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**North
Northamptonshire
Council**

Meeting: Licensing Sub-Committee
Date: Wednesday 29th June, 2022
Time: 10.30 am
Venue: Council Chamber, Cedar Drive, Thrapston, NN14 4LZ

To members of the Licensing Sub-Committee

Councillors Barbara Jenney, Lora Lawman and Dr Anup Pandey

Agenda			
Item	Subject	Presenting Officer	Page no.
01	Election of Chair		
02	Apologies for Non-Attendance		
03	Members' Declarations of Interest		
04	Notifications of requests to address the meeting		
Items requiring a decision			
05	Application for a New Premises Licence for the Raunds Festival of Transport	Samantha Edmunds	3 - 54
06	Close of Meeting		
<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer Tuesday 21 June 2022</p>			

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Committee Administrator: Louise Tyers - Democratic Services

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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.

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Licensing Sub-Committee Wednesday 29 June 2022

Report Title	Application for a New Premises Licence for the Raunds Festival of Transport, (from the Town Hall in Brook Street, through the High Street to Rotton Row and to include The Square, Raunds).
Report Author	Iain Smith Assistant Director of Regulatory Services iain.smith@northnorthants.gov.uk

List of Appendices

Appendix A – Application for Premises Licence (including plan)

Appendix B – Map of Area

Appendix C – Representation

Appendix D – Statement of Licensing Policy 2022-2027

1. Purpose of Report

- 1.1. To obtain the Sub-committee's decision in respect of an application for a new premises licence for the Raunds Festival of Transport, Raunds town centre area.

2. Executive Summary

- 2.1 An application for a new premises licence for Raunds Festival of Transport was received on 5 May 2022. The appropriate notices were displayed and the advertisement was placed as required. Further to one representation the report invites the Sub-committee to determine the application.

3. Recommendations

- 3.1 The Sub-committee is recommended to determine the application.
- 3.2 Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

4. Report Background

- 4.1 The application is to allow licensable activities to take place annually in Raunds Town Centre. The event will be situated from the Town Hall, Brook Street through the High Street to Rotton Row and will include The Square.
- 4.2 The Festival will have many vehicles on display throughout the area shown on the application plan (see Appendix A). Alongside vehicles there will be stalls, vendors and the event will also include entertainment on the Market Square.
- 4.3 The matters for which a premises licence is sought are detailed below:

Annual one day event:

First Saturday in September (after August Bank Holiday) annually.

Licensable Activities

Live Music

Saturday 10:00 – 23:00 Outdoors

Recorded Music

Saturday 10:00 – 23:00 Outdoors

Sale of Alcohol

Saturday 10:00 – 23:00 On & Off the premises

Opening Hours

Saturday 10:00 – 23:00

- 4.4 Following consultation one representation was received from a local resident which is concerned with Public Nuisance caused by music, traffic and alcohol sales.

5. Issues and Choices

5.1 Determination

- 5.1.2 The Sub-Committee must carry out its functions to promote the licensing objectives having regard to:

- The Council's Licensing Policy
- S182 Guidance

- 5.1.3 The Act states that the hearing shall have regard to the representations and following a hearing the Sub-Committee may take any of the following actions if they deem them necessary to promote the licensing objectives:

- Grant the licence subject to operating schedule and mandatory conditions only
- Grant, subject to further conditions necessary for the promotion of the licensing objectives
- Refuse the application in its entirety

- Refuse elements of the application

5.2 Policy Considerations

5.2.1 This section highlights the elements of the licensing policy that are most relevant with respect to this application. This is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications: -

- 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 relevant to the operating plan will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are 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).

5.3 Section 182 Guidance Considerations

5.3.1 Section 9.31 to 9.41 highlights the elements of section 182 Licensing Guidance that are most relevant with respect to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications.

6. Implications (including financial implications)

6.1.1 Resources and Financial

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

6.2 Legal

6.2.1 A Legal Officer will be present at the hearing to outline all legal matters that need to be taken into consideration.

6.2.2 The Licensing Act 2003 sets out how an application for a Premises Licence should be dealt with where valid representations have been submitted. The Sub-Committee have to decide the outcome of the application taking into account the Licensing Objectives.

6.2.3 In accordance with the provisions of the Act, if a Licensing Authority rejects in whole or in part, an application to grant a Premises Licence the applicant may appeal against the decision, to a Magistrates' court within 21 days of being notified of the decision. Similarly, where a person who made relevant representations in relation to the application contends that the licence ought not to have been granted or that alternative or additional conditions should have

been imposed on the licence, they may appeal against the decision, to a Magistrates' court within 21 days of being notified of the decision.

6.3 Risk

6.3.1 There are no significant risks arising from the proposed recommendations in this report.

6.4 Consultation

6.4.1 As prescribed by the Licensing Act 2003 the following consultations have been undertaken:

Child Protection	No representation
Fire	No representation
Northamptonshire Police	No representation
Trading Standards	No representation
Home Office	No representation
Health Authority	No representation
Raunds Town Council	No representation
Environmental Protection	No representation
Licensing	No representation
Planning	No representation
Public	One representation

6.4.2 Following the consultation there is one representation from a local resident which is concerned with Public Nuisance caused by music, traffic and alcohol sales. The representation can be seen in full at Appendix C.

6.5 Consideration by Scrutiny

6.5.1 There are no comments received by the Scrutiny Commission in relation to this report.

6.6 Climate Impact

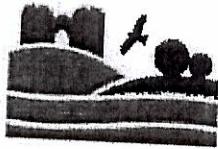
6.6.1 There are no climate/environmental impacts that may arise regarding this report.

6.7 Community Impact

6.7.1 The licensing regime seeks to minimise any negative community impacts as its purpose is to promote the licensing objective which includes prevention of crime and disorder and public nuisance, public safety and the protection of children from harm.

7. Background Papers

7.1 None



**North
Northamptonshire
Council**



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ANDREA JANE WRAY
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
BLOOM STREET, RAOBDS TO HIGH STREET TO ROTTON POW INCLUDING MARKET SQUARE - PLEASE SEE ATTACHED MAPS	
Post town	Postcode
Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ N/A

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | <input type="checkbox"/> | please complete section (B) |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>		Mrs <input type="checkbox"/>		Miss <input type="checkbox"/>		Ms <input checked="" type="checkbox"/>		Other Title (for example, Rev)		
Surname WRAY					First names ANDREA JANE					
Date of birth		[REDACTED]		am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes				
Nationality BRITISH										
Current residential address if different from premises address			27 STREETON WAY EARLS BARTON NORTHANTS NN6 0HX							
Post town							Postcode		NN6 0HX	
Daytime contact telephone number [REDACTED]										
E-mail address (optional)			[REDACTED]@yahoo.co.uk							
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)										

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY
03 09 2022

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY
04 09 2022

Please give a general description of the premises (please read guidance note 1)

OUTDOOR PUBLIC AREA - SEE ATTACHED MAPS

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Please tick all that apply

-
-
-
-
-
-
-
-

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

-
-

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

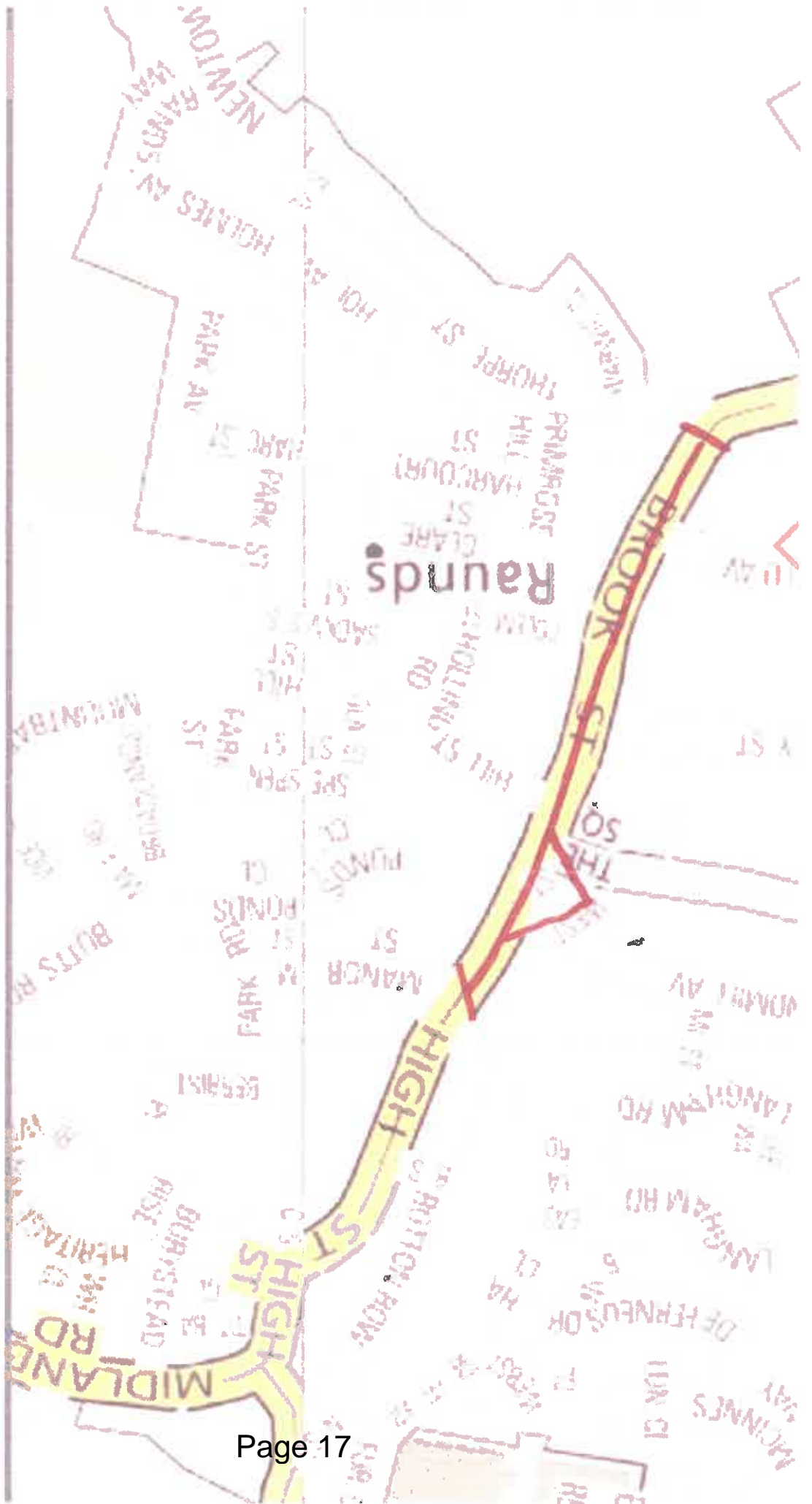
D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		

E

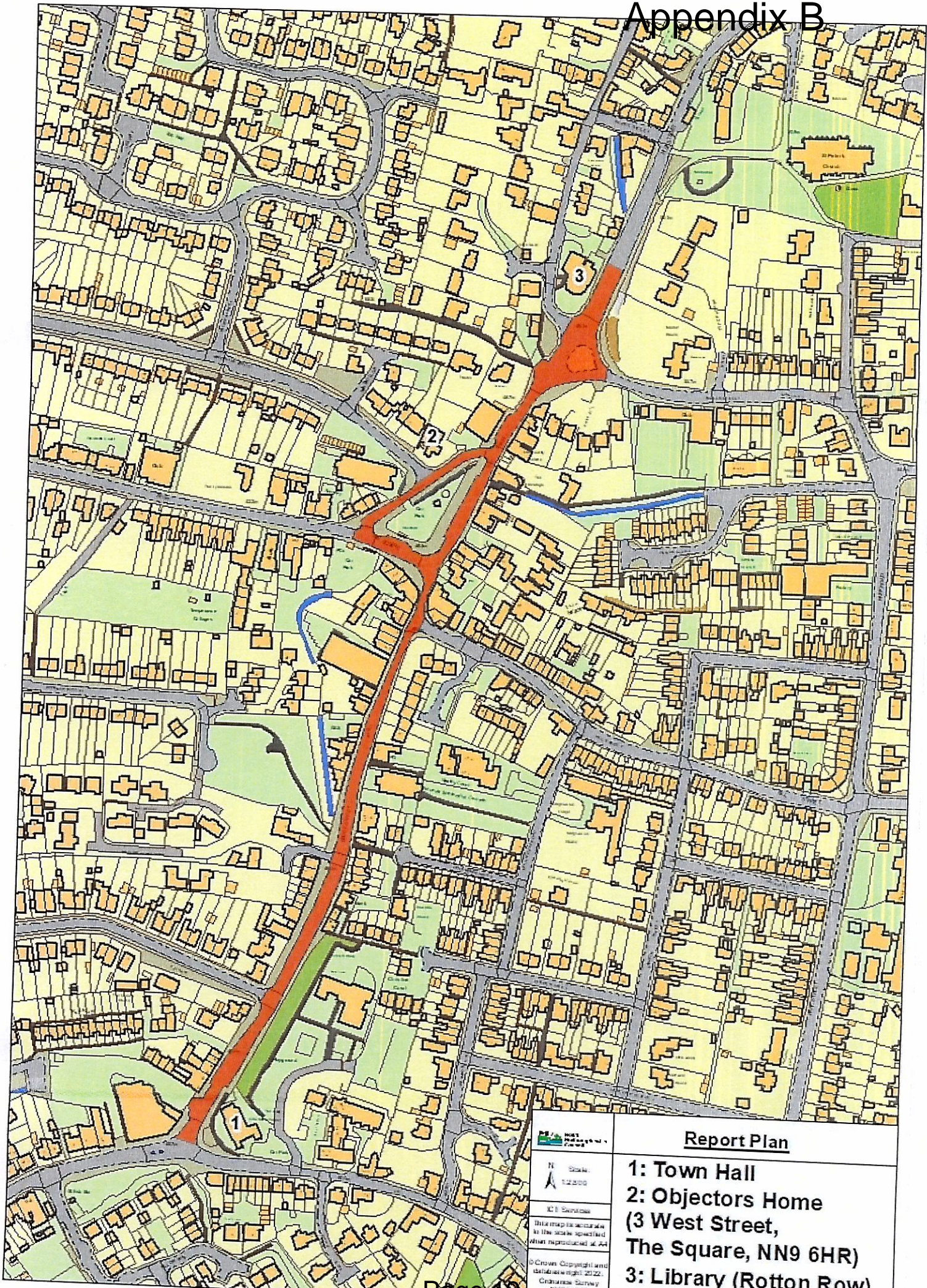
Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon			Please give further details here (please read guidance note 4) ONE DAY EVENT PLANNED FOR 1ST SATURDAY IN SEPTEMBER AFTER AUGUST BANK HOLIDAY ANNUALLY	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	10:00	23:00			
Sun					


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Brook Street
High Street to Manor Street
Market Square

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Scale: 1:2500
N
This map is accurate to the scale specified when reproduced at A4
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Report Plan
1: Town Hall
2: Objectors Home
(3 West Street, The Square, NN9 6HR)
3: Library (Rotton Row)

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From: Dave Anderson <[REDACTED]>
Sent: 25 May 2022 09:26
To: ENC Licensing Unit <LicensingUnit.ENC@northnorthants.gov.uk>
Subject: Re: Application objection

[CAUTION: EXTERNAL EMAIL] This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Re: The application by *ANDREA J WRAY on September 3, 2022 in RAUNDS. I believe this is for a 'Festival of Transport' as staged previously. As a resident living close by this event, I need to express my absolute stance against holding it in the town square. Last time, the day was intolerable, due to several factors.*

1. The disruption of traffic flow through the town

2. The lorries continually blaring their air horns , and these things are NOT quiet in the confines of a small town. It is ILLEGAL to do this in a non emergency situation, but of course nothing was done to stop it.

3. There was a rock band playing in the square. They were a pretty good band, but the volume level was ridiculously excessive. I happen to have been a pro gigging musician for all my working life, but this was intolerable. I have a decibel meter, and checked it at the time, and the level got an average of 106 db, which you'll find is danger level to hearing esp to young children, of which there were many.

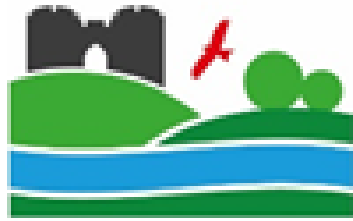
4. There is also an application to supply alcohol! Surely you can see that large crowds, loud music, fairground rides + alcohol adds up to a dangerous cocktail, encouraging anti social behaviour. It would seem to me that alcohol is NOT needed should this event be given a licence.

Please consider these points, and bear in mind that many of the older community 1. Don't have the skills to utilise the internet to object and 2 'Oh, I don't like to make a fuss!'

In ending, we are a small rural town, so 1. Why do we need a Festival of Transport? 2. If it is wanted, would it not be better to put it on in a bigger, open area - playing fields etc.

Sincerely, Dave Anderson

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North
Northamptonshire
Council

LICENSING ACT 2003

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

2022 – 2027

Revisions

Version	Date	Author
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

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1. Executive Summary

- 1.1 The Licensing Act 2003 introduced a revised licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Licensing Act 2003 imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy for a five year period. This policy commenced in January 2022.
- 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 behavior 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 behavior 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 1st 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 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Responsibility for complying with the order rests with the 'responsible person' who has control of premises.

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 principal 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 considers it appropriate without having to wait for representations from other responsible authorities.
- 7.5 In cases where this Licensing Authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases, licensing determinations will be made by the licensing committee or sub

committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.

7.6 Accordingly, the officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities.

8. Health as a responsible authority

8.0 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.

8.1 This Licensing Authority acknowledges that DPH will be useful in providing evidence of alcohol-related health harms when there is a revision of policy, particularly in relation to cumulative impact policies or early morning restriction orders.

8.2 This Licensing Authority envisages that DPH's will also be useful in providing evidence such as alcohol-related 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:
- a) Identification of serious and chronic concern about crime and disorder or public nuisance;
 - b) Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identify the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - c) Consultation with those persons and bodies identified in Section 5(3) of the 2003 Act.
- 14.6 Where this process identifies such a need, this Licensing Authority will consider adoption of a special policy relating to future licence applications from that area. Reference to any such special policy will be made in the Licensing Policy Statement and the special policy will be published as part of the statement of licensing policy.
- 14.7 A special policy cannot be used to set a terminal hour for premises in the identified area.
- 14.8 This Licensing Authority has duties under Section 17 of the Crime and Disorder Act 1998 to do all that it 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:
- a) planning controls;
 - b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 - d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - e) police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
 - f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - g) the confiscation of alcohol from adults and children in designated areas;
 - h) Police powers to close down instantly for up to 24 hours, any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
 - i) the power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.
- 14.14 This Licensing Authority and Northamptonshire Police will continue to work closely together to ensure that these other mechanisms are used appropriately to deal with the issues of concern and where possible will supplement these with other local initiatives that similarly address these problems.

15. Early Morning Restriction Orders

- 15.1 The power for this Licensing Authority to introduce an EMRO is specified in sections

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

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

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

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

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

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

16. Children

16.1 This Authority recognises that there will be a considerable variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafes, take-away food businesses and fast food outlets as well as public houses and nightclubs. In addition, subject to the licensee's discretion and any conditions included in a premises licence or club premises certificate, the Licensing Act 2003 does not prohibit children 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:

- a) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- b) with a known association with drug taking or dealing;
- c) where there is a strong element of gambling on the premises;
- d) where entertainment or services of an adult or sexual nature are commonly provided;

16.4 In these circumstances 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:

- a) Limitations on the hours when children may be present;
- b) Age limitations (below 18);
- c) Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place;
- d) Requirements for an accompanying adult;
- e) Full exclusion of people under 18 from the premises when any licensable activities are taking place

16.5 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. 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) a ground for review made in respect of the same premises licence which has already been determined; or
 - b) representations considered by the Licensing Authority when the premises licence was granted; or
 - c) representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
 - d) in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.
- 18.8 This Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. This Licensing Authority has regard to the recommendation in the guidance that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.
- 18.9 This Licensing Authority also recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Council would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement. This Licensing Authority will advise licence holders that a failure to respond to such a warning may lead to a responsible authority requesting a Review.
- 18.10 This Licensing Authority will hold a hearing following a request for a Review from a responsible authority, interested party or after closure procedures described earlier. This Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.
- 18.11 In determining a review, this Authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
- a) no action necessary, as no steps are required to promote the licensing objectives;
 - b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder;

- c) modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
- d) excluding a licensable activity from the licence;
- e) remove the designated premises supervisor;
- f) suspend the licence for a period of three months;
- g) 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

Email: 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 31st 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

(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

Cinema Exhibitors' Association (CEA)

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

Department for Culture, Media and Sport

www.culture.gov.uk

Home Office

www.homeoffice.gov.uk

Institute of Licensing (IOL)

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

Licensed Victuallers Associations (LVAs)

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

National Association of Licensing and Enforcement Officers (NALEO)

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

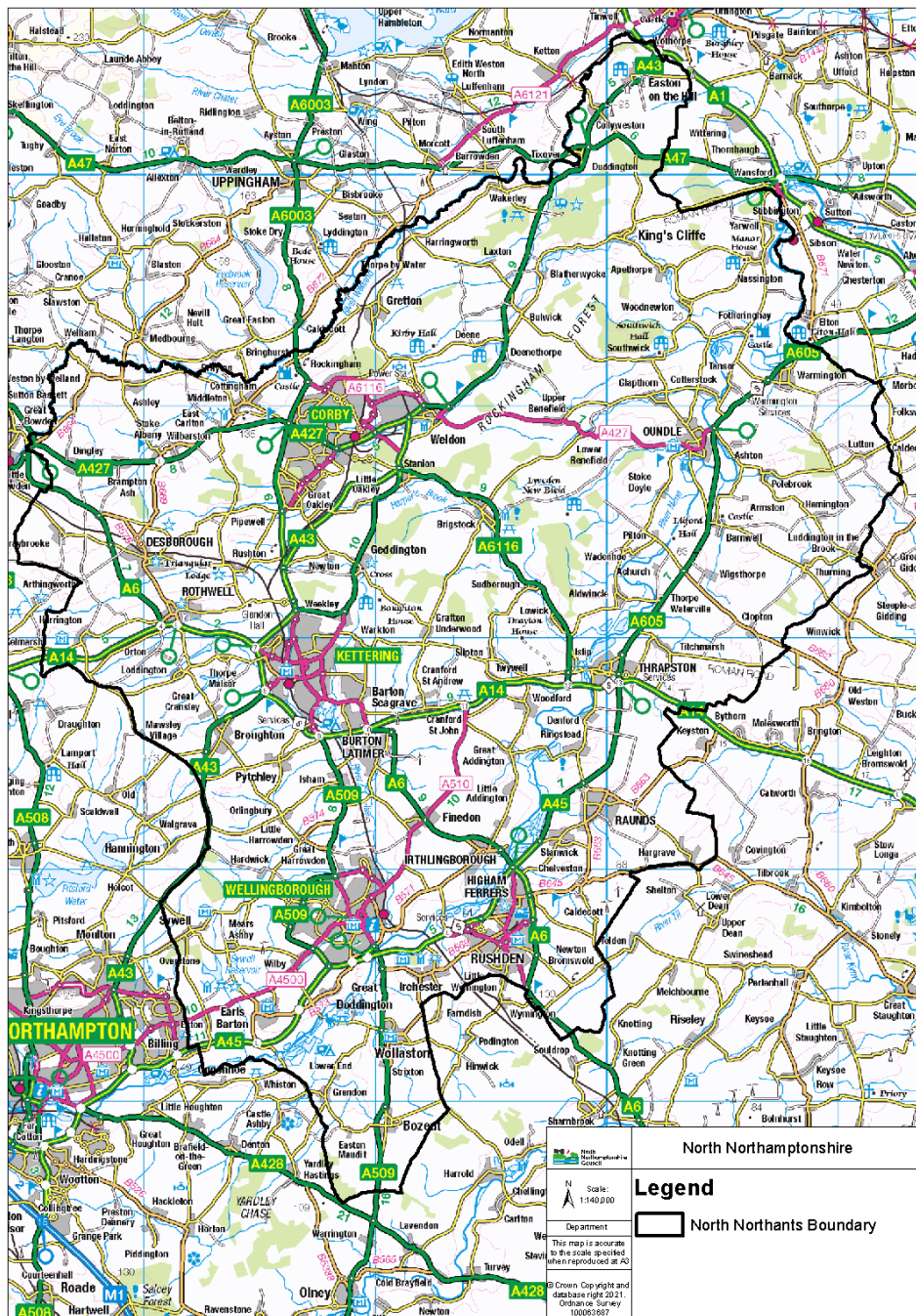
The Portman Group

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

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.



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