

Appendices:
A - Draft Policy.
B- Table of Changes
C- Consultation responses



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

25th January 2016

Agenda Status: Public

Directorate: Customers and Communities

Report Title	STATEMENT OF LICENSING POLICY 2016 - 2021
---------------------	--------------------------------------------------

1. Purpose

1.1 The purpose of this report is to seek adoption of the attached Statement of Licensing Policy following the five yearly review required by the Licensing Act 2003

2. Recommendations

2.1 That the Policy attached to this report be approved for publication as the Council's Statement of Licensing Policy under Section 5 of the Licensing Act 2003 for the five year period commencing 1st February 2016

3. Issues and Choices

3.1 Report Background

3.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish a statement of the principles they propose to apply in exercising their functions under the Act. The Policy was last adopted by Council on 17th January 2011. The Policy must be reviewed every five years, or sooner should it be required

3.2 A review of the Policy Statement has now taken place and a Table of Changes is attached as Appendix B

3.3 The Act requires the following persons to be consulted regarding the review of the Policy Statement:

- The Chief Officer of Police
 - The fire authority for the area
 - Persons/bodies representative of local holders of premises licenses
 - Persons/bodies representative of local holders of club premises certificates
 - Persons/bodies representative of local holders of personal licenses
- 3.4 The Council consulted with all the above by letter where practicable between October and December last year. The consultation was also available on the Northampton Borough Council website during that period.
- 3.5 Comments were received from 7 persons/organisations but only four of these were relevant. They are attached at Appendix C. Amendments have been made within the draft policy based on those comments. Not all have been included as the Statement of Licensing Policy should not be utilized to control issues covered by their own legislative framework.
- 3.6 Of note is the representation regarding the Sex Establishment Policy (SEV). Whilst relevant to this Policy, it is legislated under the Local Government (Miscellaneous Provisions) Act 1982 and any review of this Authority's Sex Establishment Policy should be considered under that legislation. As part of the consultation, the locality of an SEV was deemed to be inappropriate by a consultee. The locality of the SEV was determined at a committee hearing previously where it was decided that the area was satisfactory because it was located in an area of mixed use and was not homogenous in character.
- 3.7 The draft Policy Statement with consultation responses was considered by the Licensing Committee on 6 January 2016 and recommended for approval to full Council. (Attached at Appendix A is the statement as considered by the Licensing Committee.)
- 3.8 The completed Policy Statement will need to be published by the deadline of 1st February 2016.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 This policy replaces the existing Statement of Licensing Policy adopted in February 2011

4.2 Resources and Risk

- 4.2.1 If the Licensing Policy is not adopted by 1st February 2016 the Authority will be in breach of its duty under Section 5 Licensing Act 2003

4.3 Legal

- 4.3.1 A 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 as amended requires a statutory review of the Statement of Licensing Policy every 5 years. A review can be carried out before this period if necessary.
- 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 the Licensing Policy
- 4.3.4 The consultation responses have been incorporated within the Statement of Licensing Policy where deemed relevant and not subject to alternative legislation.

4.4 Equality

- 4.4.1 The purpose of this policy is to ensure that the four licensing objectives of The Prevention of Crime and Disorder, Public Nuisance, Public Safety and the Protection of Children from Harm are upheld and promoted through the licensing framework and each application and decision is taken on its own merits with these objectives as their basis. As a result, no detrimental equality issues have been identified or envisaged.

5. Other Implications

5.1 Crime and Disorder Issues

- 5.1.1 In promoting the Licensing objectives the Council will be complying with its duty under Section 17 Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in its locality.

6. Background Papers

Draft Statement of Licensing Policy
Licensing Act 2003
Guidance to the Licensing Act 2003
Consultation Information (Licensing internal file)

Report Author **Bill Edwards**
 Senior Licensing Officer
 8986