

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 Wednesday, 6 January 2016 at 6:00 pm.

**D Kennedy
Chief Executive**

AGENDA

1. Apologies
2. Minutes
(Copy herewith)
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. Licensing Act 2003 Statement of Licensing Policy
(Copy herewith)
7. Review of Private Hire Operator Fees
(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>
A8131

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, 1 December 2015

PRESENT: Councillor Sargeant (Chair); Councillor Hill (Deputy Chair); Councillors Ansell, Beardsworth, Caswell, Choudary, Duffy, Eales, Malpas and Walker

APOLOGIES:

1. APOLOGIES

Apologies were received from Councillor Culbard. Having been notified of her apologies the committee wished her a speedy recovery.

2. MINUTES

The minutes of the meetings held on the 2nd and 7th October 2015 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

None.

4. DECLARATIONS OF INTEREST

None.

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

None.

6. 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 the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

7. PRIVATE HIRE DRIVER - NEW APPLICATION

The Licensing Enforcement 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 application for Private Hire Driver's Licence be refused.

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

The Licensing Enforcement 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 3 months and that the Private Hire Operator's Licence be revoked.

<TRAILER_SECTION>

The meeting concluded at 20.15

M8006

APPENDICES:

A Responses

B Table of changes-Draft SOLP

C-Draft Policy



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	LA03 Statement of Licensing Policy.
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AGENDA STATUS: PRIVATE

Committee Meeting Date:	6 th January 2016
Policy Document:	Statement of Licensing Policy
Directorate:	Customers and Communities

1. Purpose

1.1 To allow the committee to consider the proposed Statement of Licensing Policy (SOLP) and approve it for adoption by full Council on 29th January 2016

2. Recommendations

2.1 That the Committee approve that the draft Statement of Licensing Policy be approved for adoption of it by the Full Council on 29th 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 At the last committee hearing of the 15th September this Committee approved the 12 week consultation process which ended on the 28th December 2015.

3.1.2 7 responses to the consultation were received attached at Appendix A. Where relevant these have been incorporated into the document

3.1.3 Also attached is a table of changes at Appendix B

3.1.4 The amended Statement of Licensing Policy is at Appendix C

3.2 Issues

3.2.1. If the Committee has any further amendments to make they will need to be incorporated into the document before submission to meeting services on 15th January..

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 approval

3.3.3 To approve the document for Full Council

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 may result in a judicial review being brought against the Council.

4.3 Legal

4.3.1 The Statement of Licensing Policy Provides the framework in which the Licensing function is administered and the Council's adherence to the Licensing Act 2003.

4.3.2 The Licensing Act 2003 requires a statutory review of the Statement of Licensing Policy every 5 years. A review can be done if required before this period of time.

4.3.3 The Licensing Authority must have regard to the statutory guidance issued under Section 182 Licensing Act 2003 when drafting the policy and the latest version of the said guidance has been considered during the drafting of this policy.

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.

4.6. Background Papers

4.6.1. Section 182 Guidance LA03
Northampton SOLP 2011 - 15

Bill Edwards
Senior Licensing Officer
01604 838986

The Lab should be allowed to make as much noise as it likes. It's not our fault there's a bunch of miserable f***** who live around us. Of course we are going to p*** through their letter boxes! How else will they learn not to complain about noise when we leave. They should be lucky they don't get noise when we arrive there too. And the litter issues. Tough s***! There's not enough bins around and that's not our fault. That's why we keep post dog s*** through letterboxes as there are not enough dog s*** bins. Sooner or later we will get the action that we need. I just hope we are putting it through the miserable f***** doors who keeps complaining about the noise. If we keep persisting in this sooner or later we will get the b*****. In the new year you will hear that we are going to apply for a late license so the miserable b***** may be asleep by then and won't hear us singing and fighting as we leave. Stick that in your pipe and smoke it! Or shove it up you're a***!

xxx

12/7/2015 5:35 PM

I would like the Sex Entertainment Venue licensing policy to be reviewed. In particular I would urge the council to adopt a nil policy in respect of SEVs. It is very important that Northampton makes a stand against having the sex industry on our high street. Other towns and cities around the UK have been rejecting sexual entertainment venues as they have been identified as having a number of detrimental effects including creating no-go areas for women, increasing prostitution and increasing violent and sexual crime against women in the areas in which they exist. Places such as Wellingborough, Hackney and Cambridge have all adopted a nil policy with regard to strip clubs. Under the Gender Equality Duty Northampton Borough Council has a legal requirement to counter gender stereotypes and to promote equality between women and men. Lap Dancing clubs have a clear negative impact on women's equality and women's safety in the wider community so it would therefore be inconsistent for the Council to grant any licences for SEVs and a nil policy should be adopted. If a nil policy were adopted any existing sex entertainment venues would not have to close down as they could continue to operate as a licensed premises but without the element of lap dancing. This would not result in the loss of any jobs, as SEVs do not employ any lap dancers, but charge the women a fee before they are permitted to dance in the club, and then charges them a percentage for every private dance they perform. The existing women employees could then be offered secure jobs outside of the sex industry which would have the advantage of giving them contracts of employment, access to sick pay and holiday pay and union representation all of which are advantages that they cannot access at the moment. I would urge the council to consult with relevant organisations such as Rape Crisis and Women's Aid in order to make the correct decision and to implement a nil cap

10/21/2015 6:04 PM

I hold BIIAB level 1 award in responsible alcohol retailing and am actively involved in alcohol related anti social behaviour in and around my premises. I am also a director of Northampton Retail Crime Initiative and Northampton Business Improvement District

10/12/2015 9:15 AM

Boothville Stores have applied for a liqueur licence to run from 6am till 2am the next day. As this is a residential area, I and the rest of my neighbours are against this. We are woken on a morning about 5.30am by delivery vans going to the shop, and kept awake at night by shoppers leaving the shop and racing their cars up Booth Lane North. If people cant buy their liquer during the time of the licence the shop has now then they obviously have a problem. I think to allow this licence to go through would be totally irresponsible and have no consideration for the people living near to the said store. There are people living who have jobs that require a decent nights sleep.

10/9/2015 5:50 PM

Yes. 1. In talking about Northampton you cite the local population and describe the communtiy in respects of age in 3.5 you mention ethincity in 3.6 but there is no mention of sexuality or the number of LGBT people in the area. Could you please include details of this diverse community in the document. 2. In section 7.3 - Public nuisance, could you please include something about homophobic incidents. 3. In Equal Opportunities can you please include an expectation that all licence holders will comply with the legal requirements to promote good relationships between all groups. Challenge discrimination and report hate incidents 4. Could you also please include an explicit expectation that in not challenging homophobia and racism in licence premises may result in licences being withdrawn

10/8/2015 2:50 PM

CSE is a serious concern and licenses should be dependant on the licensee having had the CSE training. This should be mandatory for taxi drivers, hotel managers and fast food outlets selling alcohol. It is outrageous that Wellingborough Road near to the town centre hosts 3 sex venues. This is a densely built residential area with shops aimed at families and at children around these outlets. I consider this to be harmful to children. They should not be exposed to this in their own high street. Late night and early morning sales of cheap alcohol are having a detrimental effect on residential neighbourhoods with an increase in anti-social behaviours, noise and litter. it makes these areas unsafe for shift workers going and returning home from work. We need to limit the sales to reasonable and social hours and put more enforcement in to stop sales to underage children.

10/8/2015 2:42 PM

In regard to points 2.10, 2.12, 7.3, 21, which deal with Public Nuisance. As a resident of the town centre it is the impact of noise which has affected my quality of life on a number of occasions. I am supportive of and enjoy a thriving night time economy in the town centre myself and am pleased that there are considerations for the management of noise nuisance in the proposal. That said, on a number of times in the last 12 months the issue of noise has affected myself and other residents in Victoria Gardens. These incidents have been caused by nearby venues holding apparent "one off events" which has been during daytime hours as well as evening and night time and into the early hours. These events cater for and attract the new student population resident in the town centre as well as other residents and visitors and prove very popular. When these one off events are held and cause nuisance, there is only one option for complainants and that is to call the Police. The Police do not deal directly with noise nuisance and merely act as the middle man between Environmental Health and the complainant and are often unable to have an immediate effect on the issue at that particular moment which means that local residents suffer the problem for the duration of the event. Local residents should not have to "cope" with the problem and report it and then make statements, all in an effort to prevent it happening again. It is also the case that residents have been asked to visit the offending premises to "witness" that the noise is actually coming from a particular venue. There should be provision for an "on call" environmental health officer to address the issue as it is happening who can take action and have an immediate effect on the problem. Often this could be resolved with the lowering of music volume or the closing of doors and windows. Whilst I appreciate that the proposal addresses the need for the considerations of local residents when nuisance is caused, I do not feel that there is provision for effective action when nuisance is caused, other than being able to take long term action in preventing it happening again. I would like provision for immediate actions to be included in the document which Environmental Health can lead on, attend and act at the time the issue is happening.

10/8/2015 2:37 PM

Northamptonshire County Council Specialist Public Health Team response to Northampton Borough Council consultation on Draft Statement of Licensing Policy 2016 – 2021.

23rd December 2015.

Context:

The sale and consumption of alcohol has a major impact on the health and wider wellbeing of communities. While those impacts can be positive, for example in relation to creating jobs and enabling social and community interaction, there can also be significant negative impacts on health and wellbeing due to alcohol consumption. For this reason, Public Health England has identified 'Reducing harmful drinking' as one of its priorities. Information about the impacts of alcohol in Northampton Borough is available from a variety of sources including www.lape.org.uk or by contacting NCC's Public Health / Business Intelligence and Performance Improvement team. A brief summary of information about alcohol harms in Northampton is attached as appendix 1.

Comments:

Chapter 3

Chapter 3 of the draft Statement of Licensing Policy describes the Borough of Northampton and its people. However there is no reference to the health of the population of the Borough, nor specifically the impact of alcohol on the health and wellbeing of its population.

This chapter describes Northampton Borough Council's aspirations in relation to economic growth and prosperity as well as its activities to enhance cultural and heritage opportunities but makes no reference to any ambitions to improve the health and wider wellbeing of its communities. This is despite the fact that 'Promoting Health and Wellbeing' is identified as one of NBC's eight priorities in the 'Northampton Borough Council – Corporate Plan Update 2015. <http://www.northampton.gov.uk/CorporatePlan> In addition the chapter does not recognise the negative economic impact that alcohol can have due for example to costs incurred by health and policing services as well as through lost productivity.

Chapter 5

Chapter 5 is entitled 'Strategies' and is presumably intended to identify local strategies that are relevant to the sale / provision of alcohol.

However there is no reference to the **Northamptonshire Health and Wellbeing Strategy**. The current Northamptonshire Health and Wellbeing Strategy makes explicit reference to the significant impacts of alcohol use in the county and includes a strategic priority of '**tackling alcohol and drugs issues to protect communities and improve lives**'

Chapter 5 also doesn't mention the **Northamptonshire Alcohol Harm Reduction Strategy**. This strategy considers a wide range of issues relating to alcohol and the impact it has on communities in the county, including Northampton Borough. Nor does chapter 5 make reference to the Northamptonshire Police and Crime Plan, which again addresses the significant impact of alcohol on crime in the county.

These strategies and the evidence base that supports them are an important part of the context in which the Borough Council's Statement of Licensing Policy will operate. They therefore should be identified and the policy should be implemented in a way that contributes to their achievement.

Health and Wellbeing in Statements of Licensing Policy

There are a number of examples of Statements of Licensing Policy which include significant reference to health and wellbeing. For example, Warrington and Middlesbrough.

While it is recognised that public health is not one of the 4 licensing objectives within the licensing legislation, NCC's Public Health team feels that the Statement of Licensing Policy could much better identify and reflect the health and wellbeing aspects of alcohol consumption and the alcohol licensing process.

This would act as a sound basis for NBC as the licensing authority to work together with the Director of Public Health and his team to ensure that the licensing regime effectively supports the achievement of shared health and wellbeing objectives in Northampton Borough (within the framework provided by the licensing act 2003).

Chapter 7

While it is acknowledged that relevant licensing guidance states that the 'public safety' licensing objective relates to the physical safety of the people using the licensed premises, it is felt that the wording of paragraph 7.2.1 gives the strong impression that public health is not at all relevant to the SOLP and licensing practice. We would therefore request that this is re-worded.

Chapter 9

Paragraph 9.1 states:

9.1 Northamptonshire County Council Directors of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings.

There is in fact only one Director of Public Health.

Chapter 10

In section 10 - The Responsible Authorities, the Director of Public health should be identified as:

Director of Public Health
Northamptonshire County Council
County Hall
Guildhall Road
Northampton
NN1 1ED

General

The SOLP does not identify any baseline evidence / data in relation to the four licensing objectives in Northampton Borough – e.g. crime levels, data relating to harm to children etc. It is therefore not possible to determine from the SOLP what the current position is in Northampton Borough in relation to the four licensing objectives and thus the scale / nature of the issues that the licensing process needs to contribute to. While it is acknowledged that this data will change over time, it would help provide context to the proposed SOLP to identify the current data.

Table of Changes Statement of Licensing Policy 2016

The current policy has undergone a fairly significant change in relation to the removal and addition of headings which were not relevant or wrongly placed. The key content changes are as follows:

Page 4 Purpose and Scope	Rewording of paras 2.2-2.18 and removal of para 2.10 (list of legislation) and replaced in Annex
Section 3 page 5.	Inclusion of Northampton section and alcohol harm data
Section 5	Inclusion of well being strategy and alcohol harm strategy
Section 7	Rewording of 7.2.1
Live Music Act deregulation	Page 6
Health as a Responsible Body	Page 9
Local Authority as a responsible body	Page9
Temporary Event Notice reworded	Page 12
Section 9/10	Update of Public Health details



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

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1. Executive Summary

- 1.1 The Licensing Act 2003 introduced a revised licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy 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.

3.2 Alcohol Harm Northampton

- 3.2.1 **Months of life lost due to alcohol** (2011-2013)- this is higher for Northampton compared to Northamptonshire as a whole, to the East Midlands and to England. The Northampton rates are **14.72 months** for males and **6.47 months** for females.

- 3.2.2 **Claimants of benefits due to alcoholism** (2014)- This relates to **180** people in Northampton. No significant difference was found when comparing Northampton to England and the East Midlands. Within Northamptonshire, however, the Northampton rate was **higher**.
- 3.2.3 **Alcohol specific mortality** (2011-2013)- There were **80** deaths in Northampton from alcohol specific conditions. No significant difference was found when comparing Northampton to Northamptonshire and England. Compared to the East Midlands though, Northampton has a **higher** rate.
- 3.2.4 **Broad alcohol related hospital admissions** (2013/14)- There were an estimated **2299** people admitted to hospital for alcohol related conditions in Northampton. No significant difference was seen when compared to England, but Northampton was **higher** than the East Midlands and Northamptonshire.
- 3.2.5 **Treatment** Between October 2014 and October 2015 **504** people from Northampton started substance misuse treatment at either S2S (structured treatment provider) or Bridge (recovery support provider) and listed alcohol as one of their problem substances. **398** had alcohol as their primary problem substance.
- 3.2.6 **Children** Between July 2013 and December 2014, social care initial assessments were completed on **537** children in Northampton where an adult member of the household had alcohol flagged as an issue. This accounts for **42.3%** of all such assessments in the county.
- 3.2.7 **Violence and Assaults** **674** assaults took place in Northampton that either involved alcohol or could be linked to a licensed premise, which resulted in a person attending Accident and Emergency between April 2014 and October 2015.

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 This authority also recognises the long term implications on public health of alcohol misuse and therefore supports the wider Northamptonshire Health and Well Being Strategy and the local alcohol harm reduction strategy
- 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. 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 In line with the Licensing Objective of Protecting Children from Harm, this Licensing Authority will ensure that licensed premises are aware of the issues surrounding Child Sexual Exploitation. Further to this, the Licensing Authority will endeavour to ensure that best practice in relation to safeguarding vulnerable young people will be adhered to at all times.
- 7.4.2 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
- 7.4.3 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.

- 7.4.4 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.
- 7.4.5 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.
- 7.4.6 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.
- 7.4.7 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.
- 7.4.8 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.
- 7.4.9 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 Director 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

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

Tel: 01604 838920

Northamptonshire Fire and Rescue Service:

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

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

e-mail planning@northampton.gov.uk

Child Protection:

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

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

Director of Public Health
Northamptonshire County Council
County Hall
Guildhall Rd
Northampton
NN1 1ED

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. However it is expected that licence holders will comply with the legal requirements to promote good relationships between all groups, to challenge discrimination and report hate incidents.
- 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.

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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

Licensing Act 2003 Statement of Licensing Policy 2016 - 2020

- 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



Appendices

- A. Proposed fees
- B. Current Fees
- C/D. Income/Expenditure
- E. % Increase/Decrease
- F. LA Comparisons
- G. Annual Invoicing
- H. Consultation Responses
- I. Equality Impact Assessment

LICENSING COMMITTEE REPORT

Report Title	Review of Private Hire Operator Fees
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	6th January 2016
Policy Document:	Private Hire Operator Fees
Directorate:	Customers and Communities

1. Purpose

1.1 To review and consult on the Councils Licence Fees applicable to Private Hire Operators.

2. Recommendations

2.1 That with immediate effect the fees be revised in line with the recommendations at **Appendix A**

2.2 That with effect immediate effect the policy for dealing with non-payment of Operators Fees is agreed in accordance with **Appendix G**

2.2 The fees have been advertised in the local press and NBC website and the statutory 28 day consultation has taken place with those who are subject to the new fee structure, and that any objections should be considered before the revised fees are implemented.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Deregulation Act 2015 received Royal Assent on the 26th March 2015 and amends two sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the granting of licences to Taxi and Private Hire Drivers and Operators Licences. The new legislation affecting the Taxi and Private Hire Trade came into force on the 1st October 2015.
- 3.1.2 Section 55 (2) and 56 (3) changes the law in such a way as to establish a standard duration of three years for Taxi and Private Hire Drivers Licences and five years for an Operator's Licence, or for a lesser period in circumstances of an individual case, but not because of a blanket policy.
- 3.1.3 The Deregulation Act 2015 makes no mention of how fees should be collected in line with the new standard licence duration for drivers and operators.
- 3.1.4 This report is concerned with amending the fee structure for Private Hire Operators, in order to take into consideration that licences **must** now be issued for the statutory five years, unless in circumstances of an individual case. The proposed fee structure and existing fees are detailed in **Appendix A & B**
- 3.1.5 A cost exercise has been undertaken in order to ascertain the level of fee that should be set for a New/Renewal Operators Licence and this exercise has been carried out using a toolkit recommended by the Institute of Licensing for the calculation of licensing fees.
- 3.1.6 It is proposed that all Operators pay a standard fee for the application and grant of a licence, including associated fees for inspection visits by an officer to carry out ad-hoc audit checks. A separate element is applied based upon the number of vehicles operated by each company. This will allow for the administration/compliance and monitoring costs associated with ensuring that accurate records are maintained of all vehicles/drivers working for the company.
- 3.1.7 Given the number of Operators that are licensed it is proposed to administer the 5 year renewal fee using the corporate invoicing system; this will enable the local authority to offer a 5 year licence with the option to pay by yearly instalments. It is proposed to charge a nominal fee for the administration of the instalment arrangement. Operators will be able to surrender their licence at any time during the 5 year licence should they wish to cease trading and it will at the local authority's discretion if they wish to pursue any outstanding fees.
- 3.1.8 During the duration of the licence should the banding change within which the Operator falls, this will be reflected in the applicable fees on a pro-rata basis.
- 3.1.9 A 5 Year Licence will have the advantage of minimising the risk that drivers are working for an unlicensed Operator. For those Operators that opt to pay by yearly instalments, the licence will remain in force until appropriate action can be taken as detailed in **Appendix G**
- 3.1.10 The fees that may be charged for licenses are governed by legislation which requires that the Council sets fees intended to recover up to its reasonable costs and does not charge a fee which is intended to make a profit. The Council may therefore seek to charge less than cost, but not seek to charge more than cost. The Operators income/expenditure is detailed in **Appendix C & D**

- 3.1.11 There are currently 26 Operators who trade with one vehicle and who will be affected by an increase in fees, all other vehicle groups will benefit from a decrease in fees over the five year period. An analyse of how different companies will be affected is detailed in the table in **Appendix E**
- 3.1.12 Taking into consideration the consultation findings the Committee may wish to consider the impact that the proposed fees will have on the smaller companies and if adopting the number of vehicle pricing structure will impact upon business growth.
- 3.1.13 The local authority will regularly monitor the income/expenditure of this service for any surplus/deficit of income and make the necessary adjustments accordingly.
- 3.1.14 It is difficult to draw a comparison of fees charged by other local authorities due to a number of factors and different approaches to fee setting. For information comparisons of different fees levied by other local authorities is detailed in **Appendix F**
- 3.1.15 It should be noted that there is a mixture of authorities that have adopted a fee structure based on the number of vehicles and where this has been the case, the fee structure ends at 50+ vehicles and the Committee may wish to consider if the fee should be capped a maximum number of vehicles. It is also not known if other authorities have used the recommended toolkits for calculating fees.

3.2 Consultation

- 3.2.1 The local authority is required to advertise the change in Operators Fees in accordance with s.70 of the Local Government (Miscellaneous Provisions) Act 1976 and take in to consideration any relevant responses.
- 3.2.2 A newspaper article was published in the Northampton Herald & Post and advertised on the Northampton Borough Council website on the 19th November 2015 inviting any comments for a period of 28 days.
- 3.2.3 Overs 50 emails were sent to Operators inviting them to engage with the consultation either via the Northampton Borough Council website, or by written communication.
- 3.2.4 A total of 10 visited the consultation page during the consultation period and resulted in 5 responses. A summary of the findings are detailed below and a copy of the full responses are shown in **Appendix H**

4. Findings

- 4.1 All of the 5 comments received were negative comments, with one including a positive comment concerning the ability to pay by instalments.
- 4.2 **A key summary of the issues raised by those with negative comments regarding the proposed fees:-**
- 4 of the responses were concerned with the proposed larger increase in fees for the smaller Operator.
 - What would happen if you close your business during the 5 year period.

- No extra cost for issuing a licence for 5 years. The local authority is making a huge saving in administration and reduction in staff.
- Fees not reasonable and comparable to other authorities

4.3 A key summary of the issues raised by those with a positive comment regarding the proposed fees:-

- An annual payment plan would work well and maybe a monthly plan to give smaller outgoing payments.

5 Choices (Options)

5.1 **Allow fees to remain unchanged.** This would not allow for a fee structure that supports the requirement to issue 5 yearly licences in accordance with the Deregulation Act 2015 and will result in a loss of income to the local authority as detailed in **Appendix C**

5.2 **Agree the proposed fee structure and associated Criteria detailed in Paragraph 3.** This would allow the local authority to continue to collect fees to maintain the service.

5.3 **Agree a modified fee structure after taking into consideration the findings within this report.** This would allow the local authority to continue to collect fees to maintain the service.

6. Implications (including financial implications)

6.1 Policy (Hackney and Private Hire Licensing)

Update Northampton Hackney and Private Hire Policy to reflect three year and five year licences as appropriate.

6.2 Resources and Risk

6.2.1 If no action is taken there is a risk that the authority will receive less income from the Hackney and Private Hire Trade and the service will be subsidised by other regimes. Figures detailing the expected shortfall are detailed in **Appendix C**

6.3 Legal

6.3.1 The Local Government (Miscellaneous Provisions) Act 1976, s.70 allows the Local Authority to set fees in respect of Private Hire Operators Licences. In accordance with s.70 any fees that exceed £25 must be advertised.

6.3.2 The cost of a licence has to be related to the cost of the licensing scheme itself, and can be set to be subsidised by the Council but cannot be set to make a surplus.

6.3.2 The cost of Operators Fees varies across different local authorities and the Local Government Association have recently issued a guidance around the setting of Licence fees.

- 6.3.3 The local authority will regularly monitor the income/expenditure of this service for any surplus/deficit of income and make the necessary adjustments accordingly.
- 6.3.4 This will be undertaken upon the lifespan of the licence, or sooner if any significant costs adjustments are identified.

7. Equality

- 7.1 An equality impact assessment has been undertaken and the key equalities factor was identified as being a negative financial impact on the trade if the proposed fee is introduced. **Appendix I**

4.4.1 Consultees (Internal and External)

Legal
Finance.

4.5 Background Papers

Deregulation Act 2015
Local Government (Miscellaneous Provisions) Act 1976. (Relating to Hackney and Private Hire fees).
. LGA Guidance Licensing Fees

Report Author: Louise Faulkner .
Senior Licensing Officer Ex8393

APPENDIX A – Proposed Amended Fees

	Number of Vehicles	Fee 5 Year Licence £	Fee per Vehicles £	Total £
Operator Renewal 5 Year Licence	0	1450.00	0	1450.00
	1	1450.00	75.00	1525.00
	2-5	1450.00	150.00	1600.00
	6-20	1450.00	300.00	1750.00
	21-50	1450.00	600.00	2050.00
	51-100	1450.00	1200.00	2650.00
	101-200	1450.00	2400.00	3850.00
	201-300	1450.00	4800.00	6250.00
	301-400	1450.00	9600.00	11050.00
	401+	1450.00	19200.00	20,650.00
Annual Payment Arrangement Fee				50.00
New Private Hire Operators 5 Year Licence				1550.00

APPENDIX B – Current Fees 2015/15

	Number of Vehicles	2014/15
Operator Annual Renewal Fee	1	220.00
	2-5	330.00
	6-20	440.00
	21-30	550.00
	31-40	660.00
	41-50	770.00
	51-60	880.00
	61-70	990.00
	71-80	1100.00
	81-90	1200.00
	91-100	1300.00
	101-110	1400.00
	111-120	1500.00
	121-130	1600.00
	131-140	1700.00
	141-150	1800.00
	151-160	1900.00
	161-170	2000.00
	171-180	2100.00
	181-190	2200.00
191-200	2300.00	
201-225	2500.00	
226-250	*2750.00	
New Private Hire Operators 1 Year Licence		330.00
*Fee is increased by £250.00 for Licences where the number of vehicles falls within successive groupings of 25 vehicles Ad Infinitum, e.g. 251-275 = £3000.00		

Appendix C - Income

Table A Existing Fees Income	*Number of Applications Per Year	Calculation	Projected Annual Income	5 Year Projected Income (Annual Income x 5)
Operator Renewals 1 Vehicle	30	£220.00 x 30	£6,600	£33,000
Operator Renewals 2-5 Vehicles	7	£330 x 7	£2,310	£11,550
Operator Renewals 6-20 Vehicles	7	440 x 7	£3,080	£15,400
Operator Renewals 31-40 Vehicles	1	£660 x 1	£660	£3,300
Operator Renewals 41-50 Vehicles	1	£770 x 1	£770	£3,850
Operator Renewals 51 - 60 Vehicles	2	£880 x 2	£1,760	£8,800
Operator Renewals 290 Vehicles	1	£3,250	£3,250	£16,250
New Operators	5	£330 x 5	£1,650	£1,650
Total				£93,800
*Assumed number of applications				

Table B Existing Fees Post De-Regulation Act 2015	*Number of Applications over 5 Years Period	Calculation	5 Year Projected Income
Operator Renewals 1 Vehicle	30	£220.00 x 30	£6,600
Operator Renewals 2-5 Vehicles	7	£330 x 7	£2,310
Operator Renewals 6-20 Vehicles	7	£440 x 7	£3,080
Operator Renewals 31-40 Vehicles	1	£660 x 1	£660
Operator Renewals 41-50 Vehicles	1	£770 x 1	£770
Operator Renewals 51 - 60 Vehicles	2	£880 x 2	£1,760
Operator Renewals 290 Vehicles	1	£3,250 x 1	£3,250
New Operators	5	£330 x 5	£1,650
Total	54		£18,430
*Assumed number of applications			

Proposed Fees	*Number of Applications over 5 Years Period	Calculation + Fee per vehicle band	5 Year Projected Income
Operator Renewals No Vehicles	3	£1,450	£4,350
Operator Renewals 1 Vehicle	26	£1450 + £75	£39,650
Operator Renewals 2 - 5 Vehicles	12	£1450 + £150	£19,200
Operator Renewals 6 - 20 Vehicles	6	£1450 + £300	£10,500
Operator Renewals 21 - 50 Vehicles	4	£1450 + £600	£8,200
Operator Renewals 51-100 Vehicle	2	£1450 + £1200	£5,300
Operator Renewals 100-200 Vehicles	0	£1450 + £2400	
Operator Renewals 201-300 Vehicles	1	£1450 + £4800	£6,250
Operator Renewals 301 - 400 Vehicles	0	£1450 + £9600	
Operator Renewals 401 + Vehicles	0	£1450 + £19,200	
New Operators	0	£1,550	
Total	54		£93,450
*Assumed number of applications			

Appendix D - Income/Expenditure

2014/15 OPERATORS EXPENDITURE	
Employee Costs (5%)	£11,224
Management On Costs	£7,913
Central Recharges (Legal, IT, Training, Software, Subscriptions, Insurance)	£2896
Total Direct Charges (Stationary, Printing, Advertising, Postal, Mobile Phones)	£196
2014/15 OPERATORS INCOME	
Operators	17,743
New Operators	1,650
Net	3,963

5 YEAR PROJECTED OPERATORS EXPENDITURE (+1% INCREASE)	
Employee Costs (5%)	45,488
Management On Costs	£39,960
Central Recharges (Legal, IT, Training, Software, Subscriptions, Insurance)	£14,624
Total Direct Charges (Stationary, Printing, Advertising, Postal, Mobile Phones)	£990
5 YEAR PROJECTED DRIVERS INCOME	
Operators Renewals	93,450
New Operators Forecast	7,750
Net Expenditure/Income	£138

Appendix E – % Increase/Decrease

	Current Annual Fee Over 5 Years £	Proposed 5 Year Fee £	Increase/Decrease	5 Year Period %
Number of Vehicles				
1	1100	1525	Increase	38.64
2-5	1650	1600	Decrease	3.03
6-20	2200	1750	Decrease	20.45
21-30	2750	2050*	Decrease	25.45
31-40	3300	2050*	Decrease	37.88
41-50	3850	2050*	Decrease	46.75
51-60	4400	2650	Decrease	39.77
290+	16250	6250	Decrease	61.54
* Bands have merged under new proposed fee structure				

Appendix F - Local Authority Fee Comparisons

Local Authority	Number of Vehicles	5 Year Licence Fee
Daventry	Base cost + per vehicle cost	£201 + £21 per vehicle
Luton	N/A	£2250
Sheffield	0 - 50	£1215
Sheffield	50 +	£2270
Bedford	N/A	1575.00
Rugby	10+	£940.00
Birmingham	N/A	£2728.00
Cardiff	N/A	£350.00
Derby City Council	Fee per Vehicle cost	£86 per vehicle
East Cambridgeshire	N/A	£380.00
East Hants	N/A	£130 ? 1 Year Licence
Leeds	N/A	£300 ? 1 Year Licence
Monmouthshire		£727
Northumberland	N/A	£502
Bolton	50+	£5719
Salford	20 +	£410 1 Year Licence
South Bucks	5+	£1413

Appendix – G Annual Invoicing

First annual invoice will be issued prior to the anniversary of the renewal of the Operators licence and will include the one-off £50.00 payment arrangement fee. A 5 year licence will only be issued upon satisfactory receipt of the first payment in full.

For each subsequent annual fee due the Operator will be issued with an invoice on or around the anniversary date thereafter and if fees remain unpaid will be issued with a reminder/final notice.

If fees remain unpaid and requests for payment are ignored and/or payments returned by the bank, consideration will be given to the immediate revocation of the Operator's Licence.

The table below shows an example of how the fees for an Operator with one vehicle will be invoiced:

5 Year Licence Fee	Renewal Due Date	Billing Date	Reminder	Final Notice	Fee Due
£1525.00	01/02/2016	January 2016	N/A	N/A	£305.00
		January 2016	N/A	N/A	£50.00
		January 2017	14 Days	28 Days	£305.00
		January 2018	14 Days	28 Days	£305.00
		January 2019	14 Days	28 Days	£305.00
		January 2020	14 Days	28 Days	£305.00

Appendix H

Monkey Survey Consultation Responses

Comment Number 1 Date Thursday, November 19, 2015 10:55am

Q1: Please indicate which of the following applies to you:

Operator

Q2: Please indicate which of the proposed changes you wish to comment on and use the box below to give us details and let us know if and how the said changes may affect and/or cause you hardship so that we can consider how to proceed.

Operator renewal (5 years)

Your comments I feel that any increase in costs for operators licences will push certain operators and people wishing to start in the business to run 'under the radar' without the relevant licenses. There are too many operators/taxi vehicles in Northampton and competition is fierce so any increase will definitely impact some operators. I do feel that the annual payment plan would work well, maybe a monthly plan (as the DVLA carry out) would be easier for people with smaller outgoing payments.

Comment Number 2 Thursday, November 19, 2015 1:07am

Q1: Please indicate which of the following applies to you:

Operator

Q2: Please indicate which of the proposed changes you wish to comment on and use the box below to give us details and let us know if and how the said changes may affect and/or cause you hardship so that we can consider how to proceed.

Operator renewal (5 years)

Your comments So why is it being changed from an annual payment to a five year payment. If it's to save money why am I being charged more for it. I have been paying £220 a year, these new price proposals put the fee up to over £300 a year. That in my book is a big Con. Surely if we are having to pay all this money in advance, then we should get it cheaper.

Comment Number 3 Monday November 23, 2015 18:41pm

Q1: Please indicate which of the following applies to you:

Operator

Q2: Please indicate which of the proposed changes you wish to comment on and use the box below to give us details and let us know if and how the said changes may affect and/or cause you hardship so that we can consider how to proceed.

Operator renewal (5 years)

Payment Arrangement Fee

Your comments the proposed operator fee penalises the single vehicle operator with significant increase. Also with a five year scheme there should be administration savings this scheme will increase my licence by £85 to £95 per yr depending if the annual payment fee is used.

Q3: Do you have any other comments?

I will be submitting my concerns in writing to the The Guildhall as noted in the Northampton Herald and post of November 19th 2015

Comments Number 4 Tuesday December 08, 2015 11:40am

Q1: Please indicate which of the following applies to you:

- Operator

Q2: Please indicate which of the proposed changes you wish to comment on and use the box below to give us details and let us know if and how the said changes may affect and/or cause you hardship so that we can consider how to proceed.

- Operator renewal (5 years)
- New Operator Licence Application/Grant Fee (5 Year)
- Payment Arrangement Fee

Your comments As an operator we have made an attempt to justify the fee itself and any increase that is apparently being introduced as a result of the five year licence. The fact that one licence will be issued as opposed to five would seem to indicate that there should be a reduction in the fee, not an increase. Driver licences are also now dealt with, using the on line application service, reducing administration, resulting in further cost saving. It is also apparent that there has been a significant reduction in staffing levels in the Licensing Department at the Council to the detriment of the service. This is blatantly apparent in both Administration and Enforcement. When all other councils are increasing staff levels to guard against problems encountered in other parts of the country, some very close to the borough boundary, Northampton Borough Council in their wisdom have been reducing staff levels. This must reduce the cost to the council. Enforcement has become almost nonexistent. There was a suggestion that neighbourhood wardens (subject of a recent FOI request) would be carrying out low level enforcement. We would be interested to know; what is low level enforcement? From what part of the legislation (LG(MP) Act 1976, do these neighbourhood wardens derive their powers to carry out that enforcement. We have been unable to find any Operator or driver who has been subject of this enforcement. This is not happening!!! This is a way of trying to justify the current fee. Private Hire drivers and operators are not responsible for paying the wages of neighbourhood wardens. Management staff have also either moved on or retired from the service reducing the cost of the licensing function even further. As far as we are aware the current manager divides her time between Environmental Health and Licensing. A significant amount of income is derived through the fees charged for the licensing of Hackney/Private Hire vehicles, drivers and operators. This is excluding other income received from the licensing of those premises involved in the sale and supply of alcohol and, other licenses issued by the council's licensing department. We as an operator feel we do not receive value for money. This is in no way a criticism of those working in the licensing department; they do their best with the constraints levelled upon them mainly due to an obvious shortage of staff. It is a criticism, however, of those not now involved with the service, that they have left those remaining in the precarious position where they will find it difficult to justify those fees being introduced and those already being levelled at the trade. (A £50.00 transaction fee cannot be justified as any payment made would be made using the BACS system, this on most accounts is fee free.) The Licensing Committee will be aware that all income received from the issue of licenses can only be spent on the service as provided; this cannot currently be the case. Those within the trade feel that they are being singled out to provide income through fees that cannot be justified. It may be the case that the only way to challenge these fees is through legal process. Other authorities have made the mistake of dismissing this course of action. (Cardiff City Council has recently been challenged on the level of fees and has been ordered to reimburse drivers and operators where they have been deemed by the court to overcharge. Their current fee is included in those comparisons below.) To emphasise the point there are comparisons I would draw the committees attention to, some of those authorities have already decided on their 5 year Operator Licence fee others have made a proposal in respect of the fee. Authority 5 year Fee £'s Birmingham City 2728.00 Bedford 1575.00 * Cardiff City 350.00 * Derbyshire 400.00 East Cambridge 380.00 * East Hants 352.00 (proposed) Leeds City Council 300.00 Monmouthshire 727.00 Northumberland 502.00 Bolton Borough Council 5719.00 (Over 50 vehicles) * Salford City Council 410.00 (Over 25 vehicles) * South Bucks 1413.00 (Over 5 vehicles) * Northampton 1450.00 – 20,650.00 (Proposed) An Operator's licence in the City of Birmingham would cost almost 75% less than its equivalent licence in Northampton.??? An Operator's Licence in the City of Cardiff at £350.00 is the lowest in the table. How can a fee per vehicle be justified on an operator when there is already a fee charged in respect of that vehicle. Two charges for the same vehicle? How does this reflect in the cost of the administration of the Operators licence.

Q3: Do you have any other comments?

7.1 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge fees in respect of private hire operators' licences. The Council must set the fees for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.

Comment Number 5 Tuesday December 08, 2015 4:41pm

Q1: Please indicate which of the following applies to you:

- Operator

Q2: Please indicate which of the proposed changes you wish to comment on and use the box below to give us details and let us know if and how the said changes may affect and/or cause you hardship so that we can consider how to proceed.

- Operator renewal (5 years)
- New Operator Licence Application/Grant Fee (5 Year)
- Payment Arrangement Fee

• **Your comments** As an operator with one vehicle, I find these proposals a hefty double whammy in terms of operator licensing costs. The current operator licence for my business is I believe £230 - under the new proposals it averages out at £305 a year for five years. What justifies an annual increase of around 30 per cent? What has changed to now warrant charging that amount a year? Added to that, it appears you are now looking for operators to pay the full £1,525 up front? This does nothing for year on year cash flow for small businesses, what happens if you close your business within the five years? Is this then part refunded? I take it an instalment scheme could be introduced but presumably that would incur an extra charge, otherwise you would simply revert to the status quo, albeit with this hefty fee increase? Single-vehicle operators are hit particularly hard - as these proposals stand, they are hardly seen to be supportive of small business in the town. The fee increase and the changes to the payment arrangement fee strike me as pure greed. I hope you will come to a decision which will mitigate these unwelcome proposals.

PLAT NUM CLASS

Platinum Class
Mr S A Hardy

The Licensing
The Guildhall
St Giles Square
Northampton
NN1 1DE

24 November 2015

Dear Sirs,

Objection to Increase: Proposed Private Hire Operators Licence Fees

PH Operator Platinum Class PH0021

I refer to the above as appearing on both the NBC web site and the Herald and Post newspaper 19th November 2015.

Whilst economy of scale and government direction seem to be factors in these proposals the massive increase I can expect is outrageous (43%). Single vehicle operators are the only banding to be subjected to this massive per vehicle penalisation, is this a way to reduce the small operator I ask myself.

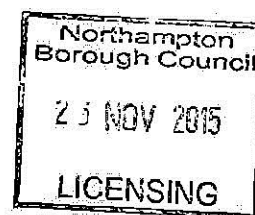
Please inform me how for exactly the same service you can justify an increase from £220.00 to £315.00 (including 5yr arrangement fee)

I show a table of my calculations on the reverse

I hope further thought and consideration will be given for single vehicle operators such as myself. I await your response

Yours faithfully

Stephen A Hardy



APPENDIX I

**Equality Impact Assessment
Part 1: Screening**

When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. **“Equality Impact Assessments” (EIAs)** prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: www.northampton.gov.uk/equality. A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

1 Name of policy/activity/project/practice	This is a proposal to review the fees for Operators.
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2. Screening undertaken (please complete as appropriate)	
Director of Service	Julie Seddon
Lead Officer for developing the policy/activity/practice	Louise Faulkner
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	Ruth Austen, Licensing Legal Team, Silvina Katz, Communications Team.

3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.

- To request that the Licensing committee review the fee structure relating to Private Hire Drivers Operators to reflect changes in legislation. The proposed fee changes have been advertised in a local newspaper and on the local authority website consulting with stakeholders to identify issues and consider any objections.

In adopting the Local Government (Miscellaneous Provisions) Act 1976 The Local Authority is able to levy fees in respect of Operator licences (sec 70).

The authority does not have the discretion to charge whatever it likes for a licence. The cost of the licence has to be related to the cost of the scheme itself.

4 Relevance to Equality and Diversity Duties

- By changing the fee structure for Operators all licence holders will be subject to the proposed changes. All groups identified as being affected will be affected equally.
- The consultation has been carried out to establish whether there are valid objections to any changes in fees.
- The consultation has provided evidence that there is no significant impact on any group.
- Any decision must be made taking into consideration the current financial climate.
- There would also be an indirect effect on the paying public as increased costs to the trade would be passed on to customers.

If you have indicated there is a negative impact on any group, is that impact:

Legal?

N/A

Please explain: We have consulted with all interested parties including those licence holders who may be affected by the proposals.

There is no intention for the proposal to have a negative impact on any particular group. The proposal is aimed at recovering the cost of the licensing service to the council. If this is not achieved the service will run at a deficit.

5 Evidence Base for Screening

Equality Human Rights Commission

<http://www.equalityhumanrights.com/resources/case-studies-of-how-organisations-are-using-the-duties/case-studies-equality-impact-assessments/>

NBC Licensing Records.

6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at www.northampton.gov.uk/equality)

Will there be/has there been consultation with all interested parties?

Yes

Initial consultation has taken place internally with both legal and finance to ensure we are proceeding with this process in the correct way.

The proposals have been advertised in the local newspaper and on the local authority website for any person to make their objections within 28 days.

Any objections received will then be considered by the Licensing Committee.

Are proposed actions necessary and proportionate to the desired outcomes?

Yes

We are required to advertise the proposed increase in fees and give a reasonable time for any objections to be made. We are aware of the potential impact and are therefore not predetermining any decision. We feel that the introduction of these proposals are reasonable to assess our desired outcomes of cost recovery.

Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?

Yes

Any decision taken by the Licensing Committee can be appealed through the Magistrates Court and by Judicial review

Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?

Yes

Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

From the evidence you have and strategic thinking, what are the **key risks** (the harm or 'adverse impacts') **and opportunities** (benefits and opportunities to promote equality) this policy/practice/activity might present?

	Risks (Negative)	Opportunities (Positive)
Race	<p>There would not be a disproportionate negative impact on Operators from minority backgrounds.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Disability	<p>The introduction of the proposals should not result in a reduction of wheelchair accessible vehicles.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Gender or Gender Identity/Gender Assignment	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Pregnancy and Maternity (including breastfeeding)	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Sexual Orientation	<p>No risks have been identified at this stage.</p>	

	<p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Age (including children, youth, midlife and older people)	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Religion, Faith and Belief	<p>No risks have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	
Human Rights	<p>No risks to Human rights have been identified at this stage.</p> <p>However any increase in fees could result in an increase in fares or a reduction in the number of vehicles available.</p>	

7 Proportionality

The objection period ensured that all groups had opportunity to input into this process.

All Operators have been contacted and provided with the information they need.

There could be a negative response from the trade as would be expected having regard to the current financial climate.

8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Date of Decision: 29/12/2015

We judge that a full impact assessment is not necessary since there are no identified groups affected by these changes.

1. Equality Duties to be taken into account in this screening include:

Prohibited Conduct under The Equality Act 2010 including:

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)

NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.

Rights apply to people in terms of their "Protected Characteristics":

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

Duty to "advance equality of opportunity":

The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life. **Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.

Duty to 'foster good relations between people'

This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.

Lawful Exceptions to general rules: can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).

2. National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:

3. to improve how services identify and meet needs of adults with autism and their families.

4. Human Rights include:

5. Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.