicants to provide any information that they believe will help them make a decision about the promotion of the licensing objectives.  
[\*R \(on application of Murco Petroleum Ltd\) v Bristol City Council \[2010\] EWHC 1992 \(Admin\)\*](#)
- Reaffirms the principle that Responsible Authorities need not wait for the licensing objectives to actually be undermined before objecting to a licence being granted.  
[\*East Lindsey District Council v Abu Hanif \(t/a Zara's Restaurant\) 2016\*](#)

**Note: This list is not exhaustive**

## **Annex 3 - Useful References (organisations)**

### **Local Government Association:**

<http://www.local.gov.uk/regulatory-services-and-licensing> link doesn't work  
<http://www.locale.gov.uk>

### **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/> page doesn't exist

### **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/>

### **British Institute of Inn Keeping (BII)**

<http://www.bii.org/home> link doesn't work  
<http://www.bii.org>

### **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/>

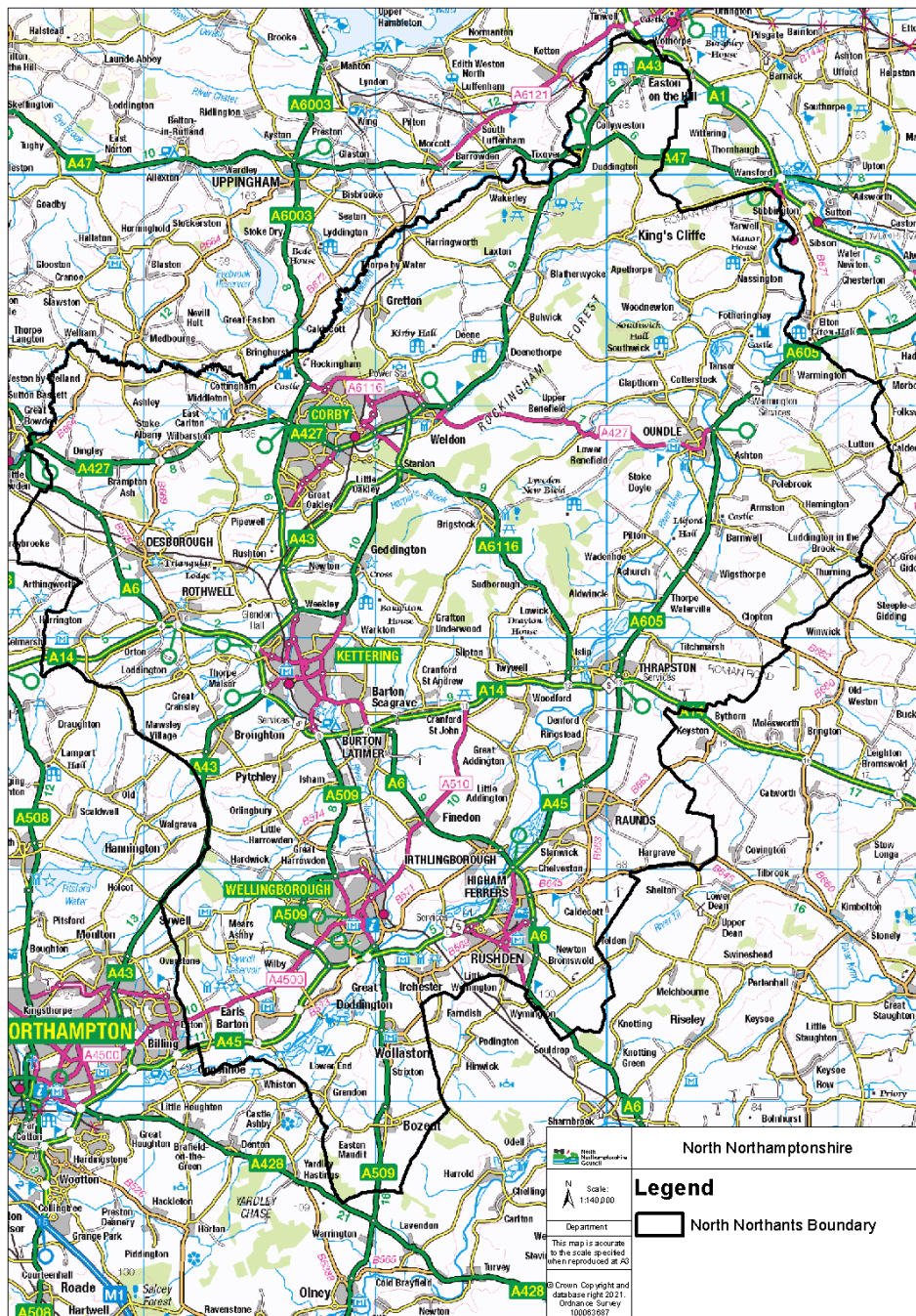
**The Portman Group**

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

## Annex 4 – Local Area Profile: North Northamptonshire Council

North Northamptonshire is characterised by market towns, attractive villages and countryside. The area is served by a number of major roads - A14, A45, A6 and A43 with ready access to the country's motorway system. The area is also served by the East Midlands mainline service from the North into St Pancras station, London via Corby, Kettering and Wellingborough.

The area is growing rapidly with population increasing by 30% in the last 30 years to 345,000 with expectations of further growth to 400,000 by 2041.



This page is intentionally left blank

Ref	Respondent	Comments	Appraisal	Response
1	Chelveston Parish Council	In Section 9.1, please be advised that the statutory body "British Waterways Board" has not existed in England & Wales since 2012. Its successor is the charity "Canal & River Trust".	Comment noted	Policy amended accordingly
2	Councillor Anne Lee	The only comment is non-material, simply pointing out that the last 4 pages need to be repaginated. This is a trivial comment, it shows that I have printed out and read through the document. Annex 1 actually starts on page 20, not 24 Annex 2 starts on page 21, not 25 Annex 3 starts on page 24, not 28 Annex 4 is on page 26, not 30. One point that I would have liked to see is that NNC can regulate the sound levels of the annual fair that visits Kettering, because those sound levels have been exceptionally high. I am not sure if this falls under this policy. How and when can we achieve that?	Pagination comment noted.  Comment noted	Already identified and amended during consultation.  Fairs are not covered by this policy. Noise nuisance would be dealt with through the Environmental Protection Act 1990 or possibly through the booking system if on Council land.
47	Councillor Gill Mercer	Is there to be a separate licensing policy for gambling and other areas that are licensed by the councils, e.g. street trading, sex shops, taxis etc.?  <i>2.3 To further ensure consistency, the licensing authorities of Northamptonshire will meet as necessary to ensure that a consistent approach is being achieved.</i>  There are only 2 licensing authorities in Northamptonshire now should this not say West and North Northamptonshire?  <i>3.2 Conditions will only be attached to premises licences and club premises certificates that are necessary for the promotion of the licensing objectives</i>	Comment noted  Comment noted	Policies for other areas of licensing will be produced in due course.  Policy amended as suggested.

		<p>It should be necessary and proportionate</p> <p><i>4.1 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.</i></p> <p>a) Should this not refer to the Police and Crime Plan of the PCC?</p> <p>b) Are these Crime and Disorder Partnerships the same as Community Safety Partnerships? Should this be referring to Community Safety Partnerships instead?</p> <p><i>5.2 Where licensable activities take place on premises, any licence conditions relating to 'live' music will be suspended between 08:00 and 23:00 hours, 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.</i></p> <p>This seems to relate to licenses that were in place before the Act came into force. Does this apply to licenses issued during &amp; after 2012?</p> <p>6.1 In the first section it says <i>"The essential purpose of the licence or certificate is to regulate behaviour on premises and access to them"</i>.</p> <p>I think it should be "or in the immediate vicinity of the premises instead of and access to them".</p>	<p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p>	<p>Policy amended as suggested</p> <p>Not applicable</p> <p>Policy amended as suggested.</p> <p>This paragraph applies to all authorisations irrespective of date of issue.</p> <p>Policy amended as suggested.</p>
--	--	---	--	---



		<p><i>Para 2 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.</i></p> <p>Is this the premises licensee or the personal licensee?</p> <p><i>Para 3 Various 'PubWatch' schemes operate in Northamptonshire</i></p> <p>Should this not refer to North Northamptonshire?</p> <p><i>6.2 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.</i></p> <p>This refers to fire safety but at 2.13 last line it states specifically that fire safety is controlled under different legislation</p> <p><i>6.2 The Licensing Authority is familiar with the "Safer Clubbing Guide" and its application to nightclubs and dance events.</i></p> <p>We have never come across this. Should members be given a copy of this?</p> <p><i>6.4 When deciding where restrictions should be imposed, this Licensing Authority will examine the individual merits of each application and only impose conditions <i>whether</i> the circumstances justify them.</i></p>	<p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p>	<p>This relates to the holder of the premises licence – no action required.</p> <p>Policy amended</p> <p>While there is specific legislation relating to aspects of public safety, there will be times where this legislation can provide additional controls.</p> <p>Reference removed as no longer available.</p> <p>Policy amended as suggested</p>
--	--	---	---	--

		<p>Shouldn't whether be when?</p> <p><i>10.1 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.</i></p> <p>Very few of the planning decisions go to the Planning committee. Many are decided under delegated authority. This paragraph should recognise that.</p> <p><i>10.2 The Licensing Committee may provide reports to the Policy and Development Control Committee on licensed premises in the area, to ensure proper integration.</i></p> <p>There is no Policy and Development Control Committee</p> <p><i>10.3 This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.</i></p> <p>Very few of the planning decisions go to the Planning committee. Many are decided under delegated authority. This paragraph should recognise that.</p> <p><i>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</i></p>	<p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p>	<p>This section relates to the submission of representations which duplicate objections already considered by planning. No action required.</p> <p>Policy updated</p> <p>Para 10.3 relates to para 10.2 and therefore no action required.</p>
--	--	---	--	---

		<p><i>Authority to refuse a licence application because it does not have planning permission,</i></p> <p>Applications do not need to be from businesses. I would suggest “applicants” would be better.</p> <p><i>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.</i></p> <p>This states Northamptonshire Licensing Authorities. There are only 2. This should refer either to North Northants alone or to North and West Northants.</p> <p><i>13.1 This Licensing Authority has adopted a policy in relation to 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.</i></p> <p>Is this policy a NNC one or does it still need to be adopted?</p>	<p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p>	<p>The expectation is that these licence applications will be made by the business or their representative and therefore best placed to provide the information relevant to the application. No action.</p> <p>Policy updated</p> <p>The Authority is currently working to the sovereign policies for the previous areas. Policy updated to reflect this.</p>
--	--	---	--	---

		<p><i>14.1 Commercial demand for additional licensed premises is not a matter for this Licensing Authority or its statement of policy</i></p> <p>Should this be its statement of <u>licensing</u> policy?</p> <p><i>14.1 but a matter for planning committees and for the market.</i></p> <p>This should be planning authority as it is not necessarily the planning committee that hears the case if it is delegated.</p> <p><i>14.2 Conditions may only relate to matters that the licensee can be expected to control</i></p> <p>Should this say the premises licensee or personal licensee?</p> <p><i>Also Conditions may only relate to matters that the licensee can be expected to control.</i></p> <p>This should state “reasonably be expected”.</p>	<p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p>	<p>Policy amended</p> <p>This relates to item above which would be considered through planning committees on applications if deemed necessary.</p> <p>The licence conditions are the responsibility of the holder of the premises licence. No action.</p> <p>Policy amended</p> <p>No action.</p>
--	--	---	--	---

		<p><i>14.2 Where the number, type and density of premises selling alcohol are unusual</i></p> <p>The word “unusual” needs explanation. Excessive would be better.</p> <p><i>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.</i></p> <p>This should add the word reasonably, i.e. to do all that it reasonably can to prevent crime and disorder?</p> <p><i>15.5 The decision to implement an EMRO will be evidence based and will be considered by Full Council.</i></p> <p>Should this be the Licensing Committee or the Executive?</p> <p><i>16.5 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.</i></p> <p>Should this state the premises or personal licensee?</p> <p><i>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.</i></p> <p>Should the end of this sentence say “under the appropriate delegated authority?”</p> <p><i>26.5 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</i></p>	<p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p> <p>Comment noted</p>	<p>Policy amended as suggested</p> <p>No action – policy as stated.</p> <p>Amend individual to premises in policy.</p> <p>No action.</p>
--	--	---	---	--

		<p><i>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.</i></p> <p>This refers to an SLA between the Police and the Authority. Is 70% the standard terms?</p> <p><i>26.6 Any decision to introduce, vary or cease the requirement for a levy will be made by the full council.</i></p> <p>Should this be Full Council or the Licensing Committee?</p> <p><i>Annex 2 (ii) (ii) Strategies and Policies</i></p> <ul style="list-style-type: none"> <li>♣ <i>Alcohol Strategy</i></li> <li>♣ <i>Alcohol Harm Reduction Strategy for Northamptonshire</i></li> <li>♣ <i>Best Bar None</i></li> <li>♣ <i>British Beer and Pub Association Partnerships Initiative</i></li> <li>♣ <i>Community Alcohol Strategy</i></li> <li>♣ <i>Community Safety Strategy</i></li> <li>♣ <i>Compliance Code</i></li> <li>♣ <i>Crime &amp; Disorder Reduction Strategy</i></li> <li>♣ <i>Council's Enforcement Policy</i></li> <li>♣ <i>Cultural and Tourism Strategies including promotion of live music and community events</i></li> <li>♣ <i>Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries</i></li> <li>♣ <i>Local Development Framework</i></li> <li>♣ <i>Local Transport Plan</i></li> <li>♣ <i>National and local PubWatch schemes</i></li> </ul>	<p>Comment noted</p> <p>Comment noted</p>	<p>The Policy reflects the legal position. No action.</p> <p>No action – as stated in Policy.</p>
--	--	--	--	--

		<ul style="list-style-type: none"> <li>♣ <i>Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.</i></li> <li>♣ <i>Purple Flag (ATCM)</i></li> <li>♣ <i>Safer Socialising</i></li> <li>♣ <i>Northamptonshire Health and Wellbeing Strategy</i></li> <li>♣ <i>Director of Public Health Northamptonshire Annual Report</i></li> </ul> <p>Have these strategies all been updated for NNC?</p>	Comment noted	<p>Many of these strategies are from bodies outside of North Northamptonshire. Those for NNC will be updated in due course. No change at this time.</p>
4	Stanwick Parish Council	<p>Firstly, the policy does not make any reference to the consultation of Town and Parish Councils and I would be grateful if you could explain the situation.</p> <p>I do recall that in the initial period after the introduction of the 2003 Act, Town and Parish Councils were consulted.</p>	Comment noted	<p>Town and Parish Councils are not statutory consultees so are not formally consulted but are notified of matters out for consultation.</p>

		<p>Secondly paragraph 19.1 refers to Responsible Authorities. In the interests of clarity I would suggest that document defines, somewhere, what constitutes a Responsible Authority.</p> <p>As a final point, you may wish to examine paragraphs 1.2, 6.2 and 16.8 for typographical issues. I have only looked at the copy emailed to the Council. The version online may be different.</p>	<p>Comment noted</p> <p>Comment noted</p>	<p>No action. Responsible Authorities are identified in Sec 9.</p> <p>Comment noted – Policy reviewed and updated as necessary.</p>
5	Thrapston Town Council	<p>Section 22 – ‘The Licensing Authority shall, as default, post all relevant elements of the application online, including but not limited to red line plans, application form and relevant supplementary documents’</p> <p>Our Committee believe this is standard in the majority of authorities.</p>	<p>Comment noted</p>	<p>There are GDPR and technical issues which prevent this. No action.</p>