

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **LICENSING COMMITTEE** held at Council Chamber, Priory House, Chicksands, Shefford on Wednesday, 13 January 2010

### PRESENT

Cllr L Birt (Chairman)  
Cllr T Green (Vice-Chairman)

Cllrs D Bowater  
I Dalgarno  
M Gibson  
Ms J Nunn

Cllrs A A J Rogers  
J A G Saunders  
G Summerfield

Apologies for Absence: Cllrs K Janes  
H J Lockey  
P F Vickers

Substitutes: Cllr Mrs C Turner (In place of H J Lockey)

Officers in Attendance: Mrs C Bell                      Team Leader Public Protection  
Miss H Bell                      Democratic Services Officer  
Mrs P Davies                      Licensing & Policy Officer  
Miss J Heinsen                      Licensing Assistant  
Mrs M James                      Licensing Officer  
Mrs P Letting                      Licensing Assistant  
Mrs N Preston                      Licensing Assistant  
Mr M Woolsey                      Principal Solicitor

L/09/8                      **MINUTES**

### **RESOLVED**

***that the Minutes of the meeting held on 14 October 2009 be confirmed and signed by the Chairman as a correct record.***

L/09/9                      **MEMBERS' INTERESTS**

(a)                      **Personal Interests:**

None.

(b)                      **Personal and Prejudicial Interests:**

None.

L/09/10 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman encouraged Members of the Committee to attend training courses relevant to Licensing and Regulation Committees.

The Chairman advised the Committee that further to Minute No. L/09/5 of the meeting held on 14 October 2009 relating to Delegation of Functions minor variations, it was agreed that responsibility to determine all applications for minor variations to premises licences and club premises certificates and to determine whether an application is deemed to be a minor variation be delegated to the Director of Sustainable Communities.

In response the CAG had noted the additional delegation but wanted to ensure that Members were made aware of any minor variations to premises licences or club certificates within their ward and agreed that minor variations to premises licences / certificates be notified to the appropriate ward member(s).

L/09/11 **PETITIONS**

The Chairman advised that no petitions in accordance with the Scheme of Public Participation, set out in Annex 2 in Part 4 of the Constitution, had been received.

L/09/12 **PUBLIC PARTICIPATION**

No applications had been received in accordance with the Scheme of Public Participation, set out in Paragraph 1 of the Scheme of Public Participation, Appendix 1 to Part 4 of the Constitution.

L/09/13 **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**

***there were no items of business that involved the likely disclosure of exempt information.***

L/09/14 **THE LICENSING ACT 2003 - LICENSING POLICY**

The Committee received and considered a report of the Licensing and Policy Officer proposing that following the consultation period the Committee recommend that Full Council adopt the Licensing Policy. A copy of the draft Licensing Policy was attached to the agenda.

The Committee noted that the draft Licensing policy was sent out for consultation to the responsible authorities and interested parties, the consultation period ran from 16 September through to 9 December 2009. Four responses were received, 2 in support of the policy and 2 made comments for consideration, details of which were set out in the report.

**RESOLVED**

- (1) that the amendments to the Licensing Act 2003, Licensing Policy as proposed in recommendations A and B of the report be endorsed.**
- (2) that the Licensing Act 2003, Licensing Policy as amended in resolution (1) to this minute be approved.**
- (3) that the Assistant Director of Community Safety and Public Protection, in consultation with the Portfolio Holder for Safer and Stronger Communities, be given delegated authority to undertake any necessary minor amendments to the policy prior to publication and subject to endorsement by full Council.**

**RECOMMENDED**

**that the Licensing Act 2003, Licensing Policy, as now attached, be adopted to incorporate changes agreed by Licensing Committee.**

L/09/15

**THE GAMBLING ACT 2005 - GAMBLING POLICY**

The Committee received and considered a report of the Director of Sustainable Communities which proposed that following the consultation period, the Licensing Committee recommended that Executive endorse and full Council adopt the Gambling Policy.

The report advised that there was a requirement for Central Bedfordshire Council to adopt a statement of Gambling Policy by 1 April 2010. The draft Gambling Policy, as set out in Appendix A to the submitted report was sent out for consultation to the appropriate responsible authorities and interested parties. The consultation period ran from 7 September 2009 to 30 November 2009. Two responses were received which supported the policy.

**RESOLVED**

- (1) that the Draft Gambling Act 2005 – Gambling Policy be approved subject to endorsement by full Council.**
- (2) that the Executive endorse the Draft Gambling Act 2005 – Gambling Policy and recommends to full Council to adopt the Policy.**

- (3) that subject to approval by full Council, the Assistant Director Community Safety and Public Protection, in consultation with the Portfolio Holder for Safer and Stronger Communities, be given delegated authority to undertake any necessary minor amendments to the Policy prior to publication.**

(Note: The meeting commenced at 9.30 a.m. and concluded at 10.00 a.m.)



**CENTRAL BEDFORDSHIRE COUNCIL**

**THE LICENSING ACT 2003**

**DRAFT**  
**LICENSING POLICY**

## INDEX

		Page no.
<b>1.</b>	<b>Executive Summary</b>	<b>3</b>
<b>2.</b>	<b>Introduction</b>	
2.1	The Central Bedfordshire Area	3
2.2	Licensing Policy Statement	3
2.3	Purpose of Policy	4
2.4	Licensing Objectives	4
2.5	Licensable Activities	4
2.6	Authorisations for licensable activities	5
2.7	General principles	5
2.8	Consultation	5
<b>3.</b>	<b>Related Strategies and Initiatives</b>	<b>7</b>
<b>4.</b>	<b>Cumulative Impact</b>	<b>8</b>
<b>5.</b>	<b>Licensing Process and Delegations</b>	<b>9</b>
<b>6.</b>	<b>Applications</b>	<b>12</b>
6.1	Premises Licence	12
6.2	Club Premises Certificates	13
6.3	Temporary Event Notices	13
6.4	Provisional Statements	13
6.5	Personal Licences	13
6.6	Designated Premises Supervisor	14
6.7	Reviews	14
<b>7.</b>	<b>Licensing Functions</b>	<b>15</b>
7.1	The prevention of crime and disorder	15
7.2	Public safety	16
7.3	The prevention of public nuisance	16
7.4	The protection of children from harm	17
<b>8.</b>	<b>Enforcement</b>	<b>19</b>
<b>9.</b>	<b>Contact details</b>	<b>20</b>

## **1.0 Executive Summary**

The Licensing Authority seeks to achieve a balance between the licensed trade, the community and other stakeholders. Whilst conscious of the importance of licensed premises to the local economy and vitality of the community, the Licensing Authority acknowledges the potential issues associated with licensable activities in relation to nuisance and anti-social behaviour, which in turn impacts on the community in a variety of ways. The Licensing Authority seeks to achieve a mutual co-existence, and will work with the licensed trade, responsible authorities and local communities to identify and resolve issues wherever possible.

## **2.0 Introduction**

### **2.1 The Central Bedfordshire Area**

Central Bedfordshire lies in the heart of the county, covering some 712 square kilometres from Leighton Linlade and Dunstable in the west to Sandy and Arlesey in the east, and from Woburn to Whipsnade. The Chiltern Hills, an Area of Outstanding Natural Beauty, form a major feature in the west including chalk scarp and downlands and the Greensand Ridge runs eastwards throughout the area. The Grand Union canal also passes through the area.

The area is diverse with picturesque villages, hamlets and historic market towns whilst, as one of the most rapidly growing unitary councils in England, it is planning for substantial additional development. With a total population of some 255,000, the largest communities within Central Bedfordshire are Dunstable, Leighton Buzzard, Houghton Regis, Biggleswade, Flitwick, Sandy, Ampthill and Shefford.

In September 2009 Central Bedfordshire had issued over 800 premises licences under the Licensing Act 2003. The Licensing Authority had also issued over 2000 Personal licences. This number includes people that live within Central Bedfordshire area but that may work elsewhere.

### **2.2 Licensing Policy Statement**

The Licensing Act 2003 ('The Act') requires the Licensing Authority, in this case Central Bedfordshire Council ('The Council') to review and publish its Statement of Licensing Policy every three years.

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and having regard to the Guidance to Local Authorities issued under Section 182 of the Act.

The Act requires that a Statement of Licensing Policy is published every three years on specified dates. As a new Authority this is the first Statement of Licensing Policy: the next review must be completed by 7<sup>th</sup> January 2011 to meet the requirements of the Act. Further consultations will take place before any amendments are made. In addition the Council will keep its policy under constant review, and make revisions as appropriate.

Nothing in this policy prevents anyone applying for authorisations under the Licensing Act 2003.

### **2.3 Purpose of Policy**

The purpose of this policy is to set out the approach that the Licensing Authority intends to take when determining applications and carrying out its duties with regard to regulation and enforcement. The policy does not seek to fully explain the various application processes, however guidance and advice on making an application or requesting a review of a licence is available from the Licensing Authority on request. Applicants and members of the public are advised to contact the Licensing Authority in the event of any enquiry for appropriate advice.

### **2.4 Licensing Objectives**

The Licensing Authority has a duty to promote the four licensing objectives of the Act, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The promotion of these licensing objectives places a responsibility on all license holders to become partners in achieving the objectives. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained in order to promote the objectives. These measures will be relevant to the individual style and characteristic of the premises and the events therein.

For further guidance please see section 7.0 or contact the Licensing Authority.

### **2.5 Licensable Activities**

This policy relates to the following activities that are required to be licensed under the Act:

- Retail sale of alcohol
- Supply of alcohol by or on behalf of a club, or to the order of a member of the club
- Provision of 'regulated entertainment' to the public, club members or with a view to profit
- Provision of late night refreshment (Supply of hot food and/or drink from any premises between 11pm and 5am)

Regulated entertainment includes:

- Performance of a play
- Exhibition of a film
- Indoor sporting events



- Boxing/wrestling entertainment
- Performance of live music
- Playing of recorded music
- Performance of dance
- Provision of facilities for making music
- Provision of facilities for dancing

## 2.6 Authorisations for licensable activities

It is an offence under the Act to carry on licensable activities except under and in accordance with an authorisation, or to allow such activities to be carried on. There are various exempt activities that may be carried out without an authorisation and further information and advice is available from the Licensing Authority on request.

## 2.7 General principles

Notwithstanding the above, the Licensing Authority will ensure that:

- Every application is considered on its own merit, having regard to the Guidance issued under Section 182 of the Act.
- The rules of natural justice (**fair treatment and fair decisions**) are applied at all times
- The right of any individual to apply, under the terms of the Act, for a variety of permissions is not undermined
- The right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act is not overridden.
- The provisions of The Human Rights Act 1998, Article 6 (that in determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law), Article 8 (that everyone has the right to respect for their home and private life) and Article 1 of the First Protocol (that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence) are given proper regard.
- Central Bedfordshire Council has not adopted a “vicinity” policy and will only seek to control those measures within the control of the licensee.
- This Licensing Authority acknowledges that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder.
- The Licensing Authority may depart from the guidance and this policy where it is deemed appropriate in order to promote one or all of the licensing objectives. In these circumstances, reasons for the decision will be provided.

## 2.8 Consultation

This policy was drawn up after consulting with the following bodies :-

- The Police

- The Fire Service
- Current licence holders
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Local businesses and their representatives
- Local residents and their representatives
- Community Safety Liaison Officer
- Community Development Officer
- Town & Parish Councils
- Representatives of any Local Strategic Partnership
- Child Protection Agency
- Ofsted
- Trading Standards
- Bedfordshire Drugs Action Team (B:DaT)
- Tourism South East
- Licensing Solicitors
- Ambulance Service
- Voluntary Organisations
- Ward Councillors
- Environmental Health
- Other relevant services within Central Bedfordshire Council
- Local Authorities with which this Licensing Authority has boundaries

This Policy will come into force on the 1<sup>st</sup> April 2010. The next review must be undertaken and the policy published by the 7<sup>th</sup> January 2014. The Policy may also be reviewed, updated and modified as and when the Licensing Authority considers appropriate to promote one or all of the licensing objectives.

The consultation took place between 16<sup>th</sup> September 2009 and 9<sup>th</sup> December 2009, and the views of the parties consulted have been given proper weighting.

***Subject to Full Council Adoption***

***[The policy was approved at a meeting of the Full Council on 25<sup>th</sup> February 2010 and was published via our website on 4<sup>th</sup> March 2010.]***

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following contact:

Licensing Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.

E-mail: [licensing.section@centralbedfordshire.gov.uk](mailto:licensing.section@centralbedfordshire.gov.uk)

Any amendments to the Policy will be subject to further consultation.

### 3.0 Related Strategies and Initiatives

The Licensing Authority will avoid duplication with other statutory regimes and if conditions are already provided for in other legislation, they cannot be considered necessary in the context of licensing law.

Applicants may find it useful to consider other Central Bedfordshire Council strategies and initiatives, Responsible Authority guidance and Central Government legislation and guidance. These may include:

- Community, cultural and community safety strategies
- Alcohol harm reduction strategy
- Safer Clubbing
- Anti Social Behaviour Act 2003
- Health Act 2006
- Health & Safety at Work etc Act 1974
- Regulatory Reform (Fire Safety) Order 2005
- Race Relations (Amendment) Act 2000
- Environmental Protection Act 1990
- Disability Discrimination Act 1996
- Human Rights Act 1998
- Crime & Disorder Act 1998
- The Event Safety Guide
- The Bedfordshire Community Safety Design Guide
- Safer Communities
- The Gambling Act 2005
- Planning Control (The planning and licensing regimes will be clearly separated to avoid duplication and inefficiency)
- Any other relevant documents

#### 4.0 Cumulative Impact

Central Bedfordshire Council has not adopted a saturation policy at this time.

The Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in any area. Due regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the impact they are likely to have on the local community and the promotion of the licensing objectives.

If the Licensing Authority receives representations from a responsible authority or interested party, to the effect that a particular area is becoming saturated with premises, creating problems of disorder and nuisance, the Licensing Authority may take into account cumulative impact when considering the individual merits of any application.

This should not be confused with 'need' which relates to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel. This is not a matter for the Licensing Authority, but for planning committees and for the market.

DRAFT

## **5.0 Licensing Process and Delegations**

- 5.1** Applicants must complete the relevant application form and submit it to the Licensing Authority with all the relevant documentation and fees. Copies must be sent to the Responsible Authorities, as listed below.
- 5.2** For the purposes of this Act the body deemed by this Licensing Authority to be competent to advise it on the protection of children from harm is Central Bedfordshire Council Policy & Strategy, Children Families and Learning.

The Responsible Authorities for the Licensing Act 2003 are:

- Chief Officer of Police
  - Chief Fire Officer
  - Health & Safety. This must be sent to the relevant enforcing Authority for the Health and Safety at Work etc. Act 1974 which in most cases is the Local Authority. In all other cases it is the Health and Safety Executive. If in doubt please contact Central Bedfordshire Council Health and Safety Department for further guidance
  - Central Bedfordshire Council Environmental Health
  - Central Bedfordshire Council Planning
  - Central Bedfordshire Council, Policy & Strategy, Children Families and Learning
  - Trading Standards
- 5.3** As contacts for Responsible Authorities under the Act are liable to change, their details are available on a separate document and can be obtained by contacting the licensing team, or on the Central Bedfordshire Council website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)
- 5.4** Applicants must also advertise their application in the prescribed manner to ensure that all interested parties are aware of the application and are able to make representations if they so wish.

An interested party is defined in the Act as:

- A person living in the vicinity of the premises in question
  - A body representing persons living in that vicinity (e.g. a residents association, town or parish council)
  - A person involved in a business in the vicinity of the premises in question
  - A body representing persons involved in such businesses (e.g. a trade association)
- 5.5** If no relevant representations are received the Licensing Authority must grant the licence and may only attach conditions that are consistent with the operating schedule and any mandatory conditions as prescribed in the Act. Applications where there are relevant representations that have not been withdrawn as a result of mediation,

will be dealt with by a Committee of the Licensing Authority, as will any application for review of a licence (see Section 7.0).

**5.6** When determining applications the Licensing Authority will have regard to the Guidance issued by the Department of Culture, Media and Sport (DCMS). In particular account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

**5.7** The Licensing Authority may depart from the guidance and this policy where it is deemed appropriate in order to promote one or all of the licensing objectives. In these circumstances, reasons for the decision will be provided.

### **5.8 Delegation of Functions**

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Officers</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
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 representation to a temporary event notice	All cases	
Application for a Minor Variation either with or without representations	All cases (subject to approval by the constitutional working group and members)	

- 5.9** Conditions may only be attached to a premises licence or club premises certificate if relevant representations are received. Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.

DRAFT

## 6.0 Applications

Before making an application, applicants should refer to the Central Bedfordshire Guidance to the Licensing Act 2003.

### 6.1 Premises Licence

A premises licence is required for any of the licensable activities listed at 2.5. 'Premises' is defined in the Act as meaning any place and includes a vehicle, vessel or moveable structure.

Any person aged over 18 years, a business or partnership, may apply for a premises licence. The application must be made on the prescribed form and must be accompanied by;

- The required fee
- An operating schedule
- A plan of the premises to which the application relates
- If it is intended to supply alcohol, the applicant must provide a form of consent from the individual that the applicant wishes to have specified as the "designated premises supervisor".

Applicants are encouraged to enter pre-application discussions with the Licensing Authority and Responsible Authorities, to ensure that they have adequately addressed all the licensing objectives.

The operating schedule should include information which will enable the Licensing Authority, Responsible Authorities and Interested Parties to assess the steps taken by the applicant to promote the licensing objectives. Further advice on operating schedules may be obtained from the Licensing Authority.

A Responsible Authority or Interested Party can make representations to the Licensing Authority in relation to a Premises Licence Application. A representation can be in support of or oppose the application, but must relate to the premises and the likely impact of the application on one or more of the licensing objectives. A representation must be served on the Licensing Authority within the statutory deadline, which is 28 days from the date the application was made or accepted.

Where a premises licence authorises the supply of alcohol, the following mandatory conditions will apply:

"No supply of alcohol may be made under the premises licence

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended".

"Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence".



Where an application is made by a community premises under The Legislative Reform (Supervision of Alcohol Sales in Church & Village Halls &c.) Order 2009, to apply the alternative condition, that condition shall replace the above with “Every supply of alcohol under the premises licence must be made or authorised by the management committee”.

## **6.2 Club Premises Certificates**

The procedures and legal requirements for Club Premises Certificates are largely the same as for Premises Licences, with the major difference being that under a Club Premises Certificate there is no requirement for a Designated Premises Supervisor.

Further information and advice on specific circumstances may be obtained from the Licensing Authority.

## **6.3 Temporary Event Notices**

The Act provides for the temporary carrying on of the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at premises which are not authorised by a premises licence or a club premises certificate.

There are various restrictions in relation to the use of Temporary Event Notices and event organisers are advised to contact the Licensing Authority for further details.

Only the police may object to a Temporary Event Notice and only where they consider that the event is likely to undermine the crime prevention objective.

The Act states that a Temporary Event Notice must be given to the Licensing Authority and to the police at least 10 working days before the day on which the event is due to begin (This does not include the day of receipt of the application by the Licensing Authority or the first day of the event). The Licensing Authority however recommends that at least 28 days notice be given, to allow the Licensing Authority and the police to take full consideration of the notice.

## **6.4 Provisional Statements**

Where premises are being constructed, extended or otherwise altered with a view to providing a licensable activity under the Act, an individual over the age of 18 years, who has an interest in the premises, may apply for a Provisional Statement.

Please contact the Licensing Authority for further details.

## **6.5 Personal Licences**

A personal licence is required by individuals making or authorising the sale or supply of alcohol in accordance with a premises licence. Not every person retailing alcohol at licensed premises needs to hold a personal licence, but

every sale or supply of alcohol must be at least authorised by a personal licence holder.

The Licensing Authority must grant an application for a personal licence if the criteria set down in the Act are satisfied.

Personal licences are portable from one premises to another. An applicant can apply for a personal licence whether or not they have current employment or business interests associated with the use of the licence.

For further guidance and advice please contact the Licensing Authority.

## **6.6 Designated Premises Supervisor**

The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. This is why a personal licence is required by all persons authorising such sales.

Each premises licence which authorises the sale of alcohol requires a personal licence holder to be the Designated Premises Supervisor, (the only exception is for community premises which have successfully made an application to disapply the usual mandatory conditions). This is to ensure that there is always one individual who can be readily identified in case of emergency. The Designated Premises Supervisor should have day to day responsibility for the running of the premises and should be on the premises on a frequent and regular basis. Suitable arrangements should be in place to provide cover where the Designated Premises Supervisor is absent due to holidays, sickness or similar circumstances.

## **6.7 Reviews**

The Act provides a review mechanism for premises where one or more of the licensing objectives are not being met. However, no more than one review will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order.

Responsible Authorities and Interested Parties can apply for a review of a premises licence but must provide evidence to the Licensing Authority that one or more of the licensing objectives are not being met.

Requests for a review will be rejected if:

- the reason does not relate to one or more of the licensing objectives
- if the grounds are, in the opinion of the Licensing Authority, frivolous, vexatious or repetitive. Repetitive grounds are those which are substantially the same, or identical to those considered at a previous hearing within the last 12 months.

Any review of a licence will take place before the Licensing Sub Committee.

## **7.0 Licensing Functions**

Central Bedfordshire Council's Licensing Authority recognise that there are many other departments of the council who have legal responsibilities in relation to premises, that may wish to be, or are already licensed; for example, environmental health, trading standards, planning, building control, community safety etc. However, whilst supportive of those other responsibilities the Licensing Authority can only act in accordance with the Licensing Act 2003. It is therefore vital that a clear distinction is made between the Licensing Authority and all other Council departments.

In most cases (other than minor variations), if representations are received from, or a review is requested by, a responsible authority or interested party, and these cannot be resolved by discussion between the responsible authority, the interested party, the applicant and the licensing authority, a public hearing will be held by the Licensing Sub Committee. At the hearing the Licensing Sub Committee will listen to the evidence and statements of the responsible authority and/or interested party who have made representations/called for a review, and any information the applicant wishes to provide.

The Licensing Sub Committee will only consider the evidence relating to representations which are in connection with one or more of the four licensing objectives. Consequently, the Licensing Sub Committee will only attach conditions to authorisations, where representations have been made, and where those conditions are considered necessary to ensure that the licensing objectives are being met. If it is ruled that the applicant has met the licensing objectives then no conditions will be attached. The Licensing Sub Committee may also choose to refuse the application; however, the presumption of the Act is that all applications will be granted unless there are exceptional circumstances where the licensing objectives cannot be met. The Licensing Sub Committee will seek to avoid attaching conditions that duplicate other regulatory regimes as far as possible. They will also only seek to attach conditions that are focused on matters in the direct control of the licence holder or club.

In ensuring that the four licensing objectives are met the Licensing Sub Committee would expect the applicant to have demonstrated that they have undertaken a risk assessment to ensure they have considered all the relevant factors for their individual circumstances, including the individual styles and characteristics of the premises and the types of event proposed.

The types of issues that should be considered by the applicant for each licensing objective include, but are not limited to:

### **7.1 The Prevention of Crime and Disorder**

Applicants should consider how they propose to deal with:

- Under age drinking
- Drunkenness on premises
- Drugs

- Violent behaviour
- Anti Social Behaviour

Licensing application operating schedules should therefore consider measures for:

- Provision of door supervisors, properly licensed by the Security Industry Authority.
- Bottle bans or requirement to provide plastic containers/toughened glass. (Where risk assessment determines that there is a high risk in this area, providing polycarbonate glasses will be a condition for new applications).
- CCTV, both inside and outside the premises.
- Ban on open containers being taken from premises (e.g. glasses and open bottles)
- Restrictions on drinking areas.
- Capacity limits
- Proof of age cards.
- Responsible drinks promotions
- Crime prevention notices/signage.
- Effective and responsible management and supervision of premises
- Appropriate instruction and training given to staff in crime prevention measures
- Security arrangements
- Participation in Pub Watch/Shop Watch schemes
- Adoption of existing and future Best Practice Guides, such as Safer Clubbing, the National Alcohol Harm Reduction Strategy etc.

**Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control**

## **7.2 Public Safety**

Applicants should show that they have adequately considered the safety of the public when they are visiting the premises. This will include demonstrating that they have considered appropriate management procedures for ensuring public safety.

Applicants need not duplicate any matters that are considered as part of the requirements of the Regulatory Reform (Fire Safety) Order 2005, which requires fire risk assessments to be undertaken. However the Licensing Authority will consider the implications relating to public safety for each individual application and operating schedules provided by applicants will be expected to address any specific public safety issues not covered by other legislation.

## **7.3 The Prevention of Public Nuisance**

The Licensing Act 2003 recognises the need for flexibility with regard to licensing hours, to reduce the likelihood of disturbances due to large numbers

of people leaving licensed premises simultaneously. Applicants should consider their opening hours in relation to the nature of their business, the other licensed premises in the local area and the likelihood for public nuisance to occur.

Public Nuisance will be taken in its widest sense to include such issues as noise, light, vibration, odour, litter and anti social behaviour where these matters can impact on those living or working in the area. In particular, with regard to noise sensitive areas the Licensing Authority will apply such additional conditions as necessary to promote the licensing objectives.

Licensing application operating schedules should therefore consider measures and management procedures to deal with potential for nuisance, which may include:

- Prevention of noise breakout (this includes music, ventilation equipment and human voice whether amplified or not) e.g. sound proofing arrangements, restrictions on times when music or other licensable activities may take place, use of noise limiters properly set to prevent noise breakout and disturbance.
- Prevention of disturbance by customers arriving and leaving the premises and the delivery of goods or services (This will be of greater importance between 11.00pm and 07.00am) e.g. restrictions on deliveries/collections, signage requesting customers to leave quietly and to respect the rights of nearby residents.
- Limiting and or controlling the use of outdoor areas, gardens and patios for licensable activities, where these activities may cause a public nuisance. (Applicants will be required to inform the Licensing Authority of any proposed use of outdoor areas for licensable activities).
- Controlling odours and litter within the curtilage and vicinity of the premises.
- Consideration of light and vibration sources and their potential impact on neighbouring properties.

#### **7.4 The Protection of Children from Harm**

- Whether there are effective measures to check the age of those young people who appear under 21 to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises.
- Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance.
- The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.
- Whether due regard is paid to industry codes of good practice on the labeling and display of alcoholic drinks.

- Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.
- The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.
- Whether there is evidence of heavy, binge or underage drinking on the premises.
- Whether the premises commonly provides entertainment or services of an adult or sexual nature
- Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).
- Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the council itself
- If performances or activities are likely to attract children, the number of adults required for the supervision of children.
- Where play facilities are provided if an adequate risk assessment has been made and appropriate measures taken.
- The measures to be taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children. Obtaining Enhanced Disclosure from the Criminal Records Bureau may be appropriate in some cases.
- Proposals for the provision or arrangement for safe transport for children.

DRAFT

## 8.0 Enforcement

The need for compliance with the licensing objectives and licensing conditions will, in most cases, be carried out with co-operation and liaison between the Licensing Authority and licence holders. A policy of consistency, transparency and proportionality will be the key to success.

The Licensing Authority will liaise with all responsible authorities to ensure that, where enforcement is required to support compliance, it will be done using the most appropriate primary legislation. Where this is not possible the Licensing Authority's enforcement officer will investigate and make recommendations under the relevant provisions of the Licensing Act and its guidance. The current Central Bedfordshire Council enforcement policy and agreed principles of Enforcement Concordat will also be considered.

The Licensing Authority agrees with the principles recommended within the guidance to the Act, of risk rating and targeting to ensure that resources can be properly assigned where needed. A lighter touch approach to enforcement will be used where a low risk rating is identified.

The promotion of the four licensing objectives will be paramount to all enforcement actions.

DRAFT

## 9.0 Contact Details

Further information about The Licensing Act 2003 and the Councils Licensing Policy can be obtained from:

Central Bedfordshire Council  
Public Protection

Priory House	or	The Council Offices
Monks Walk		High Street North
Chicksands		Dunstable
Shefford		Beds
Beds		LU6 1LF
SG17 5TQ		
Tel: 0300 300 8000		Tel: 0300 300 8000

Details of where to send applications, and addresses for Responsible Authorities are available in a separate document, as these are liable to change. Please contact the licensing team for details.

This policy will also be available on our website:

[www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)

Information is also available from;

The Department for Culture, Media and Sport  
2-4 Cockspur Street  
London  
SW1Y 5DH

Tel: 0207 211 6200

e-mail: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

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

Local Government Licensing Forum:

Website: [www.lglf.org](http://www.lglf.org)

The Portman Group:

Website: [www.portmangroup.co.uk](http://www.portmangroup.co.uk)