

# LUTON



# **DRAFT STATEMENT OF LICENSING POLICY**

August 2004

## CONTENTS

		<b>Page No.</b>
1.	Introduction	<b>3</b>
2.	Licensing Objectives	<b>4</b>
3.	Background to Luton	<b>5</b>
4.	Consultation	<b>8</b>
5.	General Principles	<b>10</b>
6.	Integrated Strategies	<b>13</b>
7.	Prevention of Crime and Disorder	<b>15</b>
8.	Public Safety	<b>17</b>
9.	Prevention of Public Nuisance	<b>18</b>
10.	Protection of Children from Harm	<b>20</b>
11.	Cumulative Impact	<b>23</b>
12.	Licensing Hours	<b>25</b>
13.	Conditions	<b>27</b>
14.	Enforcement	<b>28</b>
15.	Live Music, Dancing and Theatre	<b>30</b>
16.	Application Process	<b>31</b>
17.	Administration, Exercise and Delegation of Functions	<b>34</b>
18.	Useful Contacts	<b>37</b>

## 1. INTRODUCTION

Luton Borough Council is the licensing authority for the Borough of Luton under the Licensing Act 2003 (“the Act”). The Council is responsible for granting premises licenses, club premises certificates, temporary events notices and personal licenses in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

The Act requires the Council to publish a Statement of Licensing Policy every three years. The Council will keep the Policy under constant review and will consult statutory consultees as set out in the Act and any other person who the Council deems appropriate on any proposed new or revised policy.

### **Consultation**

This policy is in draft format and any relevant representations made on it will be considered and the policy amended accordingly.

This policy will form the basis of the Council’s decision making for licensing under the new Act, therefore if you have any concerns, please raise them now, as otherwise the policy may not reflect your concerns

## **2. LICENSING OBJECTIVES**

It is the duty of the licensing authority to carry out all its licensing functions under the Act with a view to promoting the licensing objectives. All applications for Premises Licences must specify how they will promote the licensing objectives, including setting out methods for reducing any anticipated adverse impact. The licensing objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Details of the Council's policy in relation to each of the individual licensing objectives is set out in Sections 7 to 10 of this policy.

### **3. BACKGROUND TO LUTON**

Luton has a population of 184,000 people, making it one of the largest towns in South East England. Luton's people come from a wide range of ethnic backgrounds and the town is proud of its cultural diversity. Approximately 37% of the town's population is under 25. Luton has a thriving university, an international airport and excellent transport links to many of the country's major cities.

Luton is densely populated and is in a conurbation with the neighbouring towns of Houghton Regis and Dunstable. The town centre has the Galaxy Centre with restaurants and a multiplex cinema, an arts centre, a theatre, several nightclubs and a wide range of pubs and restaurants.

The Council considers that licensed entertainment provides a valuable contribution towards the local economy, tourism and cultural development of the town. The Council also recognises that such entertainment can lead to increased noise, nuisance and crime and disorder, if not properly controlled. In particular, the Council wishes to minimise any negative impact from licensed entertainment on residential households. The Council is seeking to maintain a balance between parties with differing interests, including local businesses, residents and licence holders.

As at April 2004 the numbers of premises issued with licences allowing the sale of alcohol are:

- 274 Justices On Licences
- 283 Justices Off Licences
- 42 Registered Clubs
- 25 premises holding late liquor licences (excluding theatres & hotels) of which 22 are located in the Town Centre
- 100 premises holding Public Entertainment Licences of which 40 are located in the Town Centre
- 20 public houses in the Town Centre do not hold either late liquor licences or a public entertainment licence.

Information supplied by the Council's Environmental Health (Pollution Control) Team has revealed that in the year 1<sup>st</sup> April 2003 to 31<sup>st</sup> March 2004, it received 19 complaints relating to noise emanating from public houses or clubs in Luton.

Data from Bedfordshire Police at Luton has revealed that for the period April 2003 to April 2004, the Police recorded alcohol related incidents in the following wards:

*	Town Centre	824
*	High Town	244
*	Crawley	144
*	South	449
*	Farley	185
*	Dallow	185
*	Biscot	188
*	Challney	127
*	Saints	96
*	Stopsley	99
*	Wigmore	129
*	Lewsey	148
*	Legrave	142
*	Limbury	86
*	Icknield	114
*	Sundon Park	164
*	Bramingham	96

The figures given above reveal that there is an average of 280 alcohol related incidents per month in Luton.

## 4. CONSULTATION

This policy has been drawn up after consultation with the following organisations and individuals:

- Bedfordshire Police;
- Bedfordshire Fire & Rescue;
- Safer Luton Partnership;
- Luton Magistrates' Court;
- Existing licence holders and their representatives, potential licence holders, including late night takeaway establishments;
- Local businesses and their representatives, specifically through town centre partnerships and the local Chamber of Commerce;
- Local residents and their representatives, specifically through Area Committees and local tenants and residents associations;
- Luton Borough Council Environmental Health, Planning, Highway and Regeneration sections;
- Luton Borough Council Town Centre Manager;
- Local Arts Committee/NALGAO;
- Area Child Protection Committee;
- Alcohol Concern;
- Licensing Strategy Group;
- Primary Care Trust;
- Disability Resource Centre;
- Luton Borough Council Equalities Unit
- Hackney Carriage and Private Hire Trades
- Transport Providers



Following adoption of this Policy, the Council will keep it under constant review. The Head of Environmental and Consumer Services will maintain an “Issues Log” in which matters pertaining to this Policy will be recorded. Any interested party or responsible authority may raise an issue with the Council in relation to the Policy and the Head of Environmental and Consumer Services will determine whether the issue is relevant to this policy and if so, whether it requires an immediate review of the current policy or to be noted in an “Issues Log” for consideration on a future review of the policy. In addition, when the policy is reviewed, either in accordance with the statutory requirements or because relevant issues have arisen, the Council will consult with the statutory consultees and with any other consultees as deemed appropriate. The Council will establish a Licensing Consultative Group to meet twice a year for representatives of licensed premises, personal licensees and interested parties, including local residents to discuss and review matters relating to licensing.

**Consultation**

The Council wishes to consult widely on the impact of this policy and welcomes your views

Please state whether you represent an organisation

Please give state your address (this is particularly important if you are a resident or local business with issues about a particular area

## 5. GENERAL PRINCIPLES

This policy relates to the following activities:

- retail sale of alcohol;
- wholesale supply of alcohol to members of the public;
- supply of alcohol to members of registered clubs;
- provision of regulated entertainment in the presence of an audience; and
- supply of hot food or drink between 11pm and 5am.

Licensing is about the control of licensed premises, qualifying members' clubs and temporary events. Conditions attached to a licence or permission will relate to matters within the control of the licence holder and will concern the premises or place being used for the licensable activity and the vicinity of those premises and places.

For the purposes of this policy, vicinity generally means within a 100 metre radius of the application premises. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night - time economy in town and city centres.

This statement of policy does not override 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.

The Council 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.

The Council will inform its residents and other interested bodies of applications for the grant, transfer and variation of licence through the maintenance of a public register of all applications received. This information will be available on the Council's website and details communicated to the Ward Councillors.

In carrying out all its licensing functions, the Council will have regard to the Act, the statutory government guidance and this policy. It will also carry out its functions with a view to promoting the licensing objectives.

The Act presumes that any application being considered will be granted unless there are objections raised which relate to the licensing objectives. Every application will be considered on its own merits. All relevant representations will be considered when determining an application, except those that the Council considers are frivolous or vexatious. For a representation to be considered relevant, it should relate to the application premises and one or more of the Licensing Objectives.

All applicants will be required to set out how they will promote the Licensing Objectives and what measures they intend to employ to ensure compliance with them. The following are other mechanisms which are available to deal with some of the problems associated with a minority of consumers behaving badly and unlawfully:-

- Planning controls;

- The Luton Safe Project to promote improvements to Luton's night time economy.

- Positive measures to create a safe and clean town in partnership with local businesses, transport operators and other departments within the licensing authority;

- Powers of local authorities to designate parts of their areas as places where alcohol may not be consumed in public;

- Police enforcement of criminal law;

- The prosecution of personal licence holders or members of staff who sell alcohol to people who are drunk or underage;

Confiscation of alcohol in designated areas;

Police powers to close down premises instantly for up to 24 hours on the grounds of disorder;

The power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate;

Town Centre CCTV;

The licensing authority's enforcement of the Licensing Act 2003.

The Council will not impose licence conditions that are covered by other regulatory regimes, except where this imposition can be exceptionally justified as necessary to promote the licensing objectives. Examples of other regulatory legislation include health & safety at work and fire safety. The Council recognises that planning and licensing regimes are separate and that licensing applications should not be a re-run of a planning application. The licensing committee is not bound by decisions relating to planning applications, even if these decisions are made by the Council as the local planning authority. The licensing committee will provide regular reports to the Council's Development Control Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the Development Control Committee to have regard to such matters when taking its decisions.

**Consultation**

Are there issues of anti-social behaviour which you do not feel are covered by other controls and should be dealt with by the licensing authority?

Are you aware of any problems in your area which are directly related to licensed premises?

## **6. INTEGRATED STRATEGIES**

In formulating this policy, the licensing authority has taken account of its obligations and powers under S17 of the Crime and Disorder Act 1998, Human Rights Act 1998, Disability Discrimination Act 1995, Environmental Protection Act 1990, Town & Country Planning Act 1990, Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 and the Anti Social Behaviour Act 2003 and the following government strategies:-

- Alcohol Harm Reduction Strategy;
- Home Office Safer Clubbing Guide;
- Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
- DTI Enforcement Concordat.

The Council has due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Council will adhere to its race equality scheme; assess and consult on the likely impact of proposed policies on race equality and monitor policies for any adverse impact on the promotion of race equality.

The licensing authority has also taken into account local strategies and policies in formulating this policy. These include the following:-

- The Borough of Luton Local Plan 1997 and Luton Local Plan 2001-2011 (Draft);
- Community Safety Strategy 2002-2005;
- Environment and Consumer Services' Enforcement Policy;
- Good Practice Guide on the Control of Noise from Pubs and Clubs;
- Local Transport Plan;
- Alcohol Strategy January 2001 (draft);

Local Drugs Policy.

Local Tourism, Leisure and Cultural strategies

Local Race Equality Strategy

The Council will also have regard to the Code of Practice on Environmental Noise Control at Concerts 1995.

The Council will seek to actively integrate its licensing policy with local plans and strategies. It will seek to achieve this through regular meetings with and written submissions to interested parties in order to develop an integrated framework.

The Council will liaise with local transport authorities and organisations in order to facilitate the swift dispersal of people from the Town Centre and avoid concentrations of people whose behaviour may lead to disorder and disturbance.

## **7. PREVENTION OF CRIME & DISORDER**

The Council is under a statutory duty to seek a reduction in crime and disorder under S17 of the Crime & Disorder Act 1998. Applications should demonstrate that a positive reduction in crime and disorder will result or that crime and disorder will not increase as a result of the application being granted.

If there is a likelihood of crime and disorder increasing as a result of the application being granted, the licensing authority will refuse the application, unless there are exceptional circumstances to justify a departure from this policy.

In considering licence applications, the Council will particularly take into account the following:-

- The crime prevention procedures put forward as part of the application;
- Participation in Pubwatch or Shopwatch schemes;
- Staff training in crime prevention measures and drugs awareness, e.g. BIIAB Drugs Awareness Certificate;
- Physical security features installed in the premises, including CCTV. If CCTV is to be provided, the operating schedule should give details of the precise siting of each camera, maintenance and as to how long the recording will be kept. A condition may be imposed setting out minimum requirements;
- Applications which both apply for and demonstrate a genuine intention to trade to different hours from nearby competitors.
- Appropriate signage both inside and outside the premises and the provision of door supervisors. In relation to door supervisors, the Council expects all premises selling alcohol with opening hours later than 11pm to have one door supervisor for every 150 adult people likely to be present in the premises, such door supervisors to be on duty from 10pm, unless there are exceptional circumstances justifying a departure from this policy. In addition, applicants

are asked to set out any search policy they have in relation to customers;  
Measures employed to prevent the consumption or supply of illegal drugs;  
Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;  
Measures taken to prevent bottles and glasses being used as weapons and from their being taken off the premises. There will be a presumption in favour of imposing a condition requiring toughened glass or plastic containers to be used when drinking takes place outdoors and also during the televising of live sporting events, such as international football matches and some indoor sports events, where there is concern that high states of excitement and emotion fuelled by alcohol might arise;  
Policies in relation to drinks promotions. The Council believes that irresponsible use of happy hours and other drinks promotions can lead to drunkenness, which in turn can lead to an increase in crime and disorder. The Council encourages the adoption of voluntary codes covering price promotion;  
Representations from the police;  
Representations by local residents in the vicinity of the premises.



## **8. PUBLIC SAFETY**

Licensed premises present a mixture of health and safety risks. It is essential that premises are constructed or adapted so as to safeguard occupants against such risks. The licensing authority will set maximum occupancy limits in consultation with the Fire Service and Environment Health in circumstances where these are deemed appropriate to ensure the safety of persons in the premises and safe escape in the case of an emergency. If there are additional concerns about crime and disorder and public nuisance, the Council may consider setting a lower maximum occupancy limit than that recommended by the Fire Service. When calculating occupancy limits, staff should be included.

Appropriate conditions will be imposed in order to protect the general health and safety of persons frequenting licensed premises or events. In considering licence applications, the licensing authority will take into account the following:-

- Staff training in relation to general health and safety of persons attending the premises. The Council may require the regular production of certificates in relation to training;

- Provisions made for the safety of persons in the premises and escape routes, including provision for people with physical disabilities;

- Equipment in relation to fire safety, including details of maintenance;

- Representations made by the Fire Service and Environmental Health.

## **9. PREVENTION OF PUBLIC NUISANCE**

The licensing authority wishes to protect the amenity of residents and businesses in the immediate area surrounding licensed premises.

In considering all licence applications, the licensing authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.

The licensing authority will require applications relating to the provision of regulated entertainment to be accompanied by an acoustic consultant's report.

Applications should demonstrate that public nuisance will not increase as a result of the application being granted.

The licensing authority will particularly take into account the following:-

- The measures proposed by the applicant to prevent noise and vibration escaping from the premises. Such measures may include the installation of sound-proofing and sound limitation devices;

- The measures proposed by the applicant to prevent disturbance by customers arriving or leaving the premises, in particular after 11pm e.g. the implementation of "winding down" periods towards the end of trading; the use of dedicated taxi services; signage and announcements asking customers to leave quietly, reinforced by door supervisors;

- The measures proposed by the applicant to prevent queuing and/or reduce disturbance caused by inevitable queuing;

- The provision of public transport in the vicinity and whether this is sufficient to deal with the number of patrons leaving the premises;

- Applications which both apply for and demonstrate a genuine intention to trade to different hours from nearby competitors .

The measures proposed by the applicant to prevent disturbance by customers using gardens and other open air areas. Earlier hours may be set for outdoor areas;

The measures proposed by the applicant to prevent light pollution from external lighting, including security lighting;

The effect of the licence on refuse storage or disposal and litter (including flyposting, illegal placards and leafleting) in the vicinity of the premises. If there are concerns that litter is going to increase as a result of the granting of a licence, a condition may be imposed to minimise this effect, for example, requiring the provision of additional litter bins in the vicinity of the premises. Applicants are reminded that there is current legislation in place to stop flyposting and illegal advertising and the Council takes breaches of these requirements seriously;

The measures proposed by the applicant to control noise from outdoor events including the appointment of a noise consultant where applicable

Representations made by Environmental Health;

Representations made by local residents in the vicinity of the premises.

#### **Consultation**

Do you have concerns about noise or other nuisance from licensed premises?

How do you think the Council can prevent noise nuisance and other forms of nuisance through the licensing process?

Have you experienced problems with people leaving licensed premises?

Do you have concerns about open air spaces being used as licensed premises?

Are you aware of problems with regard to refuse and littering in connection with licensed premises?

Do you think “winding down” periods would reduce public nuisance and noise from people leaving licensed premises?

## 10. PROTECTION OF CHILDREN FROM HARM

Whilst the Council recognises that children may be present at licensed premises, sometimes unaccompanied, it also recognises that limitations may have to be considered where it appears necessary to protect children from harm. Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Access by children to licensed premises will normally be left to the discretion of the licensee. Applicants' operating plans should refer to the appropriate risk assessments that have been undertaken to generally assure the safety of children admitted to the premises.

In particular, the licensing authority will take the following into account when determining licence applications:-

- Any representations made by the Area Child Protection Committee or the Head of Children's Services, who will automatically be consulted on any application over which there may be concerns over access by children;

- Details of the type of entertainment to be provided at the premises;

- Measures set out in the operating schedule to safeguard the safety of children whilst on licensed premises;

- The procedures in place to conduct age verification checks e.g. the requirement to produce nationally recognised proof of age cards in appropriate circumstances.

Luton Borough Council commends the Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, which 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. 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.

There will be a presumption in favour of imposing a condition limiting access by children to premises where there is evidence of the following:-

- Convictions for serving alcohol to minors or a reputation for underage drinking;

- Convictions or police intelligence relating to drug taking or dealing associated with the premises;

- Strong element of gambling on premises (but not the simple presence of a small number of cash prize gaming machines);

- Entertainment of an adult or sexual nature is commonly provided.

When considering the imposition of conditions on a licence in relation to limiting access to children, the following are options available to the licensing authority:-

- Limitation on the hours when children (eg. under 16) may be present;

- Limitation on ages below 18;

- Limitation or exclusion when certain activities are taking place;

- Requirement for an accompanying adult;

- Delineation of areas within the premises that would restrict children's access to certain areas.

- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

When considering the imposition of conditions on premises offering public entertainment specifically for children, the Council will normally impose a requirement for door supervisors or suitably qualified attendants or stewards to be present. Any attendant or steward must have had a Criminal Records Bureau check carried out and the Council may require evidence of this, in order to determine whether they are suitable. Generally, a minimum of one attendant or steward will be required for each 100 children present on the ground floor and each 50 children present on other floors. In addition, the Council normally expects this sort of entertainment to be a ticket only event, to ensure that the numbers attending can be easily ascertained.

The Council is aware of the health concerns surrounding passive smoking and when determining applications where children are likely to be present, it will consider whether it is necessary to impose a condition requiring the premises to have a no smoking area.

In relation to cinemas and other premises used for the exhibition of films, the Council expects that the relevant operating schedule will include a stipulation that children be restricted from viewing age-restricted films, classified in accordance with the recommendations of the British Board of Film Classification or, where relevant, the Council itself.

For the purposes of Section 13(4) of the Act, the Council judges the Area Child Protection Committee to be competent to act as the Responsible Authority relating to matters concerning the protection of children from harm. In cases where the Area Child Protection Committee is unable to provide representation within the time scales set out in the Act, the Council will accept representations from its Head of Children's Services. Where applicants are required to correspond with the Responsible Authority, they should send the correspondence to the Head of Children's Services, Luton Borough Council, Unity House, Luton, who will arrange for it to go before the Area Child Protection Committee if time permits or otherwise make any representations as he feels appropriate.

**Consultation**

Do you have any concerns about children attending licensed premises?

Are there specific types of licensed premises which you feel are unsuitable for children?

What measures do you think the Council should take to protect children in relation to licensed premises?

## 11. CUMULATIVE IMPACT

The cumulative effect of a proliferation of late night entertainment premises may result in an increase in the number of people either walking through or congregating in streets during the night. This may have a potential impact on crime and disorder and/or public nuisance for that particular part of the town.

It may not always be possible to attribute the potential interference on local residents to particular premises, which means that enforcement action may not resolve all the problems.

If the Council is concerned that this situation is arising, it may decide to establish a special policy, which will have the effect of preventing new licences being granted within a particular area, unless there are exceptional circumstances which justify a departure from that policy.

Prior to determining whether to adopt a special policy, the Council will take the following steps:-

Identify areas of significant concern about crime and disorder or public nuisance. This information may come from interested parties, including local residents or a responsible authority.

Consider the evidence to establish whether crime and disorder and/or public nuisance is arising and caused by the customers of licensed premises.

Information from the police and the Crime and Disorder Reduction Partnership is likely to be of use in assisting the Council to make an assessment.

Identify the area from which the problems are arising and the boundaries of that area.

Consult with persons referred to in S5(3) of the Act on the effect of such a policy.

After taking into account the results of the consultation, determine whether to adopt a policy about future applications for premises within a specific area.

Publish the special policy as an amendment to this policy.

Once a special policy has been adopted, the Council may refuse applications for new licences, if relevant representations about the cumulative impact are received, unless the applicant can demonstrate that the operation of the subject premises will not add to the cumulative impact already being experienced.

**Consultation**

In view of the crime figures set out in Section 3, do you think the Council should consider adopting a special policy in respect of any area within Luton?



## 12. LICENSING HOURS

The Council recognises that fixed or artificially early closing times in certain cases can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time.

Staggered trading hours may be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in the areas. However, the Council will not seek to engineer staggered closing times by setting quotas for particular closing times.

There will be a presumption in favour of permitting shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they intend to open, unless there are specific factors which outweigh this. Examples may be a known history of disorder and disturbance, exacerbated by the sale of alcohol during extended opening hours.

In general, the licensing authority will deal with the issue of licensing hours on the individual merits of each application. However, the licensing authority is likely to consider restricting licensing hours or imposing suitable conditions in cases where licensed premises are situated in largely residential areas or where the trading hours of the premises and competing businesses in the vicinity are likely to lead to undue pressure on public transport systems or additional public nuisance, disorder and anti-social behaviour and where the licensed premises includes outside areas.

### Consultation

How do you think that staggered opening hours will reduce nuisance and disorder?

What are your views on opening hours for different types of licensed premises eg. shops, pubs, clubs, late night hot food outlets?

Do you think there should be opening hour restrictions for premises in certain parts of the town or certain types of area and if so, why?

Are there particular areas of the town which may benefit from a restriction on opening hours?

## 13. CONDITIONS

A key concept of the Act is for conditions to be attached to licences and certificates, which are tailored to the individual style and characteristics of the premises and events concerned. The conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. The licensing authority has a pool of conditions from which appropriate and proportionate conditions will be drawn in particular circumstances – the pool of conditions include the model conditions set out in the statutory government guidance, which can be accessed on the DCMS website (see useful contacts). If an applicant or interested party wishes to see the Council's pool of conditions, they should contact the Council's Licensing Unit.

It is intended that licence conditions will depend on the individual application and will only be imposed when they are necessary to meet one or more of the Licensing Objectives. The Council will strive to only impose conditions that will be open, transparent and reasonable. They will reflect the current policies that the Council has in place and will not seek to contradict such established policies.

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 regulations. The conditions that are deemed necessary will initially emerge from the Applicant's operating schedule, which should incorporate any risk assessment, which has been undertaken. Interested parties and responsible authorities will also be able to make representations and if such representations are made, the Council will consider whether additional conditions are necessary to promote the Licensing Objectives. In order to minimise problems and the necessity for hearings, in situations where representations have been made, applicants are invited to consult with responsible authorities when they are preparing their schedules. They are also at liberty to discuss their application with the Council's Licensing Unit prior to its formal submission.

## **14. ENFORCEMENT**

The Council has an enforcement policy that is based around the principles of targeting, consistency, transparency and proportionality as set out in the Department of Trade and Industry's Enforcement Concordat and which also takes into account the Attorney General's Guidelines to Crown Prosecutors for bringing prosecutions. The enforcement policy is available for inspection on request.

The enforcement policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. For example, an isolated administrative offence such as failing to maintain a record may be dealt with by means of a written warning. More serious offences which jeopardise public safety or where less serious offences are committed consistently over a period of time will result in the matter being referred for prosecution.

The Council will implement an inspection regime which will be dependant on the type of premises to be inspected i.e. well managed and maintained premises will not require the same number of inspections as problem and high risk premises.

The Council will continue to seek to work actively with the Police and Fire Service in enforcing licensing legislation. The Police and the Council will continue to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and common law powers. It is anticipated that the Police will consult closely with the Council when enforcement action may be required. A joint enforcement protocol has been developed between the Bedfordshire licensing authorities, environmental health authorities, Bedfordshire Constabulary, Bedfordshire and Luton Fire & Rescue Service, Luton and Bedfordshire County Council Trading standards and the Crown Prosecution Service.

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The Council's Licensing Enforcement Officers will continue to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with.

## **15. LIVE MUSIC, DANCING AND THEATRE**

As part of its cultural strategy, the Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for children.

When considering applications for such events and the imposition of conditions on licences or certificates, the Council will carefully balance cultural needs of the community with the necessity of promoting the licensing objectives.

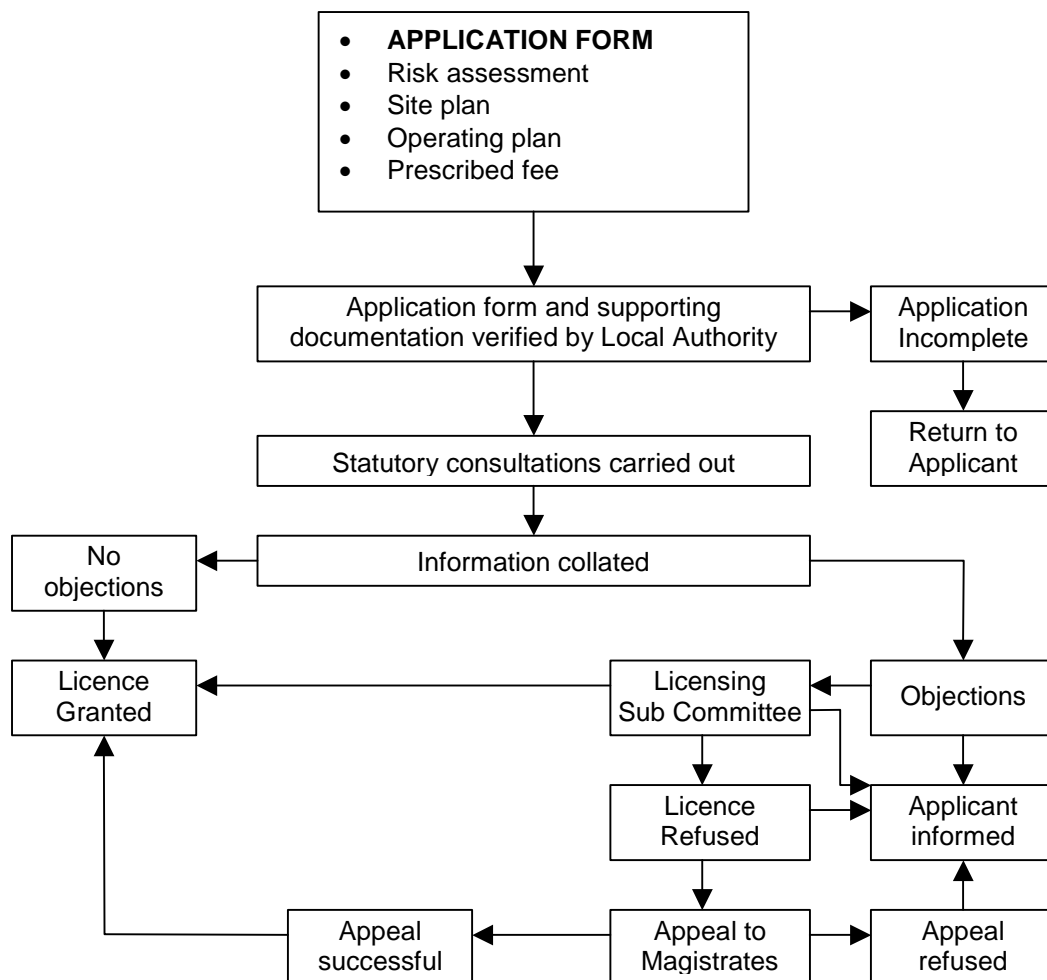
Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where only limited disturbance may be caused.

Only necessary, proportionate and reasonable licensing conditions will be imposed on events of this nature.

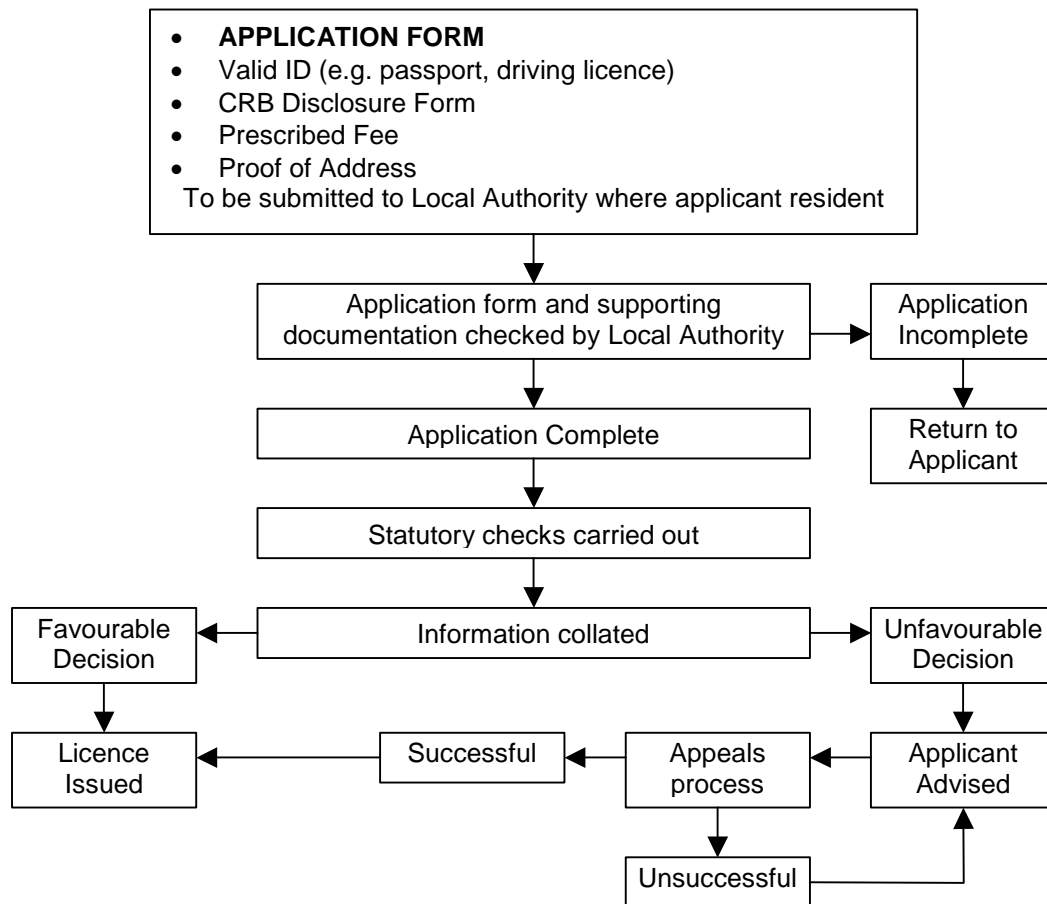
The Council will consider any ongoing representations made by the local tourist and arts organisations and organisations representing the live music industry concerning the effect of licensing on the town's regulated entertainment, in particular live music and dancing. If such representations indicate that events are being deterred by licensing requirements, the Council will review this policy with a view to reversing the trend.

## 16. APPLICATION PROCESS

### Premises Licence



## Personal Licence



Luton Borough Council will accept applications for Premises Licences, Personal Licences, Club Registration Certificates and Temporary Events Notices, provided these applications are made on the statutory prescribed application form and accompanied by the prescribed fee and supporting documentation.

Luton Borough Council expects all applicants for Premises Licences and Club registration Certificates to specify methods by which they will promote the four licensing objectives. The Application must include an operating schedule, addressing



the licensing objectives, in particular in 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. An applicant may volunteer any measure as a step he or she intends to take to promote the licensing objectives. The measures are likely to be incorporated into the licence as conditions and become enforceable under the law and a breach of such a condition could give rise to a prosecution.

Applications will be considered in accordance with the delegation of functions table set out at paragraph 16. It is considered that many of the licensing functions will be largely administrative and where there are no areas of contention, the responsibility for processing any such application shall be delegated to officers.

#### Personal licences

Under the Licensing Act 2003, Luton Borough Council will automatically grant applications for personal licences so long as the applicant is 18 years or over, has possession of the qualification determined by the Secretary of State, has not had a personal licence forfeited within five years of the date of application and has not been convicted of any relevant foreign offence. Such applications will be dealt with by way of a purely administrative process within the licensing team.

Bedfordshire Police may make representation where the applicant has been convicted of a relevant offence or relevant foreign offence. In such cases the Licensing Sub Committee will consider the matter and the application will be refused if the Sub Committee determines that refusal is in the interest of the promotion of the prevention of crime objective. In all other cases the application will be granted.

## 17. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

Decisions under the Act will be made by the licensing committee, which will consist of 10 councillors. The licensing committee may delegate its functions to a licensing sub-committee, which will consist of 3 councillors or to an officer. The licensing authority intends to delegate functions in the following way in the interests of speed, efficiency and cost-effectiveness.

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officer
Application for personal licence		If a representation is made	If no representation is made
Application for personal licence with unspent convictions		All cases	
Application for premises licence / club premises certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence / club premises certificate		If a representation is made	If no representation is made
Application to vary designated personal licence holder	If a police objection		All other cases

Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence	If a police objection		All other cases
Application for Interim Authorities	If 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 lead authority			All cases
Determination of a police representation to a temporary event notice	All cases		

Under the terms of the Act, there is a presumption of grant for non-contentious applications and these matters will be dealt with by officers in order to speed matters through the system.

Ward councillors will not sit on a sub-committee involving an application within their ward. Where a councillor who is also a member of the licensing committee or sub-committee is making or has made representations on behalf of an interested party or has a direct involvement in the affairs of an application, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the premises licence. Councillors conduct is

governed by the Code of Conduct for Members set out in the Council's Constitution. This sets out personal and prejudicial interests which a councillor must disclose and the effect of these interests on their ability to vote on a matter. Members of the licensing committee and sub-committee are bound by this Code.

Every determination of a licensing decision by the licensing committee or a licensing sub-committee shall be accompanied with clear, cogent reasons for the decision. A copy of the decision, including the reasons will be available for public inspection and will be kept as part of the statutory licensing register.

The Council endeavours to ensure that good practise is maintained in the execution of its Licensing Committee. It also wishes to ensure that applicants and objectors have a fair hearing. The process of determining licensing applications is broadly administrative in nature. In the absence of specific regulations under the Act, the licensing committee will set its own procedure which will comply with the rules of natural justice and the Human Rights Act 1998.

## 18. USEFUL CONTACTS

Licensing Unit                      Licensing Manager,  
Luton Borough Council, Town Hall, Luton, LU1 2BQ  
Tel: 01582 546040  
Email: [lbcerlicensing@luton.gov.uk](mailto:lbcerlicensing@luton.gov.uk)  
Website: [www.luton.gov.uk](http://www.luton.gov.uk)

Department for Media, Culture and Sport  
2-4 Cockspur Street, London SW1Y 5DH  
Tel: 020 7211 6200  
Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)  
Website: [www.culture.gov.uk](http://www.culture.gov.uk)

Police Licensing Officer  
Bedfordshire Police, Buxton Road, Luton,  
Tel. 01582 401212

A copy of the Licensing Act 2003 is available from [www.legislation.hmso.gov.uk](http://www.legislation.hmso.gov.uk).  
Portman Group Code of Practice is available from [www.portman-group.org.uk](http://www.portman-group.org.uk)  
Together: Tackling Antisocial behaviour available from [www.together.gov.uk](http://www.together.gov.uk)  
Safer Clubbing Guide [www.drugs.gov.uk](http://www.drugs.gov.uk)  
Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances  
[www.streetartsnetwork.org/pages/publications](http://www.streetartsnetwork.org/pages/publications)  
Home Office Guidance on how to prepare race impact assessments  
[www.raceimpact.homeoffice.gov.uk](http://www.raceimpact.homeoffice.gov.uk)