

NORTHAMPTON BOROUGH COUNCIL

Licensing Committee

Your attendance is requested at a meeting to be held at The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE. on Tuesday, 15 September 2015 at 6:00 pm.

**D Kennedy
Chief Executive**

AGENDA

1. Apologies
2. Minutes
The minutes of the meetings held on 17 March 2015, 7 April 2015 (special meeting) and 12 June 2015 (special meeting) are attached.
3. Deputations / Public Addresses
4. Declarations of Interest
5. Matters of Urgency which by reason of special circumstances the chair is of the opinion should be considered
6. Draft Statement of Gambling Principles
(Copy herewith)
7. Draft Statement of Licensing Policy
(Copy herewith)
8. Exclusion of Public and Press
The Chair to Move:
“that the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such act.”

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

SUPPLEMENTARY AGENDA

Exempted Under Schedule, 12A of L.Govt Act 1972, Para No: -

<TRAILER_SECTION>
A8004

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 17 March 2015

PRESENT: Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Ansell, Eales, Hibbert, Larratt and Stone.

1. APOLOGIES

Apologies were received from Councillors King, Mennell and Sargeant.

2. MINUTES

The minutes of the meeting held on 3 February 2015 were agreed and signed by the Chair.

Further to minute 5, Councillor Hill stated that he had been unable to attend the launch of the Gambling Commission's *Guidance to Licensing Authorities* on 17 March 2015 and no other member of the Committee had been able to attend.

3. DEPUTATIONS / PUBLIC ADDRESSES

The following members of the public were granted leave to address the Committee in respect of item 6 – Racecourse Street Trading Consent:

- Ian Bates, Umbrella Fair Organisation;
- Sean Silver, Chair, Umbrella Fair Organisation and
- Delaney Fifield, Friends of Northampton Racecourse committee member and Chair/Secretary of FFA Escola.

4. DECLARATIONS OF INTEREST

Councillor Ansell declared a personal non-pecuniary interest in item 6 – Racecourse Street Trading Consent as he knew one of the registered public speakers, Mr Bates.

Councillor Hill declared a personal non-pecuniary interest in item 6 – Racecourse Street Trading Consent as he knew one of the registered public speakers, Mr Silver.

Councillors Malpas and Stone declared personal non-pecuniary interests in item 6 – Racecourse Street Trading Consent as they knew two of the registered public speakers, Mr Bates and Mr Silver.

Councillor Malpas declared a personal non-pecuniary interest in item 7 – Street Collection Permit Application as he sat on a charity which had applied for and been granted a street collection permit for an event which would take place later in the year. He stated that he had been advised that he could take part in the consideration of this item.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

The Chair stated that this was the last meeting of the Committee before the beginning of Purdah but members could still be called upon to sit on reviews and hearings if they arose. Any members of the Committee who were re-elected at the Borough Council elections on 7 May 2015 would remain on call for such cases until the Annual Meeting of the Council elected a new Licensing Committee.

The Senior Licensing Officer stated that there were a number of cases involving Hackney Carriage and Private Hire Drivers which needed to be considered and asked that an extra meeting of the Committee be arranged to consider them. It was agreed that the Democratic Services Officer contact members of the Committee to arrange a meeting, to be held in the daytime.

6. RACECOURSE STREET TRADING CONSENT

The Senior Licensing Officer updated the Committee on the consultation regarding the proposed adoption of street trading consents on the Racecourse, Northampton. The Committee at its previous meeting (on 3 February 2015 had deferred a decision on consultation to allow Committee members to take part in a site visit on 6 February 2015 to look at potential sites and given the Chair and Deputy Chair delegated authority to decide the sites to consult on following the site visit, with any representations to be considered at this meeting. Notes from the site meeting were appended to the minutes of the Committee meeting of 6 February 2015.

Five representations had been received to the consultation, including one circulated to members and included in the updated agenda online. Three representations were in support, another strongly supported the Kingsley Road site and one objection was received to the proposals.

The following members of the public who had been given leave to address the Committee then presented their views, as summarised below:

Sean Silver, Chair, Umbrella Fair Organisation (UFO)

The UFO had a lease for the pavilion at the Racecourse and were developing a café there. They considered there were too many catering proposals for the size of the park. The UFO were promoting healthy eating and healthy living and did not consider that "burger vans" were in keeping with that approach, particularly as they would be sited close to the University and a major school and would not send out a message about healthy eating. There were also concerns regarding the potential for litter. It was not considered that these temporary catering units would support the park.

In answer to questions from members Mr Silver responded as summarised below:

- The needs of the football community were appreciated and could be met through developing the café and providing "pop up" facilities, possibly in the disused toilet block. Home cooked food would be provided with all ingredients listed.
- The pavilion café was not open yet and a planning application would be submitted for the facility. It was intended to open the café 365 days a year, at the times people needed it and the income would be used for the racecourse.
- The café would be vegetarian, to promote healthy and environmental lifestyles. Mr Silver was a meat eater himself and said everyone ate vegetables and that visitors enjoyed the vegetarian foods which were the only ones available at the Umbrella Fair event.
- Mr Silver had spoken to the Friends of the Racecourse and some park users and it was his interpretation that people wanted a healthy, sports based facility on the Racecourse.
- He believed that people wanted a proper standard of presentation and not transient catering vans which came on to the park and left at the end of the day.
- If street trading sites were agreed the UFO would potentially be interested in making a bid for one of the sites.

Ian Bates, Chair, Friends of Northampton Racecourse (FONR) and Umbrella Fair Organisation (UFO)

The FONR had been working for many years to raise the profile of the Racecourse, which had suffered from being seen as poor quality, which would not be helped by the introduction of "burger vans." The FONR wanted a high quality café in the park. The NBC Cabinet in 2013 had agreed the development of a community facility at the Racecourse. The Friends had not intended to develop a café but that was the facility people had asked for. It was intended to offer catering facilities on Saturdays from late March 2015 until the café was open. Street trading pitches would have a detrimental impact on the park and if more catering facilities were needed FONR would be interested in developing them at the disused toilet block at the Leicester Street end of the Racecourse, although that was not currently on the FONR "radar." It was not considered that "burger vans" would be in keeping with the park.

The Chair stated that the Committee were looking only at the possibility of creating pitches at this meeting, not at what should be sold on any pitches created. The Committee could make recommendations to the officers on what should be sold at each pitch if it was decided to create pitches,

In answer to questions from members Mr Bates responded as summarised below:

- The FONR wanted a quality feel in the park and would be happy for the sale ice cream from a pitch in the park.
- Ice creams would probably be sold through a vendor when the café was in operation.

Delaney Fifield, Friends of Northampton Racecourse (FONR) and Chair/Secretary of FFA Escola.

FFA belonged to an elite group of FA Community Clubs and provided high quality footballing activities for children from the ages of three and four up to adults. There could be 60-100 players and the same number of spectators for the "Little Messis" group and they required refreshments. The FFA needed the Racecourse to play and train on and needed food and drink available for their players and the parents and an application had been submitted for the provision of food and drink. There was a need to make the park more welcoming to encourage people to come back or they would go elsewhere and the club would fold. Sport was considered to be more healthy than the food people ate and people should be encouraged to participate in sport to get healthy. People had different requirements for food and FFA and the café could signpost people to each other for food and drink. Very young children became agitated if their parents went out of sight to buy food and drink so catering pitches were needed near the sports pitches.

In answer to questions from members Mr Fifield responded as summarised below:

- For health and safety reasons parents were encouraged to stay with their children and to supervise them on site. Food and drink near the sports pitches was essential to stop parents walking off to buy them. The pavilion was too far away for parents to walk to and remain in sight of their children.
- The Kingsley Road pitch was close to the highway but FFA could make a boundary of placards or bollards to prevent people walking into the road.
- Regular drink breaks were essential for the footballers and bottles needed to be available on the pitchside.
- Some parents might bring their own drinks for their children and themselves but there

was a need for a catering facility near the football pitches.

- A catering facility would be required on Saturday mornings and on Tuesday evenings when there could be 170 players training between 6.00pm and 8.00pm in the Trinity Avenue area of the park.
- FFA suggested a mutual signposting between the café and the catering pitches.

The Committee then considered the issues raised. It was noted that the viability of pitches in the park was a matter for traders to consider, not an issue for the Committee to consider. Also, the possibility of any catering use of the disused toilet block on the Racecourse fell outside the Committee's remit. The block was a capital asset and fell within the remit of the Cabinet.

The Committee supported the work which was being undertaken at the Racecourse by all parties and the intention to create a café in the pavilion but considered there should be a choice in the catering offered at the park. It was considered that there was a specific catering need for footballers and their families using the Racecourse.

The Committee considered that the site on Kingsley Road, which had been requested by one group, was suitable but that railings should be placed there to keep children away from the road. NBC could be asked to provide railings if sited at the edge of the park or NCC if the railings were along the highway. The pitch to be open at weekends and Bank Holidays when the nearby schools were closed to avoid encouraging schoolchildren to eat fast food. The park entrance at Shakespeare Road was considered a suitable pitch for an ice cream van, with the present unauthorised trader parking on the other side of the bollards moved on.

RESOLVED:

That after consideration of the representations received objecting to and supporting the adoption of street trading pitches on the Racecourse, it be agreed that street trading pitches be adopted on the Racecourse from 1 April 2015 at the following locations:

- Park entrance, Kingsley Road, approximately 75m from the junction with Kettering Road – Saturdays, Sundays and Bank Holidays all year round;
- Park entrance, Shakespeare Road – ice cream van on the same basis as at Abington Park (i.e. seven days a week, all year round).

7. STREET COLLECTION PERMIT APPLICATION

The Senior Licensing Officer presented an application from Recovery, a mental health charity, for a street collection permit in Northampton on a provisional date of Saturday 9 May 2015. As the applicant had not previously been granted a permit in Northampton the application could not be considered under the officers' delegated authority.

It was noted that although Recovery stated in their supporting email that though they are based in Leicester they have clients all over England, including Northampton, the charity's area of benefit is stated as Leicester, Leicestershire and Rutland on the Charity Commission's website. No evidence had been provided of any clients in Northampton and a member stated that enquiries he had pursued had not produced any indications of clients in the Borough. The Council's Street Collections Policy states that permits will only be issued to charities that directly benefit the residents of Northampton or with a local connection. The Committee could make exceptions to the policy if it wished to do so.

It was also noted that although in section 6 of the application the charity indicated that 100% of the proceeds of collection would go to charitable purposes the charity's accounts for 2012

indicated that 51.84% (£27,552 out of £53,146 total incomings) went to wages, including consultants' fees and training. In 2013 the accounts showed that figure was 69.58% (£32,897 out of £47,277 total incomings).

The charity had been invited to send a representative to attend the meeting, although this was optional, but had not been able to do so.

RESOLVED:

That the application by Recovery for a street collection permit in Northampton be refused on the grounds that:

1. No evidence had been provided of Recovery helping or involving people in the Borough and the charity was not a national body;
2. That the accounts provided for 2012 and 2013 indicated that 51.84% and 69.58% respectively of total incomings went on wages, including consultants' fees and training, although the charity had indicated in their application form that 100% of the proceeds of collections would go towards charitable purposes.

8. THANKS TO MEMBERS OF THE COMMITTEE

As this was the last meeting before the Borough elections on 7 May 2015 the chair thanked Committee members for their work over the year. He referred to the member for Kingsley who had not attended a Committee or Sub-Committee meeting throughout the year. He was thanked in return for his Chairmanship of the Committee.

The Committee passed their thanks and best wishes to Mr Phil Bayliss, Senior Licensing Officer, who would be leaving the Council shortly.

The meeting concluded at 7:17 pm

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 7 April 2015

PRESENT: Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Eales, Hibbert, Larratt and Sargeant.

1. APOLOGIES

Apologies were received from Councillors Ansell, Conroy, King, Mennell and Stone.

2. DEPUTATIONS / PUBLIC ADDRESSES

Private Hire drivers and representatives were given leave to address the Committee as set out in the confidential supplementary minutes for this meeting.

3. DECLARATIONS OF INTEREST

There were none.

4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

5. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to paragraph 1 of Schedule 12A to such Act.

The Motion was Carried.

6. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The Senior Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken.

RESOLVED:

That the Private Hire Driver's Licence be suspended for four weeks.

7. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken.

RESOLVED:

That the Private Hire Driver's Licence be suspended for six weeks.

8. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken.

RESOLVED:

That the Private Hire Driver's Licence be suspended for two weeks.

9. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken.

RESOLVED:

That the Private Hire Driver's Licence be revoked.

10. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken.

RESOLVED:

1. That the Private Hire Operator's Licence be revoked.
2. That the Private Hire Driver's Licence be suspended for four months.

11. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The driver was not present and had not given a reason for his absence. The Committee decided unanimously to hear the case in his absence. The Licensing Officer outlined the circumstances as set out in the report.

The Committee reached a decision with regard to any further action to be taken.

RESOLVED:

That the Private Hire Driver's Licence be suspended for four weeks.

12. CHAIR'S THANKS

The Chair again thanked members and officers for their work during the Council year and also again expressed best wishes to Mr Bayliss, Senior Licensing Officer, who would be leaving the Council in May 2015.

The meeting concluded at 15:53 hours.

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Friday, 12 June 2015

PRESENT: Councillor Sargeant (Chair); Councillors Malpas and Eales.

Councillors Choudary, Culbard and Duffy were present for part of the meeting as observers, having not yet received training, with the agreement of the drivers concerned.

1. APOLOGIES

Apologies for absence were received from Councillor Hill (Deputy Chair). Councillors Ansell, Beardsworth, Caswell and Walker sent apologies as they were awaiting licensing training. Councillors Choudary, Culbard and Duffy were present for part of the meeting as observers, having not yet received training.

1. APOLOGIES

Apologies for absence were received from Councillors Hill (Deputy Chair), Ansell, Beardsworth, Caswell and Walker sent apologies as they were awaiting licensing training.

2. DEPUTATIONS / PUBLIC ADDRESSES

Private Hire/Taxi drivers were given leave to address the Committee as set out in the confidential supplementary minutes for this meeting.

The drivers were asked individually if they were happy for new members to be present as observers for their cases and confirmed that they were.

3. DECLARATIONS OF INTEREST

Councillor G Eales declared a personal, non-pecuniary interest in agenda item 6 as he worked in the same building as the applicant, although they were not acquainted.

4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

5. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to paragraph 1 of Schedule 12A to such Act.

The Motion was Carried.

6. NEW APPLICATION: PRIVATE HIRE DRIVER'S LICENCE

The Senior Licensing Officer outlined the circumstances as set out in the report.

Councillor G Eales declared a personal, non-pecuniary interest as he worked in the same building as the applicant, although they were not acquainted.

The Committee heard the representations made and reached a decision with regard to any action to be taken.

RESOLVED:

That a Private Hire Licence be granted with a commencement date of 28 July 2015.

7. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE

The Senior Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any action to be taken.

RESOLVED:

That the Private Hire Driver be cautioned

8. REVIEW OF PRIVATE HIRE DRIVER'S AND OPERATOR'S LICENCE

The Senior Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any action to be taken.

RESOLVED:

That the driver's Private Hire Licence be suspended for seven days.

9. REVIEW OF HACKNEY/PRIVATE HIRE DRIVER'S LICENCE

The Senior Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any action to be taken.

RESOLVED:

That the driver was a fit and proper person to be licensed as Hackney/Private Hire driver.

10. RENEWAL APPLICATION OF A PRIVATE HIRE DRIVER'S LICENCE

The Senior Licensing Officer outlined the circumstances as set out in the report.

The Committee heard the representations made and reached a decision with regard to any action to be taken.

RESOLVED:

That the driver was not a fit and proper person to be licensed as a Private Hire driver.

The meeting concluded at 2:58 pm

Appendices
1. Draft Statement
of Gambling
Principles



LICENSING COMMITTEE REPORT

Report Title	Statement of Gambling Principles 2016 - 19
---------------------	---

AGENDA STATUS: PUBLIC

Committee Meeting Date: 15th September 2015

Directorate: Customers and Communities

1. Purpose

The purpose of this report is to:

Enable the Licensing Committee to consider the Council's Statement of Principles in relation to the Gambling Act 2005 prior to approval for consultation

2. Recommendations

Members are recommended to consider the statement of principles and approve for consultation with the intention of returning to this Committee in early December for approval prior to adoption by Full Council on 25th January 2016

3. Issues and Choices

3.1 Report Background

3.1.1 The Gambling Act 2005 passed the responsibility for the licensing of premises used for gambling to local authorities.

3.1.2 Section 349 of The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act, and in particular the following three licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way

- Protecting children and vulnerable persons from being harmed or exploited by gambling

3.1.3 The statutory period for the statement is three years. The last statement was approved by the Licensing Committee on 19th January 2013 and came into effect on 31 January 2013 following adoption at Full Council. A new statement must be prepared and published with a view to it coming into effect by 31 January 2016.

3.1.4 The Policy was reviewed in accordance with guidance from the Local Government Association, members of the national licensing policy forum and Gambling Commission guidance.

3.1.5 In the course of preparing the statement the Council is obliged to consult with

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling business in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

3.1.2 If approved today the consultation will run between 21st September and 9th November 2012.

3.1.3 The draft statement is attached to this report as Appendix A.

3.2 Issues

3.2.1 A six week consultation is required at the end of which all comments will be assessed and incorporated where necessary

3.2.1 A further report and Policy document will be brought to this Committee on the 1st December 2015

3.3 Choices (Options)

3.3.1 To approve the draft reviewed statement that incorporates the most recent guidance issued by the Gambling Commission for consultation.

3.3.2 To request amendments to the reviewed statement prior to consultation

4. Implications (including financial implications)

4.1 Policy

The reviewed statement reflects the findings from the Gambling Commissions consultation on Social Responsibility.

4.2 Resources and Risk

- 4.2.1 Failure to adopt a Statement of Gambling Principles could result in this Authority being challenged by way of Judicial Review

4.3 Legal

- 1) The Committee need to be mindful that the three Licensing Objectives are upheld and promoted within the Statement of Gambling Principles.. The principles within the Statement of Gambling Principles must be approved by Council before 31st January 2016

Section 349 Gambling Act 2005 expressly states that a licensing authority shall before each successive period of three years:

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under Gambling Act during that period, and
(b) publish the statement

The purpose of this report and accompanying policy is commensurate with the obligations under statute

- 2) (1) Before a statement or revision comes into effect, the authority that prepared it must –
- (a) Publish the statement or revision in accordance with paragraph (2) and
(b) Advertise the publication of the statement or revision by publishing a notice in accordance with paragraphs (3) and (4)
- (2) The statement or revision must be published by being made available for a period of at least 4 weeks before the date on which it will come into effect
- (a) on the authority's internet website and
(b) for inspection by the public at reasonable times in one or both of the following places
- (i) one or more public libraries situated in the area covered by the statement or revision;
(ii) other premises situated in the area
- (3) The notice referred to in paragraph (1)(b) shall specify –
- (a) the date on which the statement or revision will be published;
(b) the date on which the statement or revision will come into effect;

- (c) the internet address where the statement or revision will be published in accordance with paragraph 2(a); and
 - (d) the address of the library or other premises at which the statement or revision may be inspected in accordance with paragraph (2) –
- (4) That notice shall be published no later than the first day on which the statement or revision is published in accordance with paragraph (2) –
- (a) on the authority’s internet website, and
 - (b) in or on one or more of the following places –
 - (i) a local newspaper circulating in the area covered by the statement;
 - (ii) a local newsletter, circular, or similar document circulating in the area covered by the statement;
 - (iii) a public notice board in or near the principal office of the authority;
 - (iv) a public notice board on the premises of the public libraries in the area covered by the statement

4.4 Equality

- 4.4.1 The purpose of the statement is to assist the licensing authority to exercise its function so as to meet the licensing objectives. A key objective is to protect children and vulnerable adults. No negative equality impact is envisaged as a result of this policy.

4.5 Consultees (Internal and External)

- 4.5.1 Legal

4.6 Other Implications

- 4.6.1 No other implications have been identified.

5. Background Papers

- 5.1. Strengthening Social Responsibility Licence Conditions and Code of Practise
– Gambling Commission (Apr 2015)

Report Author – Bill Edwards, Senior Licensing Officer, 8986

DRAFT

**Northampton Borough Council
Gambling Act 2005
Policy Statement**

This Statement of Principles was adopted by Northampton Borough Council at its Council meeting on **[Insert date]**

Revisions

Version	Date	Author
Dv01	13 July 2015	EC Draft
Dv02	20 August 2015	EC/RH Draft

Northampton Borough Council Statement of Principles Gambling Act 2005

Table of Contents

Revisions	2
PART A 4	
1. The Licensing Objectives	4
2. Introduction	4
3. Declaration	5
4. Responsible Authorities	5
5. Interested Parties	5
6. Exchange of Information	6
7. Enforcement	6
8. Licensing authority functions	7
PART B: PREMISES LICENCES: CONSIDERATION OF APPLICATIONS	
1. General Principles	8
2. Adult Gaming Centres	13
3. (Licensed) Family Entertainment Centres	13
4. Casinos	14
5. Bingo premises	14
6. Betting premises	14
7. Tracks	14
8. Travelling fairs	16
9. Provisional statements	16
10. Reviews	17
PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES	
1. Unlicensed family entertainment centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)	19
2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))	19
3. Prize gaming permits	20
4. Club gaming and Club Machines Permits	20
5. Temporary use notices	21
6. Occasional use notices (OUNs)	22
7. Small society lotteries	22
PART D: ANNEXES	
Annex 1: The Borough of Northampton and Local Area Profile	23
Annex 2: List of Local Authorities and other Partners	23
Annex 3: List of Consultees on the Statement of Principles	26

PART A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives and
 - In accordance with the authority’s statement of licensing policy

2. Introduction

- 2.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 2.2 The Council consulted widely upon this statement before finalising and publishing it. A list of Northamptonshire local authorities and their partners is provided in Annex 1. A list of the persons/organisations that we consulted is provided in Annex 2.
- 2.3 The Gambling Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area; and
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 2.4 Our consultation took place between September 21st and November 2nd 2015 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at www.bis.gov.uk/files/file47158.pdf
- The full list of comments made and consideration given is available by request from the relevant contacts detailed in Annex 1.
- 2.5 The policy was approved at a meeting of the Full Council on 25th January 2016 and was subsequently published on our website.
- 2.6 Should you have any comments about this policy statement, please send them by email to the relevant

contacts specified in Annex 2.

- 2.7 It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 4.2 This authority designates the Northamptonshire Safeguarding Children Board for this purpose.

- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website, please see Annex 1.

5. Interested Parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) Has business interests that might be affected by the authorised activities, or
- c) Represents persons who satisfy paragraph (a) or (b)"

- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are as follows.

- 5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.4 Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the

councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the relevant licensing team as specified in Annex 1.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- the licensing objectives
 - relevant codes of practice
 - guidance issued by the Gambling Commission
 - the principles set out in this statement of principles.

- 7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission, the Primary Authority (if applicable) and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the work of the Department for Business Innovation & Skills in its consideration of the regulatory functions of local authorities.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team (see Annex 1 for relevant contact details).

8. Licensing authority functions

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - issue Provisional Statements
 - regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to Commercial Clubs
 - grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register *small society lotteries* below prescribed thresholds
 - issue Prize Gaming Permits
 - receive and Endorse *Temporary Use Notices*
 - receive Occasional Use Notices
 - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
 - maintain registers of the permits and licences that are issued under these functions
- 8.2 It should be noted that licensing authorities are not be involved in licensing remote gambling as this is regulated by the Gambling Commission via operating licences.

PART B: PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

1.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (with the exception of the casino resolution powers).

1.4 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licenses.

1.5 In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity:

- the offer of established core products (including live event pictures and bet range)
- the provision of information on products and events
- the promotion of gambling opportunities and products
- the actual use made of betting facilities
- the size of premises
- the delivery of betting facilities

(ii) Definition of "premises"

1.6 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

1.7 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity names on the premises licence.

1.8 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include whether:

- the premises have a separate registration for business rates;
- the premises’ neighbouring premises are owned by the same person or someone else?
- the premises can be accessed from the street or a public passageway?
- the premises can only be accessed from any other gambling premises?

1.9 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

1.10 The Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

1.11 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

1.12 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

1.13 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- first, whether the premises ought to be permitted to be used for gambling;
- second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

1.14 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

1.15 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

(iv) Location

1.16 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

1.17 This authority will not take into account irrelevant matters as per the Gambling Commission guidance.

(vi) Duplication with other regulatory regimes

1.18 This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

1.19 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.20 Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

1.21 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

1.22 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document.

1.23 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

1.24 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

1.25 Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

1.26 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to a way in which the licensing objectives can be met effectively.

1.27 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

1.28 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.29 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.30 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

1.31 Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

- 1.32 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

2. Adult Gaming Centres

- 2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 2.2 This licensing authority may consider measures to meet the licensing objectives such as:
- proof of age schemes
 - CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - self-exclusion schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres

- 3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 3.2 This licensing authority may consider measures to meet the licensing objectives such as:
- CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - self-exclusion schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare.
 - measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 3.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

- 4.1.1 Four Casino Premises Licences have been issued by Northampton Borough Council for casinos in Northampton; Two for separate areas at Gala Casino, Regent Street, and one each at Aspers Casino, Commercial Street and Beacon Casino, Weedon Road.

- 4.1.2 The options available to local authorities in relation to Casino's are:

4.2 No Casino Resolution

- 4.2.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

4.3 Casinos and competitive bidding

- 4.3.1 This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State..

5. Bingo premises

- 5.1 This licensing authority will satisfy itself that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

- 5.2 This authority also notes the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted.

6. Betting premises

- 6.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

- 7.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

7.3 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

7.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

7.5 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

7.6 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

7.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

7.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where

betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling fairs

- 8.1 This licensing authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional statements

- 9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant’s circumstances.
- 9.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 10.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 10.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 10.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are to:
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 10.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 10.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder

- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

1. Unlicensed family entertainment centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.
- 2.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
 - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

- 2.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

- 2.4 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize gaming permits

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club gaming and Club Machines Permits

- 4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

- 4.2 Members clubs and miners' welfare institutes – and also commercial clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB commercial clubs may not site category B3A gaming machines offering lottery games in their club.
- 4.3 The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.
- 4.4 Licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.5 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.
- 4.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary use notices

- 5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional use notices (OUNs)

- 6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

7. Small society lotteries

- 7.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
 - submission of incomplete or incorrect returns;
 - breaches of the limits for small society lotteries.
- 7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting, athletic or cultural activities.
- 7.3 Charities and community groups should contact the relevant licensing authority using the contact details in Annex 1.

PART D: ANNEXES

Annex 1

Northampton Borough

Northampton is a distinctive market town strategically situated at the centre of England, spread over an area of 80.51 sq. km.

Northampton has a population of 219,500, making it one of the largest towns and the largest district in the country. By 2025 the population of Northampton is projected to increase to 243,300 and by 2035, to 260,300.

Deprivation is lower than the national average with 1 in 5 residents living in the twenty percent most deprived areas nationally (ranking 127 out of 326 local authorities) and although historically the area suffered as shoe manufacturing closed, now it has become a warehousing/distribution hub because of its excellent road and rail links.

Northampton has a larger proportion of the working age population compared to Great Britain. Around 80% of residents in age groups 16 to 74 are classified as being economically active with around 3% are claiming JSA.

In Northampton, the proportion of the population aged 65+ reached nearly 14.5%. In contrast, the population of under 16s is just over 20%. It is projected that by 2025 there will be an additional 16,000 people aged 65 and over, including an extra 1,700 aged over 90. By 2035 it is projected that those aged 65 and over will account for 23% of the total population.

Northampton is the most ethnically diverse district in the county. Ethnic minorities make up 15.5 per cent of the population. Nearly 5,000 people living in Northampton said that their main language was not English and they could not speak English well or at all. Polish is the most common language after English. All major faiths co-exist in Northampton.

A successful vibrant town centre economy is an essential part of prompting growth and prosperity. The council's focus is on regenerating the town and raising its national profile. Northampton is one of the UK's most enterprising places and operating costs are low in relation to other parts of the country. The town is also making the UK's fastest economic recovery.

The Council recognises it cannot achieve this alone. It is actively working with others to keep the town clean, safe, attract new investment, visitors and jobs, whilst enhancing the town's heritage and cultural opportunities.

Having access to a wide variety of cultural, leisure and sport activities and events is also a key part of having a vibrant and successful town. We will also work with partners to improve access to cultural opportunities such as our museums, cultural events programme and through our support to the local theatres.

The challenge for the Council is to ensure that growth takes place in the right place and at the right time to bring vibrancy to the town centre, whilst protecting and enhancing the aspects that mean a lot to our citizens like our jobs, the choices we have in terms of shopping and leisure and our history and heritage.

Local Area Profile

Local Area Profile – a map of this Local Authority's area has been included below (to be completed prior to consultation). The map contains the location of all licensed gambling premises layered against hotspots of anti-social behaviour (ASB). This map will be developed over time and help to inform this Authority that they need to pay particular attention to applications for new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction.

Where the above paragraph applies this Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any ASB problems within the vicinity generally. Applicants will be expected to tailor their application and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

Applicants should be particularly aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their risk assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people.

Annex 2: List of Local Authorities and other Partners

Corby Borough Council
Deene House
New Post Office Square
CORBY
NN17 1GD

TEL: 01536 464242
FAX: 01536 464644

www.corby.gov.uk

Daventry District Council
Council Offices
Lodge Way
DAVENTRY
NN11 4FP

TEL: 01327 871100
FAX: 01327 302540

Email: licensing@daventrydc.gov.uk
www.daventrydc.gov.uk

East Northamptonshire Council
East Northamptonshire House
Cedar Drive
THRAPSTON
NN14 4LZ

TEL: 01832 742057
FAX: 01832 734839

www.east-northamptonshire.gov.uk

Kettering Borough Council
Council Offices
Bowling Green Road
KETTERING
NN15 7QX

TEL: 01536 410333
FAX: 01536 410759

www.kettering.gov.uk

Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

TEL: 01604 838000
FAX: 01604 838723

www.northampton.gov.uk

South Northamptonshire Council
Council Offices
Springfields
TOWCESTER
NN12 6AE

TEL: 01327 322322
FAX: 01327 359946

www.southnorthants.gov.uk

Borough Council of Wellingborough
Swanspool House

WELLINGBOROUGH
NN8 1BP

TEL: 01933 231966
FAX: 01933 231980

www.wellingborough.gov.uk

Northamptonshire Safeguarding
Children Board
John Dryden House
8-10 The Lakes
NORTHAMPTON NN4 7YD

TEL: 01604 364036
Email: nscb@northamptonshire.gcsx.gov.uk
www.northamptonshirescb.org.uk

H M Revenue & Customs
Derby Detection Team

St James House
Mansfield Road
DERBY
DE1 3TU

TEL: 01332 267402

www.hmrc.gov.uk

Northamptonshire Fire & Rescue
Service
The Inspection Team Manager
Bolton House
Wootton Hall Park
NORTHAMPTON NN4 9BN

TEL: 01604 797000

www.northantsfire.org.uk

Northamptonshire Police
Northamptonshire West Area
Western Area Commander
Campbell Square
The Mounts
NORTHAMPTON NN1 3EL

TEL: 08453 700 700
www.northants.police.uk

Northamptonshire Police

Northamptonshire North Area
Northern Area Commander
Corby Police Station
Elizabeth Street
CORBY NN7 1SH

TEL: 08453 700 700
www.northants.police.uk

Annex 3: List of Consultees on the Statement of Principles

Chief Constable of Northamptonshire Police Wootton Hall Northampton NN4 0JQ	British Beer and Pub Association Market Towers 1 Nine Elms Lane London SW8 5NQ	Daventry and South Northants PCT Nene House Drayton Way Drayton Fields Industrial Estate Daventry NN11 8EA
The Chief Fire Officer Fire Service Headquarters Moulton Way Northampton NN3 6XJ	Bingo Association Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF	Northampton PCT Highfield Cliftonville Road Northampton NN1 5DN
Trading Standards Service Wootton Hall Park Northampton NN4 0GB	Casino Operators Association P O Box 55 Thorncombe Chard Somerset TA20 4YT	Northamptonshire Heartlands PCT Bevan House Kettering Parkway Kettering Venture Park Kettering NN15 6XR
Her Majesty's Revenue & Customs Boundary House Cheadle Point Cheadle Cheshire SK8 2JZ	Internet Gambling Gaming and Betting Association Regency House 1-4 Warwick Street London W1B 5LT	East Northants Faith Group Rushden Full Gospel Church & Christian Centre 60 High Street South Rushden NN10 0QY
Responsibility in Gambling Trust First Floor Downstream Building 1 London Bridge London SE1 9BG	GamCare 2& 3 Baden Place Crosby Row London SE1 1YW	Northampton Youth Ministry Office Ker Anna Centre Aylesbury Road Princes Risborough Buckinghamshire HP27 0JN
British Casino Association 38 Grosvenor Gardens London SW1W 0EB	The Gordon House Association 114 Wellington Road Dudley West Midlands DY1 1UB	Archdeaconry of Northampton Westbrook 11 The Drive Northampton NN1 4RZ
BACTA King's Cross House 211 King's Cross Road London WC1X 9DN	Gamblers Anonymous P O Box 88 London SW10 0EU	Methodist Church Nene Valley Circuit Office Park Road Methodist Church Rushden NN10 0RW
Association of British Bookmakers Regency House 1-4 Warwick Street London W1B 5LT	Mencap 123 Golden Lane London EC1Y 0RT	Multi Faith Group Victoria Centre Palk Road Wellingborough
The Northamptonshire Millenium Volunteer Project University College Northampton Nene Centre for Children and Youth Room MY93 Avenue Campus St. George's Avenue Northampton NN2 6JG	Northampton Citizens Advice Centre 72a St Giles Street Northampton NN1 1JW	Turner Coulston 29 Billing Road Northampton NN1 5DQ

Northampton Borough Council

Whizz-Kidz Elliott House 10-12 Allington Street London SW1E 5EH	Oundle Citizens Advice Centre Fletton House Glaphorn Road Oundle PE8 4JA	Vincent Sykes & Higham Montague House Chamcery Lane Thrapston
NSPCC Weston House 42 Curtain Road London EC2A 3NH	Rushden Citizens Advice Centre Bakehouse Office 46 Duck Street Rushden NN10 9SD	Wilson Browne Commercial Law Kettering Parkway Kettering Venture Park Kettering NN15 6WN
NCH Eastern 1 Carisbrooke Court Buckingway Business Park Swavesey Cambridge CB4 5UG	Wellingborough Citizens Advice Centre 2b High Street Wellingborough NN8 4HR	Park Woodfine Solicitors 16 High Street Rushden NN10 0PR
Brackley Citizens Advice Centre 2 Bridge Street Brackley NN13	Borneo Hughes Martell 9 Notre Dame Mews Northampton NN1 2BG	Poppleston Allen (Nottingham) 37 Stoney Street The Lace Market Nottingham NG1 1LS
Corby Citizens Advice Centre Civic Centre Annex George Street Corby NN17 1QG	EMW Law Eleanor House Queens Office Park Northampton NN4 7JJ	R J Osborne & Co 59 Midland Road Wellingborough NN8 1HF
Daventry Citizens Advice Centre The Abbey Centre Abbey Street Daventry NN11 4BH	Frank Jones & Harley 87 St.Giles Street Northampton NN1 1UD	Alan Thompson 41 Winston Cliose Nether Heyford Northampton NN7 3JX
Kettering Citizens Advice Centre The Oasis Centre 10 Market Street Kettering NN16 0AH	Hardman & Co Solicitors 3 Albion Place Northampton NN1 1UD	John Birch 47 Staverton Road Daventry NN11 4EY
Market Harborough Citizens Advice Centre 11 St. Mary's Road Markey Harborough LE16 7DS	MJK Law Plum Park Estate Paulerspury Towcester NN12 6LQ	licenza 2 nd Floor 119b Midland Road Bedford MK40 1DE
National Casino Industry Forum (NCiF) Carlyle House 235 – 237 Vauxhall Bridge Road London, SW1V 1EJ		
All Parish Councils in Northamptonshire	All Town Councils in Northamptonshire	All gambling premises in Northamptonshire



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	LA03 Statement of Licensing Policy.
---------------------	--

AGENDA STATUS: PRIVATE

Committee Meeting Date:	15 th September 2015
Policy Document:	Statement of Licensing Policy
Directorate:	Customers and Communities

1. Purpose

To allow the committee to consider the proposed Statement of Licensing Policy (SOLP) and approve it for the purpose of consultation

2. Recommendations

That the Committee approve that the draft Statement of Licensing Policy be subject of a full consultation, reporting back to this Committee in December or early January 2016 with the intention to recommend the adoption of it by the Full Council on 25th January 2016.

3. Issues and Choices

3.1 Report Background

3.1.1. In accordance with Section 5 Licensing Act 2003, the Council, as Licensing Authority, is required to adopt a Statement of Licensing Policy every five years. The Council's current Statement of Licensing Policy was adopted in January 2011 and requires fresh adoption prior to February 2016. This report seeks approval of the statement to be submitted for consultation prior to consideration of adoption of the Statement of Licensing Policy.

3.1.1 There have been a number of changes in legislation in relation to Licensing and they have been incorporated into this policy document.

3.1.2 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under

Section 182 of the Act (as revised). The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters whilst respecting the differing needs of individual communities throughout the County. The draft Statement of Licensing Policy is at Appendix 1

- 3.1.3 The Licensing Authority can review this policy as required should evidence demonstrate it is needed.

Issues

- 3.2.1. The failure of the Authority to review, consult and publish the Statement of Licensing Policy every five years would be unlawful
- 3.2.2 The Authority must consult fully with a wide range of stakeholders for a period of 12 weeks.
- 3.2.3 If the Committee approve the consultation today it will commence tomorrow which will mean it will end on the 9th December 2015.
- 3.2.4 An extra meeting of this Committee will need to be arranged for policy approval following consultation feedback as there is no meeting scheduled for this Committee between the 1st December 2015 and the 2nd February 2016, by which time Full Council will have met.

3.3 Choices (Options)

- 3.3.1. In arriving at a decision the committee have the following choices:-
- 3.3.2 To request amendments to the Policy prior to consultation
- 3.3.3 To approve the document for consultation

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 This policy document must be reviewed as required by Section 5 Licensing Act 2003.

4.2 Resources and Risk (Financial)

- 4.2.1. The failure of the Authority to review, consult and publish the Statement of Licensing Policy every five years would be unlawful under the terms of Section 5 Licensing Act 2003

4.3 Legal

The Statement of Licensing Policy sets out how the Council intends to meet the Licensing Objectives of:

- 1) Prevention of Crime and Disorder
- 2) Public Safety
- 3) Prevention of Public Nuisance
- 4) Protection of Children from Harm

A policy is mandatory under Section 5 Licensing Act 2003 and is aimed at ensuring a consistent approach when the Council makes licensing related decisions, which must promote the four licensing objectives.

The Secretary of State has issued guidance under Section 182 Licensing Act 2003 which includes a section on what should be contained in the policy and the Council should “have regard” to that guidance in determining its policy

The Council will be required to ensure that any policy is within the bounds of judicial scrutiny and hence must not be irrational or unreasonable.

4.4. Equality

4.4.1. The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

4.5. Consultees (Internal and External)

4.1. Legal

4.6. Background Papers

4.6.1. Section 182 Guidance LA03
Northampton SOLP 2011 - 15

Report Author: Bill Edwards
Title: Senior Licensing Officer
Telephone: Ext: 8986



Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy 2016-21

DRAFT

NORTHAMPTON Licensing Act 2003
DRAFT Statement of Licensing Policy for
Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol 2015 - 20

CONTENTS

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

1. Executive Summary

- 1.1 The Licensing Act 2003 introduced a revised licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy for a five years period, beginning with such day as the Secretary of State may by order appoint. The next subsequent period of 5 years will commence on 1st January 2020.
- 1.3 This document sets out the Licensing Authorities policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each license application will be considered separately on its individual merits.

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

2. Purpose and Scope of the Licensing Policy

- 2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance, and
 - The protection of children from harm
- 2.2 The purpose of this Policy is to detail how this Authority will comply with that duty.
- 2.3 In determining its statement of licensing policy, this Authority will have regard to the guidance issued by central government and other regulatory bodies to ensure that its actions are consistent with those nationally.
- 2.4 Licensing decisions will be made in accordance with the current legislation, case law, relevant guidance and in accordance with this policy.
- 2.5 No decision will be made which undermines the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 2.6 Authorised persons, interested parties and responsible authorities, as defined in the Act, will have the right to make representations to the Licensing Authority on any application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. This Authority recognises that in the absence of relevant representations it will grant licenses on the terms sought.
- 2.7 Licensing is about regulating the provision of licensable activities on premises with a premises licence, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

- 2.8 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. However this Council recognises that licensing legislation is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 2.9 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the control of the licence holder. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy.
- 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and regulated entertainment 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 individual merits. Only mandatory conditions and conditions offered or agreed with by the applicant will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 2.14 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.
- 2.15 Licensing hours will not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and beneficial to tourism without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration.
- 2.16 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community. Individual applicants should address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 2.17 The purpose of this policy document is to assist the Licensing Authority in reaching a decision on a particular application, setting out those matters which will normally be taken into account. In addition, this policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the area with some measure of certainty.
- 2.18 Before determining its policy for any five-year period, this Authority will undertake full consultation as prescribed by the 2003 Act.
- 2.19 The views of all of those consulted will be given appropriate weight when the policy is determined together with those of any other persons or bodies which the Authority considers appropriate to consult with. When undertaking consultation exercises, this Authority will also have regard to cost and time.

3. Northampton Borough and its People

- 3.1 Northampton is a distinctive market town strategically situated at the centre of England, spread over an area of 80.51 sq. km.
- 3.2 Northampton has a population of 219,500¹, making it one of the largest towns and the largest district in the country. By 2025 the population of Northampton is projected to increase to 243,300 and by 2035, to 260,300
- 3.3 Deprivation is lower than the national average with 1 in 5 residents living in the twenty percent most deprived areas nationally (ranking 127 out of 326² local authorities) and although historically the area suffered as shoe manufacturing closed, now it has become a warehousing/distribution hub because of its excellent road and rail links.
- 3.4 Northampton has a larger proportion of the working age population compared to Great Britain. Around 80% of residents in age groups 16 to 74 are classified as being economically active with around 3% claiming JSA.
- 3.5 In Northampton, the proportion of the population aged 65+ reached nearly 14.5%. In contrast, the population of under 16s is just over 20%. It is projected that by 2025 there will be an additional 16,000 people aged 65 and over, including an extra 1,700 aged over 90. By 2035 it is projected that those aged 65 and over will account for 23% of the total population.
- 3.6 Northampton is the most ethnically diverse district in the county. Ethnic minorities make up 15.5 per cent of the population. Nearly 5,000 people living in Northampton said that their main language was not English and they could not speak English well or at all. Polish is the most common language after English. All major faiths co-exist in Northampton.
- 3.7 A successful vibrant town centre economy is an essential part of prompting growth and prosperity. The council's focus is on regenerating the town and raising its national profile. Northampton is one of the UK's most enterprising places and operating costs are low in relation to other parts of the country. The town is also making the UK's fastest economic recovery.
- 3.8 The Council recognises it cannot achieve this alone. It is actively working with others to keep the town clean, safe, attract new investment, visitors and jobs, whilst enhancing the town's heritage and cultural opportunities.
- 3.9 Having access to a wide variety of cultural, leisure and sport activities and events is also a key part of having a vibrant and successful town. We will also work with partners to improve access to cultural opportunities such as our museums, cultural events programme and through our support to the local theatres.
- 3.12 The challenge for the Council is to ensure that growth takes place in the right place and at the right time to bring vibrancy to the town centre, whilst protecting and enhancing the aspects that mean a lot to our citizens like our jobs, the choices we have in terms of shopping and leisure, and our history and heritage.

4. Duplication

- 4.1 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.

- 4.2 Conditions will only be attached to premises licences and club premises certificates that are necessary for the promotion of the licensing objectives detailed in the introduction to this policy, be they mandatory conditions, conditions made against the operating schedule and/or following relevant representations. Under normal circumstances where matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.
- 4.3 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.

5. Strategies

- 5.1 In order to achieve its goals for the future of Northampton, this Licensing Authority will make decisions which support those goals. The granting of licenses and imposing of conditions where necessary will be made to compliment and support the aims of the Northampton Central Area Action Plan, Corporate Plan and the Business Improvement District.
- 5.2 In and outside of the Northampton Town Centre Area the Authority supports and endorses the local PubWatch schemes that exist for those providing premises for the supply and consumption of alcohol at those premises. It also encourages licensees and managers of “off-licences” to participate in schemes such as Community Alcohol Partnerships designed to encourage messages about sensible drinking and access to alcohol by those under 18 years of age.
- 5.3 The Authority supports good management practice in licensed venues and appreciates that pubs/clubs can provide well run opportunities for consumption of alcohol which is supervised. This has the potential for being a far more constructive environment than the consumption of alcohol that is unsupervised in private or public spaces. To this end the Council has supported the development of a local Best Bar None scheme to raise and promote good practice in the local “on-licensed” trade.
- 5.4 Where relevant representations are received, this Licensing Authority will attach conditions to premises licences and club premises certificates where appropriate to reflect local crime prevention strategies, for example, the provision of closed circuit television cameras in certain premises. The need for such conditions will be considered specifically as part of the application consultation process with Northamptonshire Police and more generally through Crime and Disorder Partnerships.
- 5.5 This Licensing Authority takes the view that the requirement for evidential basis means no more than that the decision must be based on material which enables an inference to be drawn against future risk and that it is not necessary that there be evidence, as understood by a criminal court, that a particular harm on balance would occur.
- 5.6 It therefore utilises rationality and fairness that the applicant be given a chance to answer a case against them. Evidence might therefore include local knowledge such as general experience of Town Centre problems, as long as any intention to rely on it is disclosed to the applicant.
- 5.7 Hearsay evidence can also be considered, including petitions, but this evidence will be given less weight if it cannot be tested by cross examination.
- 5.8 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.

6. Live Music Act

- 6.1 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of ‘live’ music.

- 6.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review. When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits.

7. Objectives

7.1 Prevention of crime and disorder

- 7.1.1 The essential purpose of the licence or certificate is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents. They can however directly impact on the behaviour of those under the licensee's direction when on their premises or in the immediate vicinity of the premises as they seek entry or leave.
- 7.1.2 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. These offences stand in their own right and will not be duplicated as conditions on any licence/certificate.
- 7.1.3 Various 'PubWatch' schemes operate in Northamptonshire which aim to counter individuals who damage property; are violent and cause disorder; or use or deal in drugs through exclusions. However this authority does not consider it appropriate to make it a condition of license to be a member of PubWatch.

7.2. Public safety

- 7.2.1 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.
- 7.2.3 The Licensing Authority is familiar with the "Safer Clubbing Guide" and its application to nightclubs and dance events. The guide contains a number of suggestions and safeguards, which appropriate premises should consider and include within their operating schedules as necessary. There are a number of other key publications that relate to public safety at entertainment events, which the Licensing Authority would recommend to applicants.

7.3 The prevention of public nuisance

- 7.3.1 The public nuisance objective is designed to deal with the impacts of licensable activities at specific premises on persons living and working (including doing business) in the vicinity that is disproportionate and unreasonable. The main issues for concern will be noise nuisance, light pollution, noxious smells and litter.
- 7.3.2 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.
- 7.3.3 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.

7.3.4 This Licensing Authority will have regard to the powers available within the Anti-Social Behaviour, Crime and Policing Act 2014. 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 48 hours.

7.4 The protection of children from harm

7.4.1 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

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

7.4.3 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.

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

7.4.5 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.

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

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

7.4.8 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

8. The Licensing Authority as a responsible authority

- 8.1 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.
- 8.2 This Licensing authorities will not normally act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.

9. Health as a responsible authority

- 9.1 Northamptonshire County Council Directors of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings.
- 9.3 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.
- 9.4 This Licensing Authority envisages that DPH's will also be useful in providing evidence such as alcohol-related A & E admissions or ambulance service data that might be directly relevant to an application under the Act.
- 9.5 The role of the DPH is to help promote the health and wellbeing of the local populations they serve. This is an expansive remit that influences a wide range of circumstances, including local licensing arrangements. Similarly the licensing regime is concerned with the promotion of the licensing objectives, which collectively seek to protect the quality of life for those who live, and work in the vicinity of licensed premises and those who socialise in licensed premises This focus on the

wellbeing of the wider community via licensing is an important addition to public health teams' existing work to promote the wellbeing in their localities.

9.6 As a responsible authority, DPH may, where they have appropriate evidence:

- make relevant representations on the likely effects of the grant or variation of a premises licence or club premises certificate on one or more of the licensing objectives
- make relevant representations on the review of a premises licence or club premises certificate where problems associated with one or more of the licensing objectives occur after the grant or variation of the licence or club premises certificate
- issue an application for the review of a premises licence or club premises certificate where problems associated with one or more of the licensing objectives occur after the grant or variation of the licence or club premises certificate.
- contribute to the development and review of the statement of licensing policy and have a key role in identifying and interpreting health data and evidence.

10. The Responsible Authorities

Northamptonshire Police
Licensing Officer
Campbell Square Police Station
The Mounts
Northampton
NN1 3EL

TEL: 03000 111222 Ext 8634
FAX: 01604 838496
EMAIL
liquorlicensing@northants.pnn.police.uk

Northamptonshire Fire and Rescue Service:

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

Child Protection:

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

Northampton Borough Council
Building Control Department
Building Control Division
The Guildhall
St Giles Square
Northampton
NN1 1DE

Tel: 01604 838920

Planning Department
Northampton Borough Council;
The Guildhall
St Giles Square
Northampton
NN1 1DE
Tel: 01604 837574

e-mail planning@northampton.gov.uk

Environmental Health Department
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

e-mail ehealthadmin@northampton.gov.uk

Trading Standards:

Wootton Hall Park
Northampton
NN4 0GB
TEL: 01604 368100
licensing@northamptonshire.gov.uk

Local Health Authority:

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

Licensing Authority contact details are detailed in Annex 2 of this statement.

11. Planning

- 11.1 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.
- 11.2 The Licensing Committee may provide reports to the Planning Committee on the situation regarding licensed premises in the area to ensure proper integration, including the general impact of alcohol related crime and disorder, to provide background information to any planning applications for potential licensed premises under consideration.
- 11.3 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.
- 11.4 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.
- 11.5 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.

12. Licensing Hours

- 12.1 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.
- 12.2 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.

- 12.3 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.
- 12.4 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.
- 12.5 In general terms, this Authority supports the view that, with regard to shops, stores and supermarkets, they should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following police representations in the case of isolated shops known to be a focus of disorder and disturbance.

13. Temporary Event Notices

- 13.1 The system involves the notification of an event to the Licensing Authority, Environmental Health and Northamptonshire Police, subject to fulfilling certain conditions.
- 13.2 Following the Introduction of the Deregulation Act 2015 applicants can no hold up to 15 temporary events at the same premises per year.
- 13.3 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.
- 13.4 Northamptonshire Licensing Authorities recommend that at least 28 days and no more than 3 months notice be given to hold such events, to allow it to help organisers plan their events safely. A longer period than this may mean that all relevant details are not available and any lesser time may mean that the planning may be rushed; this may increase the likelihood of Northamptonshire Police objecting.
- 13.5 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,
- 13.6 The Licensing Authority will also advise notice givers of the police powers to close down an event with no notice on grounds of disorder or because of public nuisance caused by noise emanating from the premises. Where the application is not within the parameters described above, the Licensing Authority will issue a Counter Notice to the person giving the TEN.
- 13.7 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice given the possibility of police intervention. Event organisers are encouraged to contact local Northamptonshire Police Licensing Officers as early as possible about their proposed event(s).

14. Sexual Entertainment

- 14.1 The control of adult entertainment venues in the Borough of Northampton is under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Such venues are classified as Sexual Entertainment Venues. The Authority has a policy for the regulation of Sexual Entertainment Venues and that policy should be referred to in respect of those venues. However, premises where relevant entertainment is provided on an infrequent basis are exempt from the requirement for licensing under the 1982 Act referred to. The infrequent basis is defined as:
- no relevant entertainment has been provided on more than 11 occasions within a 12 month period;

- no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
- no such occasion has lasted longer than 24 hours.

- 14.2 Accordingly, lap dancing, strip tease and other forms of adult entertainment may still be provided and authorised by the Licensing Act 2003 provided that they remain exempt in accordance with the above criteria.
- 14.3 Schedule 7 to the Policing and Crime Act 2009 amends the Licensing Act 2003 to ensure that premises for which a sexual entertainment venue licence is required do not also require a premises licence or club premises certificate under the Licensing Act 2003. However, in practice, this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence and a premises licence or club premises certificate for the sale of alcohol and other types of entertainment.
- 14.4 When a licensing application is received in respect of premises for adult entertainment such as lap dancing or pole dancing where there are reasons under the Act which are relevant to licensing, namely: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, the Authority may have regard to where the premises are located and in particular if they are located near to, for instance, the entrance to any location for children's activities: such as schools, youth clubs or nurseries. Each application will be considered and determined on its own particular facts.
- 14.5 For any premises with any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- 14.6 This Licensing Authority has adopted a policy in relation sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. With reference to this related policy standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous apply.
- 14.7 This Licensing Authority acknowledges there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly,

15. Cumulative Impact and Special Policies

- 15.1 Commercial demand for additional licensed premises is not a matter for this Licensing Authority or its statement of policy but a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Committee.
- 15.2 Conditions may only relate to matters that the licensee can be expected to control. These are likely to relate to the premises themselves and the immediate vicinity. Where the number, type and density of premises selling alcohol are unusual, serious problems of nuisance and disorder can sometimes arise or begin to arise outside or some distance from the licensed premises. This has been described as the cumulative effect of the increasing capacity of all premises taken together and is outside of the control of licence conditions. There may be circumstances where this Licensing Authority receives relevant representations from a responsible authority or interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for large groups of people to gather and circulate, away from the licensed premises themselves. This might be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In such circumstances this Licensing Authority may consider the question of whether the granting of any further premises licences or club premises certificates would undermine one of the licensing objectives. The Licensing Act 2003 allows for this, so long as cumulative impact is addressed in the context of the individual merits of any application.
- 15.3 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.

- 15.4 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.
- 15.5 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.
- 15.6 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.
- 15.7 A special policy cannot be used to set a terminal hour for premises in the identified area.
- 15.8 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.
- 15.9 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.
- 15.10 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.
- 15.11 A special policy on cumulative impact will not be used as grounds for removing a licence when representations are received about problems with 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).
- 15.12 This authority will not adopt quotas which pre-determine the individual merits of any application – even in respect of premises selling alcohol for consumption on those premises – as they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the local community.
- 15.13 This authority recognises that once away from these premises, only a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms which may be used to deal with such issues which fall outside of the scope of this licensing policy include:
- a) planning controls;
 - b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
 - c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
 - d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - e) police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;

- f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- g) the confiscation of alcohol from adults and children in designated areas;
- h) Police and local authority powers to close down instantly for up to 48 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.

15.14 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.

16. Early Morning Restriction Orders

16.1 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.

16.2 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

16.3 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.

16.4 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.

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

16.6 This Licensing Authority determined not to implement an EMRO in 2013 based on the evidence submitted at that time.

17. Children

17.1 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). This Licensing Authority also considers the need to protect children from sexual exploitation when undertaking licensing functions.

17.2 This Authority recognises that there will be a considerable variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafes, take-away food

businesses and fast food outlets as well as public houses and nightclubs. In addition, subject to the licensee's discretion and any conditions included in a premises licence or club premises certificate, the Licensing Act 2003 does not prohibit children having free access to licensed premises of all kinds, including those selling alcohol for consumption on those premises.

- 17.3 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.
- 17.4 However, notwithstanding the above, this authority considers that the following premises give rise to particular concern in respect of children:
- a) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - b) with a known association with drug taking or dealing;
 - c) where there is a strong element of gambling on the premises;
 - d) where entertainment or services of an adult or sexual nature are commonly provided;
 - e) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 17.5 In these circumstances the Authority will consider the appropriate option for the prevention of harm to children where relevant representations are made. While complete bans on access to children are likely to be rare, there may be circumstances when no other option is considered appropriate. However, in the majority of cases where limiting the access of children to licensed premises is considered necessary, the options which will be considered are:
- a) Limitations on the hours when children may be present;
 - b) Age limitations (below 18);
 - c) Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place;
 - d) Requirements for an accompanying adult;
 - e) Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 17.6 This authority will not impose conditions requiring that children must be admitted to any premises. Where the above restrictions are not considered necessary, access to licensed premises by children will remain a matter for the discretion of the individual licence holder or club. Where the licence holder volunteers prohibitions and restrictions and no other relevant representations are made, the volunteered prohibitions and restrictions will be made into conditions and no other conditions in relation to the presence of children will be applied.
- 17.7 Northamptonshire Police and Northamptonshire County Council Trading Standards Service are jointly responsible for the enforcement of ss146, 147, 147(a) and 147(b) of the Licensing Act 2003 (The sale of, and allowing the sale of alcohol to children). Trading Standards are mainly responsible for 'off licence' premises and the Police have the main responsibility for 'on licence' premises.
- 17.8 With regard to children in premises giving film exhibitions, this authority will impose conditions requiring that arrangements must be in place for restricting children from viewing age-restricted films or videos classified according to the recommendations of the British Board of Film Classification or the local authority itself.
- 17.9 The Portman Group operates a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks on behalf of the alcohol industry. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in

licensed premises in a manner which may appeal to or attract minors. A copy of the Code can be found at www.portman-group.org.uk.

- 17.9.1 In the case of premises giving film exhibitions, this Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself. The 2003 Act also provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to be restricted in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984 (the British Board of Film Classification is the only body which has been so designated) or by the licensing authority itself. This Licensing Authority will expect Licensees to demonstrate the controls they have in place for the showing of recordings which have no age classification.
- 17.9.2 Licensees can apply to this Local Authority to request a lower classification.

18. Conditions

- 18.1 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.
- 18.2 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
- 18.3 This authority will therefore avoid the general application of standardised conditions to licences and certificates.
- 18.4 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

19. Reviews

- 19.1 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.
- 19.2 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.
- 19.3 A review of a premises licence will follow any action by Northamptonshire Police or Northampton Licensing Authority exercising powers to close licensed premises under the ASB, Crime and Policing

Act 2014 on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.

- 19.4 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.
- 19.5 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.
- 19.6 Where the request for a review originates from an interested party e.g. a local resident or residents' association, this Licensing Authority will first to consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 19.7 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.
- 19.8 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.
- 19.9 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.
- 19.10 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.
- 19.11 In determining a Review, this authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
- a) no action necessary as no steps required to promote the licensing objectives;
 - b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
 - c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
 - d) excluding a licensable activity from the licence;
 - e) remove the designated premises supervisor,
 - f) suspend the licence for a period of three months;
 - g) to revoke the licence.
- 19.12 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.

20. Minor Variations

- 20.1 The purpose of the minor variation process is to save time, money and regulatory resources by allowing small variations that do not impair the promotion of the licensing objectives to be made to premises licences and club premises certificates through a simplified and less costly procedure. Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display it on a white notice at the premises. The notice must be displayed for a period of 10 working days starting on the working day after the minor variation application was given to the Licensing Authority.
- 20.2 The holder of a premises licence or a club premises certificate can apply to the licensing authority for a minor variation to the licence or the certificate using the prescribed form. In determining an application this licensing authority will consult such of the Responsible Authorities as it considers appropriate.
- 20.3 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.
- 20.4 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.
- 20.5 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.
- 20.6 Minor variations will generally fall into four categories:
- minor changes to the structure or layout of a premises;
 - small adjustments to licensing hours;
 - the removal of out of date, irrelevant or unenforceable conditions or volunteered conditions;
 - the addition of certain licensable activities.

21 Enforcement

- 21.1 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.
- 21.2 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.

- 21.3 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.

22. Licence Suspensions

- 22.1 This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This Licensing Authority must suspend premises licences and club premises certificates on the non-payment of annual fees. This Licensing Authority will follow the relevant guidance in issuing suspensions for non-payment.

23. Administration, Exercise and Delegation of Functions

- 23.1 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.
- 23.2 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.
- 23.3 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.
- 23.4 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.
- 23.5 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.
- 23.6 The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees or delegated to sub-committees or in appropriate cases, to officials supporting the Licensing Authority. In the interests of speed, efficiency and cost-effectiveness, as many of the decisions and functions will be purely administrative in nature, functions will be delegated to the appropriate level within the organisation where possible. See Annex 1.
- 23.7 Where applications are non contentious, (for example, no representations to the grant of a premises licence) these applications will be delegated to officers in order to speed matters through the system. Any such matters passed in this way will then be listed for comment at the next Committee meeting. The Committee will not have the opportunity to reverse officers' decisions

24 Advice and Guidance

- 24.1 Advice can be obtained from the Licensing section and we will assist people in advising them on the types of licences they will need to apply for. The service can be contacted in the following ways:-

Website www.northampton.gov.uk
Email : Licensing@northampton.gov.uk
Telephone: 01604 837811

Licensing Service,
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

25. Equal Opportunities

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

26. Review of the Policy

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

25. Late night levy

- 27.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.
- 27.2 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.

Guidance has also been introduced in relation to:

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

- 27.3 With regard to exemptions, this licensing authority retains discretion whether to exempt certain premises or not but only for those types of premises set out in paragraphs 1.24 to 1.31 of the guidance on the Late Night Levy.
- 27.4 This Licensing Authority also has the discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes i.e. Best Bar None.

- 27.5 Any revenue from a levy will be split between this licensing authority and Northamptonshire Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. A formal service level agreement will be established to ensure that this licensing authority and Northamptonshire Police are aware of responsibilities and undertakings, and to ensure that the use of levy funds can be clearly communicated to those businesses contributing to it.
- 25.6 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.
- 25.7 In June 2012, following its consideration this Licensing Authority decided not to implement the Late Night Levy at that time due to factors including the current Business Improvement District. The Authority may reconsider this in the future.

DRAFT

Annex 1 - Delegation of functions

Matter to be dealt with	Full Committee	Sub Committee or Panel	Officers
Application for personal Licence	-	If a police objection made	If no objection made
Application for personal licence with unspent convictions	-	All cases	-
Application for premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application for provisional statement	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	-	If a police objection	All other cases
Request to be removed as designated premises supervisor	-	-	All cases
Application for transfer of premises licence	-	If a police objection	All other cases
Applications for interim Authorities	-	If a police objection	All other cases
Application to review premises licence/club premises certificate	-	All cases	-
Decision on whether a complaint is irrelevant frivolous vexatious etc	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of a police objection to a temporary event notice	-	All cases	-

Annex 2 – Northampton Licensing Authority Contacts

Ruth Austen
Environmental health and Licensing Manager
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

Tel: (01604) 837794
Out of Hours: 0300 330 7000
E-mail : rausten@northampton.gov.uk

Annex 3 Other policies, legislation, and guidance sources

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

(i) Legislation

- Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Crime and Security Act 2010
- Human Rights Act 1998
- Criminal Justice and Police Act 2001
- Private Security Industry Act 2001
- Equalities Act 2010
- Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006
- The Health Act 2006
- The Clean Neighbourhoods and Environment Act 2005
- Live Music Act 2012
- Deregulation Bill 2015
- Anti Social Behaviour, Crime and Policing Act 2014

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

(ii) Strategies and Policies

- Alcohol Strategy
- Alcohol Harm Reduction Strategy for Northamptonshire
- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- Community Alcohol Strategy
- Community Safety Strategy
- Compliance Code
- Crime & Disorder Reduction Strategy

- Council's Enforcement Policy
- Cultural and Tourism Strategies including promotion of live music and community events
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Development Framework
- Local Transport Plan
- National and local PubWatch schemes
- [Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#).
- Purple Flag (ATCM)
- Safer Socialising

(iii) Guidance Documents

- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office Safer Clubbing Guide](#)
- [Home Office Designated Public Place Order \(DPPO\) Guidance](#)
- [Home Office s182 Guidance](#)
- [LACORS/TSI Code of Practice on Test Purchasing](#)
- [The Event Safety Guide](#)
- [Licensing large scale events \(music festivals etc\)](#)
- [Managing Crowds Safely](#)
- [5 Steps to Risk Assessment](#)
- [The Guide to Safety at Sports Grounds](#)
- [Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances](#)
- [UK BIDS: Business Improvement Districts\(national BIDS advisory service\)](#)
- [BIS Code of Practice on Consultation](#)
- [The Plain English Campaign](#)

(iv) Relevant case law regarding policy statements

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

Note: This list is not exhaustive