



STATEMENT OF LICENSING POLICY

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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 licences, club premises certificates, temporary events notices and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

The Licensing Act 2003 requires licensing authorities to publish a ‘Statement of Licensing Policy’ every five years which sets out how they intend to exercise their functions. 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. Neither does it override a Responsible Authority’s, or other person’s, right to make a representation in relation to an application for a licence and to have that representation considered on its merits.

Policy Vision

Luton Borough Council wants to support and facilitate well managed businesses that contribute to the Town’s leisure, retail and night-time economies. This is to be achieved with high quality, well managed premises that provide a safe and attractive environment to the workers, visitors and residents of Luton.

Purpose and scope of the Licensing Policy

We will use this policy to inform any decision making process including those matters considered at Licensing Committee or Licensing Panel hearing. The authority will consider any valid relevant representation as part of its decision making process, whether that be on the basis of an objection or in support of an application. It is a guide for both applicants for licences and residents about the way in which the Licensing Authority will implement the Licensing Act 2003 in Luton.

A licence authorises the use of any premises (which is defined in the Act to include a vehicle, vessel or moveable structure or any place or a part of any premises) for licensable activities below:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment (hot food and drink at any time between 23.00 and 05.00 for consumption on or off the premises).

There are a number of exemptions and details of these are set out in full in Part 2 of Schedule 1 of the Act.

The Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the current guidance issued by the Secretary of State. We must carry out our licensing role with a view to promoting the four licensing objectives (See Appendix C of this Policy) which are:

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

The authority must also have regard to this policy when carrying out its functions under the Act, but can depart from this Statement of Licensing Policy if there is good reason to do so and where it is appropriate to do so to promote one or more of the licensing objectives.

The Licensing Act 2003 also supports a number of key aims and purposes which are vitally important and should be principal aims for everyone involved in licensing work and will therefore be integral to the Policy. They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the Police and licensing authorities the powers they need to effectively manage and police the night time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

2. CONSULTATION AND REVIEW

In preparing and reviewing this Policy the Council has consulted with a number of different bodies, a list of which can be viewed at Appendix G.

This Policy takes effect on 7th January 2016 and should remain in force for five years. The Council will keep this Policy under review and continue to work in partnership with the responsible authorities towards the promotion of the Licensing Objectives. If it is necessary to make revisions to this policy as a result of any review, the Council will publish the revised policy.

3. OUTDOOR EVENTS ON COUNCIL LAND

Luton Borough Council welcomes and encourages cultural and community events in the borough and is aware of the Secretary of States' Guidance around the licensing of public land and buildings. Applications have been made and granted for premises for areas of Council Land.

Persons or organisations wishing to carry out an event that involves a licensable activity on Council Land may seek approval for permission to use the land and the premises licence currently in place. This can help to facilitate events that require a premises licence, working with the Council to control the running of the event.

Your event may require you attending a Safety Advisory Group. This group is made up of a number of departments within the Council who can advise you on a number of matters from, noise control, highways and safety. The Police, Fire and Ambulance services also attend and can advise you with their specialised expertise. You may be required to provide an operating schedule and risk assessment.

4. FRAMEWORK OF HOURS FOR AREA OF LUTON – MATRIX

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 dispersal of customers is an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in the area concerned.

The authority wants to ensure that licensing hours do not inhibit the development of thriving and safe evening and night time local economies. This provides a greater choice and flexibility; there should always be a balance against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

In general the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. The Licensing Authority may not restrict opening hours unless it receives valid representations by Responsible Authorities and/or other persons. If such representations are received it may consider restricting hours or imposing suitable conditions in cases where licensed premises are situated in largely residential areas, where the trading hours of the premises and competing businesses in the vicinity are likely to lead to undue pressure on the public transport system, or additional public nuisance, disorder and anti-social behaviour, or where the licensed premises include outside areas.

The authority would request that applicants take into account the stress areas indicated in this Policy at pages 7 to 12.

5. THE STRESS AREA MATRIX

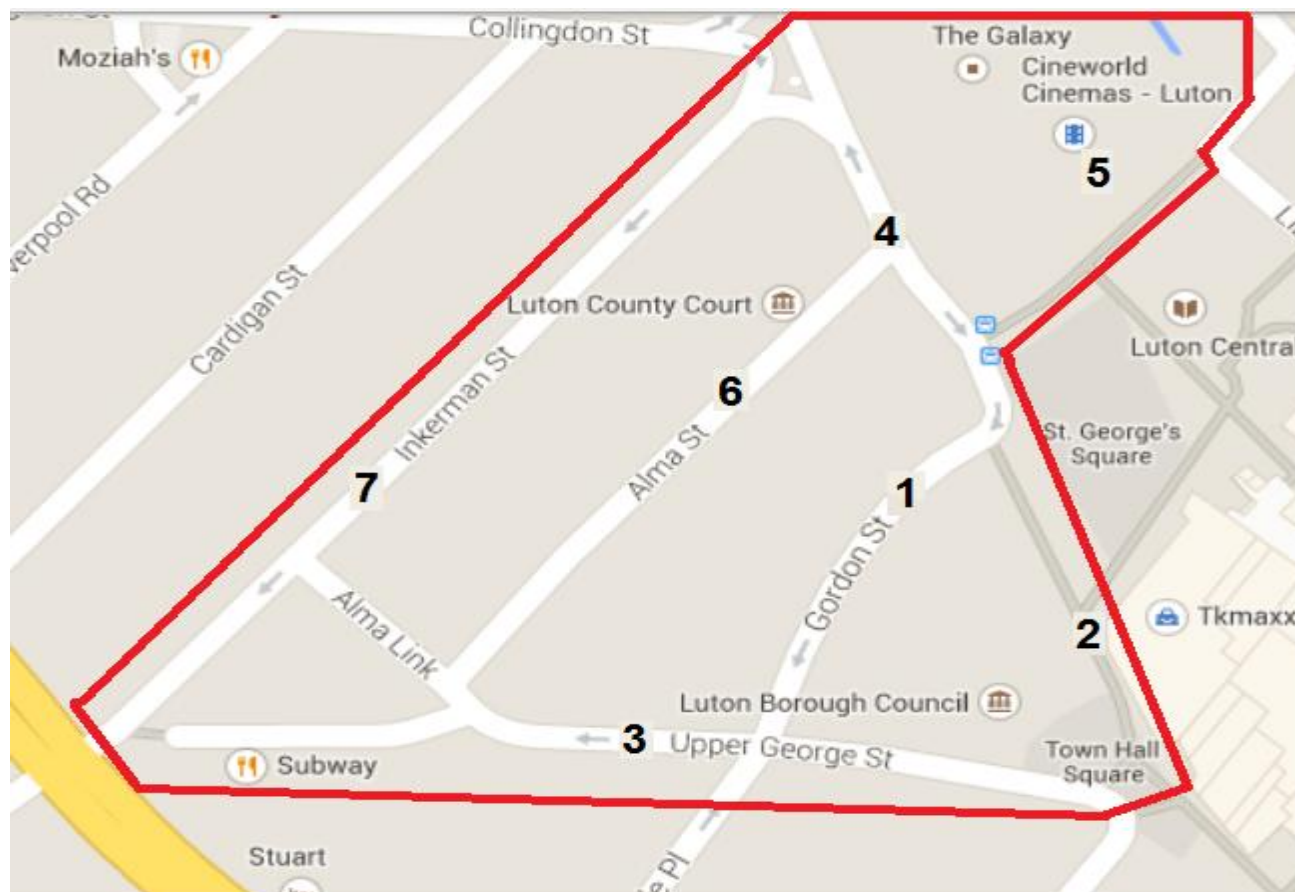
Five stress areas have been identified within the borough of Luton for the purposes of this policy. Against these areas, the type/category and times of licensable activity is listed and the policy provides guidance on what would be required to be detailed in any application by which responsible authorities would assess an application or would act as a guide to any person wishing to submit a review application.

6. THE STRESS AREA MATRIX - Identified Stress Areas

<p><u>Stress Area 1 – Town Centre</u></p> <ol style="list-style-type: none"> 1) Gordon Street 2) Manchester Street 3) Upper George Street 4) New Bedford Road/Junction of Collingdon Street 5) Galaxy – Bridge Street 6) Alma Street 7) Inkerman Street 	<p><u>Stress Area 4 – Surrounding Town Roads</u></p> <ol style="list-style-type: none"> 1) High Town Road from Junction of Midland Road to York Street 2) Dudley Street 3) Midland Road 4) North Street to the Junction of Cobden Street
<p><u>Stress Area 2 – Town Centre</u></p> <ol style="list-style-type: none"> 1) Peel Street/Peel Place 2) Wellington Street 3) King Street 4) George Street West 5) George Street 6) Chapel Street 7) Street off George Street up to the entrance of the Mall 8) Park Street area from and including Cumberland Street to Market Hill Town Centre (Market Square Amphitheatre) 9) Park Street West 10) Flowers Way 	<p><u>Street Area 5 - Parade of shops</u></p> <p>Wigmore Lane – Wigmore Retail Stopsley Village Lyneham Road Hart Lane Roundgreen Biscot Marsh Road Farley Marsh Farm Sundon Park Leagrave including St Dominics Square and Hockwell Ring Purley Centre Bury Park Bushmead Birdsfoot Lane Ashcroft</p>
<p><u>Stress Area 3 – Town Centre</u></p> <ol style="list-style-type: none"> 1) Bute Street 2) Guildford Street 3) John Street 4) Cheapside up to the entrance of the Mall and the other side of the Mall. 5) Silver Street 	

Stress Area 1 – Town Centre

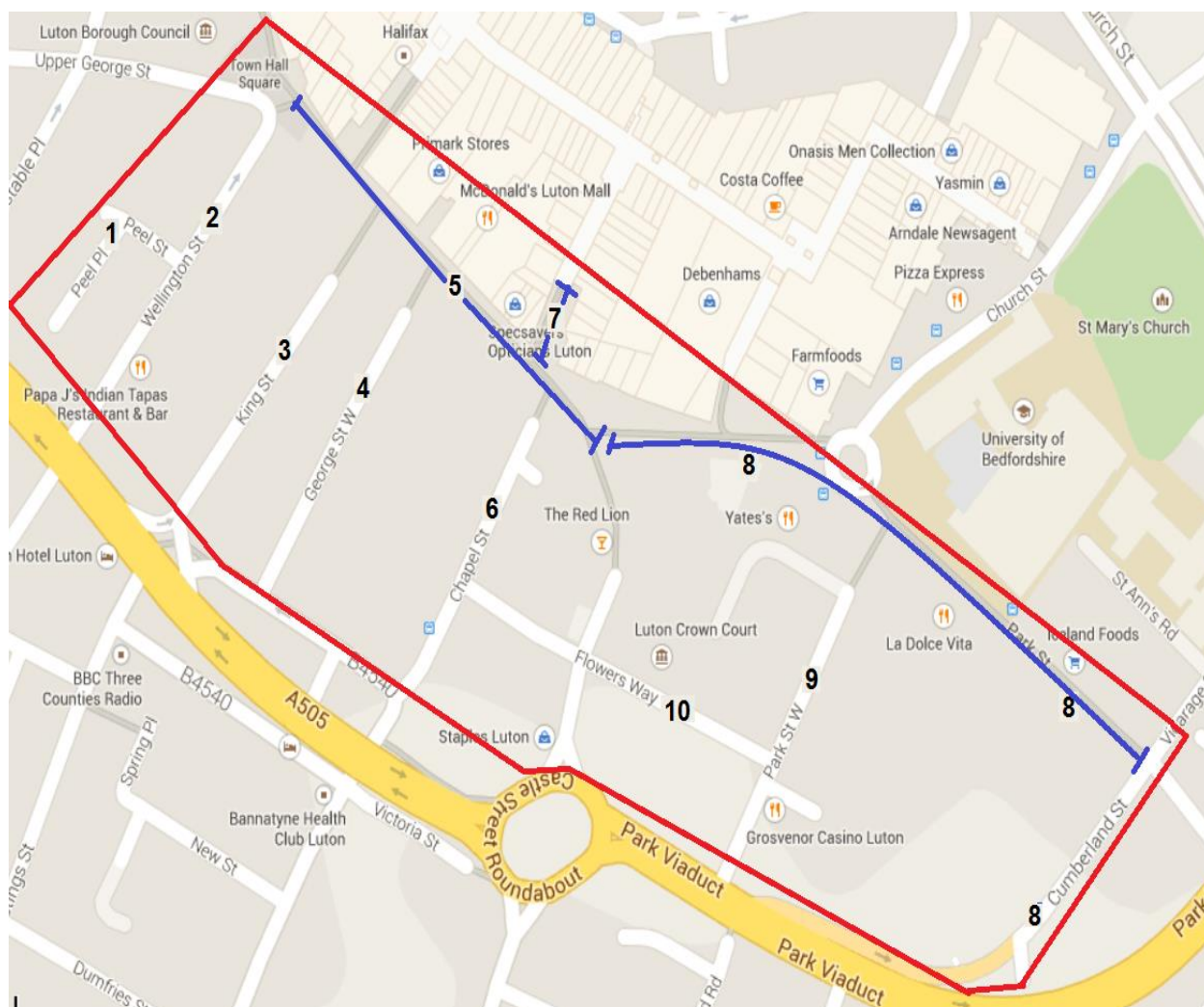
- 1) Gordon Street
- 2) Manchester Street
- 3) Upper George Street
- 4) New Bedford Road/Junction of Collingdon Street
- 5) Galaxy – Bridge Street
- 6) Alma Street
- 7) Inkerman Street



Restaurant	Allowed in stress area 1
Take Away¹	No
Night Club	Yes
Pub	Yes
Off Licence	No
Members Club	Yes up to 250

Stress Area 2 – Town Centre

- 1) Peel Street/Peel Place
- 2) Wellington Street
- 3) King Street
- 4) George Street West
- 5) George Street
- 6) Chapel Street
- 7) Street off George Street up to the entrance of the Mall
- 8) Park Street area from and including Cumberland Street to Market Hill Town Centre (Market Square Amphitheatre)
- 9) Park Street West
- 10) Flowers Way



Restaurant	Allowed in stress area 2	Off Licence	No additional
Take Away¹	Yes	Members Club	Yes up to 100
Night Club	No		
Pub	No additional		

Stress Area 3 – Town Centre

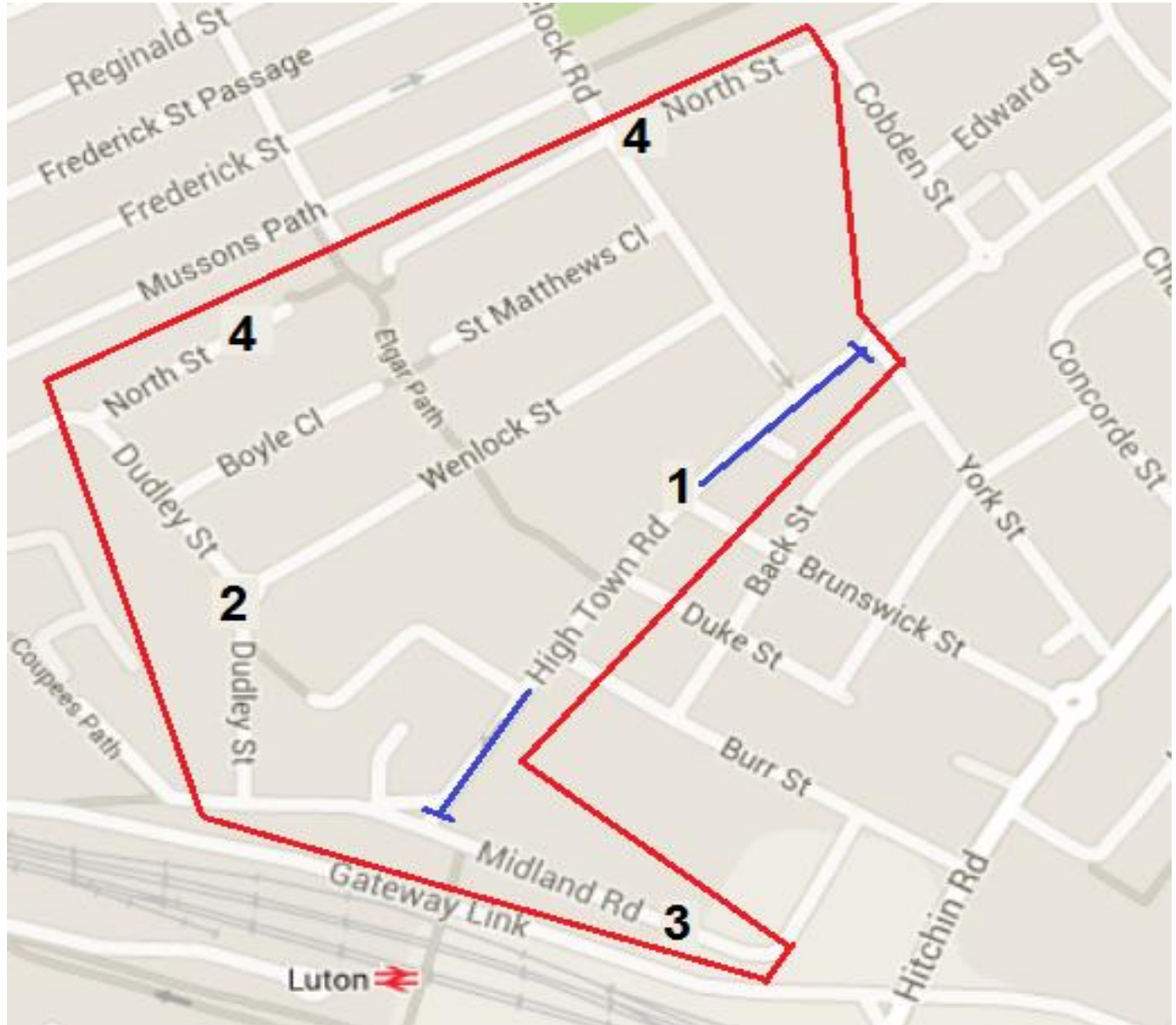
- 1) Bute Street
- 2) Guildford Street
- 3) John Street
- 4) Cheapside up to the entrance of the Mall
- 5) Silver Street



Restaurant	Allowed in stress area 3
Take Away¹	Yes
Night Club	Yes
Pub	Yes until 01.00
Off Licence	Yes Midnight
Members Club	Yes

Stress Area 4 – Surrounding Town Roads

- 1) High Town Road from Junction of Midland Road to York Street
- 2) Dudley Street
- 3) Midland Road
- 4) North Street to the Junction of Cobden Street



Restaurant	Allowed in stress area 4	Members Club	Yes up to 100
Take Away¹	No additional		
Night Club	No		
Pub	Yes until Midnight		
Off Licence	No additional		

Stress Area Criteria

	Stress Area 1	Stress Area 2	Stress Area 3	Stress Area 4	² Commercial & Mixed Commercial & Residential Areas (street containing shopping parade)	³ Residential Area (mainly residential in street)
Restaurant	Allowed in stress area 1	Allowed in stress area 2	Allowed in stress area 3	Allowed in stress area 4	Allowed	Allowed
Take Away¹	No	Yes	Yes	No additional	Yes – until 24.00	No
Night Club	Yes	No	Yes	No	No	No
Pub	Yes	No additional	Yes until 01.00	Yes until Midnight	Yes	Yes 23.00
Off Licence	No	No additional	Yes Midnight	No additional	Yes	Yes 22.00
Members Club	Yes up to 250	Yes up to 100	Yes	Yes up to 100	Yes	No

¹ Take Aways – Are premises that offer “Late Night Refreshment” only between the hours 23.00 to 05.00

² Mixed Commercial – where 2 or more commercial premises are situated amongst residential areas (including retail parks)

³ Residential Areas – Where no commercial premises are situated “No parade”

7. ENFORCEMENT

The Council has an enforcement policy that is based around the principles of targeting, consistency, transparency and proportionality as required by the Regulatory Enforcement and Sanctions Act 2008 which promotes business growth. The enforcement policy is available for inspection on request and can be viewed on the Council's Website.

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 would be more likely to result in the matter being referred for prosecution.

The Council will implement an evidence based inspection regime which will be dependent 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. By operating the risk assessment scheme in conjunction with other agencies the Council will look to identify premises with problems before resorting to enforcement policies. The Licensing Authority reserves the right to use this assessment as and when appropriate.

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 other legal 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 Council Trading standards and the Crown Prosecution Service.

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

Information on Luton Borough Council's Licensing Enforcement Policy can be requested.

8. MISCELLANEOUS

Live Music, Dancing and Theatre

The Licensing Authority recognise that as part of implementing local authority cultural strategies, account should be taken of the need to encourage and promote a broad range of entertainment such as live music, dancing and theatre.

Conditions appropriate for the promotion of the licensing objectives will be attached to premises licences/club premise certificates for activities of this nature. The Licensing Authority is aware of the need to avoid unnecessary or disproportionate measures that could deter live music, dancing and theatre by imposing indirect costs of a substantial nature.

Luton Borough Council has a number of open public spaces and buildings licensed. Persons that wish to use the premises licence for those spaces/premises must seek the permission of the Council before holding any event as it is an offence to carry on, or attempt to carry on a licensable activity without or not in accordance with relevant authorisation. All premises that have applied for a licence are listed in a public register: this can be viewed at www.luton.gov.uk.

Live Music Act 2012

The Live Music Act received Royal Assent in March 2012 which made changes to the Licensing Act 2003 from 1st October 2012.

See Deregulation of Regulated Entertainment at pages 17.

Cultural Strategies

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.

Other Legislation

The Licensing Authority make a firm commitment to avoid duplication of other regulatory regimes and control measures contained in conditions sought by the applicant and suggested conditions received from Responsible Authorities, that are already provided for in other legislation.

It is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators e.g. The Health & Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005. 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.

Licensing applications should not be a “re-run” of a planning application. Licensing Decisions will not cut across decisions taken by the planning committee or permissions granted on appeal. There is no legal basis for the licensing authority to refuse a licence application because it does not have planning permission.

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, Environmental Protection Act 1990, Town & Country Planning Act 1990, Criminal Justice & Police Act 2001, Private Security Industry Act 2001, the Anti-Social Behaviour Act 2003, Anti-social Behaviour, Crime and Policing Act 2014, the Clean Neighbourhood and Environment Act 2005, the Health Act 2006, the Violent Crime Reduction Act 2006 and the Equality Act 2010 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 Good Practice Guide on the Control of Noise from Pubs and Clubs 2003

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;
- 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.
- Town Centre Development Plan
- 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.

Children

The Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be at the discretion of the licence holder.

Each application will be considered on its merits. Below are areas that give rise to particular concern in respect of children;

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- With a known association with drug taking or dealing.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines.
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

The range of alternatives which may be considered for limiting the access of children where that is necessary for the prevention of harm to children, can adopt in combination;

- Limitations on the hours when children may be present.
- Limitations excluding the presence of children under certain ages when particular specified activities are taking place.
- Limitations on the parts of premises to which children might be given access.
- Age limitations (below 18)
- Requirements for accompanying adults (including for example a combination of requirements which provide that children under a particular age must be accompanied by an adult.
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

The Licensing Authority recognises the Head of Children Services as being competent in advising on matters relating to the protection of children from harm. The details for Head of Children Services can be found at Appendix F.

Children and Cinemas and Theatres

A mandatory condition will apply requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases, the Licensing Authority.

Where a film does not have a classification then the Licensing Authority will assess the film or recording and specify a age limit.

The Licensing Authority expects applicants to include in their operating schedules arrangements for restricting children from viewing age-restricted films.

9. DEREGULATION OF REGULATED ENTERTAINMENT

The purpose for the deregulation of regulated entertainment is to remove unnecessary regulations and burdens on business and the voluntary sector. It is also in place to encourage the performance of more live music.

You require a licence for any entertainment that occurs after 23.00 and for most forms of entertainment in the presence of an audience of more than 500 people (with a few exceptions) All sexual entertainment requires a licence.

Live unamplified music is deregulated between 08.00 and 23.00 on any premises.

Live amplified music is deregulated between 08.00 and 23.00 providing the audience does not exceed 500.

Recorded music is deregulated between 08.00 and 23.00 in an on-licensed premises provided the audience does not exceed 500. Unlike Live music deregulation of recorded music does not apply to workplaces

Live music and Recorded music can become licensable in an on-licensed premises if the licensing authority removes the effect of the deregulation following a licence review.

Exemptions

The new exemptions apply to Local Authorities, Schools, Hospitals, Community Premises, Circuses, Greco-Roman or Freestyle Wrestling, Incidental Film.

Local Authority, Hospitals & Schools

Live music or recorded music between 08.00 and 23.00 at the non-residential premises of a local authority provided that;

- The audience does not exceed 500, and
- The organiser gets consent for the performance on the relevant premises from the local authority concerned.

Any entertainment provided by or on behalf of a health care provider on their own hospital premises between 08.00 and 23.00

Church Hall, Village Hall, Community Hall or other similar community premises

Live music or recorded music between 08.00 and 23.00 in these premises that is not licensed to sell alcohol, provided that;

- The audience does not exceed 500, and
- The organiser gets consent for the performance from a person who is responsible for the premises.

Travelling Circuses

Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided

- It take place within a moveable structure that accommodates the audience, and
- That the travelling circus has not been located on the same site for more than 28 consecutive days

Wrestling

A contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling deregulation between 08.00 and 23.00, provided that the audience does not exceed 1000.

Incidental Film

Incidental film – exhibition of moving pictures if it is incidental to some other entertainment activity.

Exhibition of films in community premises

No licence required for “not-for-profit” film exhibition held in community premises between 08.00 and 23.00 provided that the audience does not exceed 500 and the organiser

- Gets consent to the screening from a person who is responsible for the premises; and
- Ensure that each such screening abides by the age classification ratings

10. CUMULATIVE IMPACT

The cumulative impact of a proliferation of late night entertainment premises may result in an increase in the number of people 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 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 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 Section 5(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

11. REVIEWS AND EXPEDITED REVIEWS

Under the Licensing Act 2003 Reviews is a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a licence/certificate.

There are two types of reviews under the Licensing Act a Review and an Expedited Review. Only the Police can apply for an Expedited Review, and can only do so if the premises has been involved with or associated in serious crime and/or serious disorder.

An interim steps hearing will be arranged within 24 hours of the application being received by the Licensing Authority, for the Licensing Panel to decide if any steps need to be taken during the consultation period. They can choose to:

- Exclude a licensable activity from the scope of the licence
- Remove the designated premises supervisor – if the panel consider that the problems are the result of poor management
- Suspend the licence for a period not exceeding 3 months.
- Revoke the licence

If the applicant accepts the decision of the interim steps imposed by the panel the Licensing Authority will display notices within the vicinity of the premises informing residents of the application submitted and inform them how to submit a representation should they choose to. A full panel hearing will then be heard to decide the final outcome of the licence/certificate.

If the applicant submits a representation against the decision of the interim steps imposed by the panel, a second interim steps panel must be heard within 24 hours for them to outline their representation. The panel can keep to their initial decision or change it depending on the representation submitted.

Both interested parties and Responsible Authorities may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The Licensing Authority itself cannot initiate a review process. The Authorities role is to administrate the process and determine its outcome at a hearing.

Responsible Authorities will aim to give licensees early warning of any concerns identified at the premises wherever possible.

The person requesting the review must submit the application to the Licensing Authority and to the premises they are requesting the review for.

The Licensing Authority must advertise the request for the review by posting notices

At the premises

At the Licensing Authorities Offices

On the website

During the following 28 days, the licence holder, a responsible authority of an interested party may make representations to the Licensing Authority regarding the review

The Licensing Authority must hold a hearing to determine what action should be taken the possible outcomes are:

- Do nothing
- Modify conditions
- Exclude a licensable activity
- Remove the Designated Premises Supervisor

- Suspend the licence for up to 3 months
- Revoke the licence

If the review application is rejected it may issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

In cases when the crime prevention objective is seriously undermined it is expected that the licence will be revoked.

The Licensing Authority encourages Responsible Authorities to work with the premises licence holders, utilising Action Plans to resolve issues at the premises. This provision is in place for Licensing Authorities and Responsible Authorities to give warnings to premises who act contrary to the licensing objectives and the law. There are two interventions under this provision.

The first intervention

A review hearing will be set, and Responsible Authorities will be encouraged to propose a package of tough new conditions to be added to the premises licence/ club premises certificate. The new conditions are only to be added to combat the identified problem; the Responsible Authorities must not use this opportunity to add any conditions to the premises other than those to rectify the problem. The conditions must be tailored to the nature of the problem and the type of premises. Such action should be supplemented where appropriate by;

- Removal of the DPS and his/her replacement (the manager is removed)
- Suspension of the licence for between 1 day and 3 months according to the circumstances
- Restriction on trading hours – cutting hours of trading in alcohol
- Clear warning that a further appearance will give rise to a presumption of revocation

This is a warning to the premises and gives them an opportunity to reform. The premises will be put on "probation". They are put on notice that the next offence or breach will mean an automatic second intervention.

The second intervention

In the absence of improvement, Responsible Authorities should seek another review. If the panel are satisfied that there has been a lack of improvement at the premises the panel should look to revoke the licence. The action taken will be publicised in the area to make residents and local business aware of the action taken

12. 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

Each application received by the Licensing Authority will be considered on its own merits in context of the four licensing objectives.

Unless relevant representations are received from responsible authorities or interested parties, there is no provision for the Licensing Authority to impose conditions on a licence other than those proposed within the applications operating schedule.

In the absence of relevant representations in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought, subject only to any applicable mandatory conditions and conditions which are consistent with the applications operating schedule.

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.

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 Council will inform its residents and other interested bodies of applications for the grant, transfer, review 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 addition, the Council will inform those residents and other interested bodies which it considers are likely to be affected by applications for the grant, transfer, review and variation of licences by supplying them details of the application.

Prevention of Crime and Disorder

The Council is under a statutory duty to seek a reduction in crime and disorder under Section 17 of the Crime and Disorder Act 1998. Applications should set out the steps the Applicant proposes to take to promote the prevention of crime and disorder.

The applicant should identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.

Such measures might include the following:

- Crime prevention procedures.
- Participation in Pub-watch or Shop-watch 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
- Appropriate signage both inside and outside the premises.
- Provision of door supervisors.
- Applicants are asked to set out any search policy they have in relation to customers.
- Measures employed to prevent consumption or supply of illegal drugs
- Procedures in place to conduct age verification checks with age restricted products.
- Measures taken to prevent bottles and glasses being used as weapons/ being taken from the premises. Considerations being given to the use of toughened glass or plastic containers. For example when drinking takes place outdoors and also during the televising of live sporting events, such as international football matches and some indoor sporting 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.
- New mandatory conditions have been imposed in relation to irresponsible drinking at on licence premises must be adhered to.

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.

Where an Operating schedule volunteers a condition or the Council receives a relevant representation, it will impose appropriate conditions in order to protect general health and safety of persons frequenting licensed premises or events.

If the applicants Operating Schedule volunteers an occupancy limit or if a representation is made by, the Fire Authority or by Environmental Health, requesting that a limit on occupancy at the premises should be set, the Council will consider this in the light of the circumstances of the individual premises and the nature of the proposed activities. If there are additional concerns about crime and disorder and public nuisance, the Council may consider setting a lower

maximum occupancy limit than recommended by the Fire Service. When calculating occupancy limits, staff should be included.

Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in their operating schedule the steps which will be taken to ensure public safety.

Public Nuisance

The licensing authority wishes to protect the amenity of residents and business in the immediate area surround 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 antisocial behaviour having regard to all the circumstances of the application.

Where appropriate, the licensing authority may require applications relating to the provision of regulated entertainment to be accompanied by an acoustics consultants report, for example where the licensed premises are in a residential area or in the vicinity of other noise – sensitive premises.

Application should set out the steps the applicant proposes to take to promote the prevention of public nuisance.

The applicant should identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance.

Such steps as required to deal with these identified concerns should be included in the operating schedule and may include the following;

To prevent noise, vibration and odours escaping from the premises, measures may include the installation of sound-proofing and sound limitation devices.

To prevent disturbance by customers arriving or leaving the premises, signs and announcements asking customers leave quietly. Or implantation of “winding down” periods towards the end of trading; use of dedicated taxi services. Door Supervisors etc.

Applicants may want to consider;

- Queuing/or reduce disturbance caused by inevitable queuing.
- Disturbances caused by customers using gardens and other open air spaces.
- Refuse storage or disposal and litter in the vicinity of the premises.
- Outdoor events – noise consultant where applicable.

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 these are consistent with the applicant’s operating schedule or where it receives a relevant representation and are necessary to protect children from harm.

The Councils Head of Children Services will automatically be consulted on any application submitted to the Licensing Service, where representations on the application can be made, should there be any concerns over access by children.

Conditions requiring the admission of children to any premises cannot be attached to licences of certificates.

Access by children to licensed premises will normally be left to the discretion of the licensee. When addressing the protection of children, the applicant should identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included in the applicants operating schedule which should refer to the appropriate risk assessments that have been undertaken to generally assure the safety of children admitted to the premises.

Issues may include:

- Details of the type of entertainment provided at the premises.
- Measures to safeguard the safety of children whilst on the 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.

The Licensing Authority 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 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 (e.g. 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 area 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.

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.

Applications received by The Licensing Authority's Head of Children Services are to go before the Area Child Protection Committee if time permits or otherwise may make any representations as the department feels appropriate.

13. DELEGATION OF LICENSING FUNCTIONS

Administration, Exercise and Delegation of Functions

Decisions under the Act will be made by the Licensing Committee, which will consist of 15 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 for Minor Variation		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 by officers in order to speed matters through the system

14. BACKGROUND TO LUTON

Luton has a population of 208 000¹ 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 36% of the town's population is under 25. Luton has a thriving university, and international airport and excellent transport links to many of the country's major cities.

Luton is densely populated and is in the 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 of March 2015 the numbers of premises granted a premises licence/club certificate is 594.

The main categories are as follows²:

- 152 Restaurants/takeaways
- 31 Registered Clubs
- 67 Public Houses
- 8 Nightclubs
- 229 Off Licences (supermarkets, grocers and petrol stations included)
- 13 Open spaces
- 15 Hotels
- 14 Schools
- 19 Community/sports centres
- 9 Churches
- 4 Casinos
- 6 Airport premises
- 7 Wholesale
- 1 Cinema

The Licensing Authority has also issued 2066 personal licences.

¹ (2013 Mid-Year Population Estimate, Office for National Statistics)

² Correct at time of publication

15. ENTERTAINMENT OF A SEXUAL NATURE

The Licensing Authority along with the Responsible Authorities have concerns that the licensing objectives are engaged by the operation of premises where nudity, partial nudity or adult entertainment of a sexual nature is carried on. Applicants are required to state in their Operating Schedule that they propose to offer nudity, partial nudity or adult entertainment of a sexual nature.

Other than in the context of film classification, censorship of the content of regulated entertainment is a proper function of licensing law, and cannot be properly related to the licensing objectives. The Council as the Licensing Authority does not seek to censor the content of regulated entertainment. and the matters of Indecency is covered by other legislation.

The council in its role as the Licensing Authority seeks to regulate the location of premises offering nudity, partial nudity or adult entertainment of a sexual nature, in pursuit of the licensing objectives of the prevention of crime and disorder and prevention of public nuisance. It seeks to regulate the way in which this type of entertainment is conducted in order to prevent crime and disorder, promote public safety and protect children from harm .

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions

Dance that is sufficiently sexual in nature continues to be regulated. Performances of dance which are “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) are not deregulated, regardless of the size of the audience or the time of day. “Relevant entertainment” is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience

In almost all cases where a performance of dance is potentially licensable as both the provision of **relevant** entertainment (under the 1982 Act) and **regulated** entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act rather than the 1982 Act will continue to be required where:

- the premises are not licensed as a sex entertainment venue under the 1982 Act, and
- relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

It is also possible that adult entertainment may take place at certain times on the premises. Revised guidance at 2.23 gives an example that a premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm.

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

When considering applications within this policy, the Licensing Authority will have particular regard to whether the premises are in the vicinity of the following:

Residential accommodation;

- Schools;
- Places of worship;
- Other premises where entertainment of a similar nature takes place;
- Community centres;
- Youth clubs;
- Any other premises in the vicinity as appear necessary to the Licensing Authority on the facts of each application.

Where appropriate, the Licensing Authority will also take into account the cumulative effect of a number of such premises on the character of the area in question.

Where such applications are made the applicants are required to state in their Operating Schedule that they propose to offer nudity, partial nudity or adult entertainment of a sexual nature (currently Box N of the application form). The following matters may be necessary to promote the licensing objectives and applicants should consider whether any of the following measures are reasonably required:

- A code of conduct for performers and appropriate disciplinary procedures, developed in consultation with the police and the Council;
- Rules of conduct for customers, developed in consultation with the police and the Council;
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work;
- The prevention of views into the premises;
- The prohibition of exterior advertising of the adult entertainment of a sexual nature at the premises along with a prohibition of leafleting or touting for business; and
- The exclusion of persons under 18 from the premises when such activities are taking place.

Conditions will be imposed, as may be necessary, requiring that all service is to seated customers; prohibiting the participation of customers in performances and maintaining a minimum distance of one metre between performers and customers, and between performers during performances. There will also be conditions on the installation and operation of CCTV and retaining recordings of performances and on the employment of supervisors. The Licensing Authority may attach other conditions as appropriate.

Applications for premises which provide music, dance and late night refreshment, that do not specify that there will be nudity, partial nudity or adult entertainment of a sexual nature, services or other entertainment which may give rise to concern in respect of children in the relevant part of the application (currently Box N of the application form), will be asked to accept a “no nudity and no adult entertainment of a sexual nature” condition.

Where a premises user gives notice of an event under a temporary event notice in the form as prescribed in regulations made under the 2003 Act the user will be required to describe key aspects of the proposed event. This must include whether they will be undertaking any relevant entertainment as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to lap dancing and pole dancing)

16. REPRESENTATIONS

Under the Licensing Act 2003 there is a prescribed period during which the Licensing Authority can receive and accept a written representation to an application. This is usually 28 days from the date the application is received by the Licensing Authority, but varies depending on the type of application.

Application Type	Prescribed period in order to submit representation	Who can object to the application
Grant/Variation	28 days	Responsible Authorities and other persons
Transfer	14 days	Police
Vary Designated Premises Supervisor	14 days	Police
Minor Variation	10 working days	Police
Temporary Event Notice Standard & Late	3 working days	Police and Environmental Health
Personal Licences	14 days	Police
Review of premises	28 days	Responsible Authorities and other persons

To be considered by the Authority a representation has to be relevant. To be relevant a representation must relate to the likely effect of the grant of the premises licence on the licensing objectives. "Relevant Representations" can include positive and supportive representations as well as objections. Representations about an application must be made in writing to the Licensing Service either by letter or email.

Each representation received is considered on its individual merits. When submitting a representation you should consider the impact the licensable activities will have on the local area. Representations must not be frivolous or vexatious. Parking and planning issues cannot be considered at a relevant reason for making a representation.

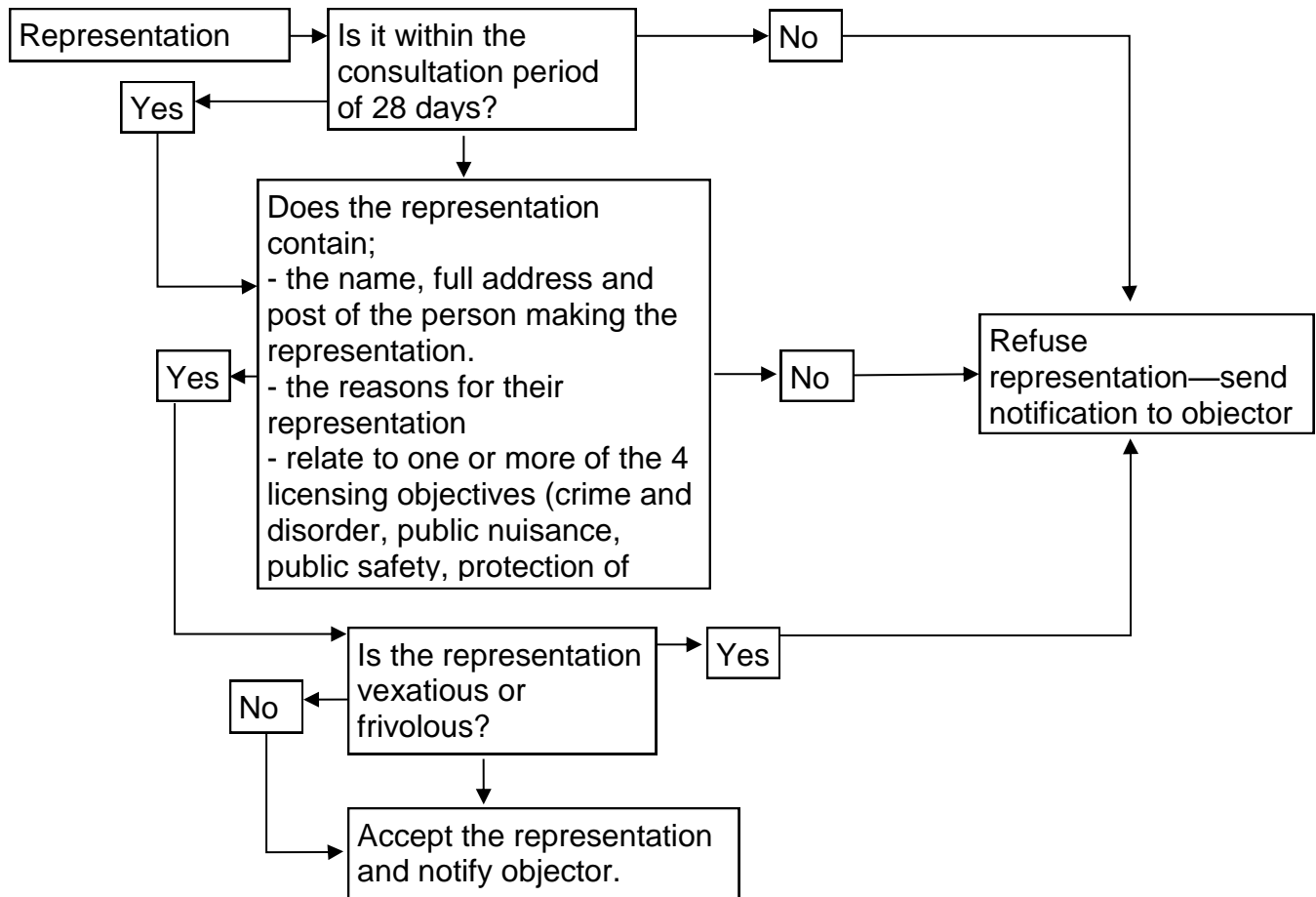
Within the Licensing Act 2003 the criteria "need and demand" has lapsed with previous legislation and only relevant evidence and information relating to the four licensing objectives complies as a relevant representation

Where valid representations have been made a Licensing Sub-Committee will be arranged. Persons making the representations are encouraged to attend to present their representation to the panel. Attending will give your representation more weight.

Where a responsible authority or interested has made a valid representation regarding an application or for a licence to be reviewed, the Local Authority will seek to encourage direct contact between the parties to try and achieve agreement. This process will not remove the application being heard at a Licensing Sub-Committee. By both parties achieving an agreement this may speed up the Licensing Sub-Committee hearing.

Important Message: Petitions received will be treated as one representation from the person sending it in, supported by other signatories. A petitions will not be treated as individual representations from everyone who has signed it. Each page of the petition on which signatures appear must contain the premises' details, the reasons for submitting the representation and the licensing objectives that the representation relates to. Please see Appendix E for a suggested petition format.

Representation flow chart



Where a notice of a hearing is given to an applicant, the licensing authority is required under the *Licensing Act 2003 (Hearings) Regulations 2005* to provide the applicant with copies of the relevant representations that have been made.

Vicinity and relevance

The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to mean that any person may make a representation regarding a premises licence or club premises certificate application and that their representation should not be excluded based merely on the distance they live or work from a premises.

The representation must be relevant to at least one of the licensing objectives and must not be frivolous or vexatious. In making a decision as to what weight to attach to a relevant representation, the Local Authority may consider whether the individual is likely to be directly affected by disorder or other disturbance occurring or potentially occurring on those premises or immediately outside the premises. Each representation will be judged on its own merit.

Whilst it is no longer for other persons making a representation to live or carry on business in the vicinity of the premises concerned, Luton Borough Council will still consult local residents and businesses within a 100 metre radius.

Decision Making

If after the consultation period of 28 days, there are no objections made against an application either by Responsible Authorities or local residents and/or businesses, the licence will automatically be granted. If objections are received, the application will be determined by the Council's Licensing Panel.

Delegation of Licensing Functions see page 27.

Licensing Panel – Licensing Committee & Licensing Sub Committee

The Licensing Committee consists of 14 members of the Council. The Committee may consist of anything between 10 and 15 members and is constituted annually. The Committee may delegate its powers to a Sub-Committee consisting of 3 members. The Licensing Committee will deal with all applications where relevant representations are received from a responsible authority or other person.

When relevant representations are received by the Local Authority the application must be determined by the Licensing Committee or a Sub-Committee. 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. Councillor's 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.

When determining a licensing decision, the Licensing Committee or Licensing Sub Committee shall give clear, cogent reasons for the decision. A copy of the decision, including the reasons and any conditions attached 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 by Licensing Committee in the execution of its duties. 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.

Following most decisions of a licensing authority there is a right of appeal to the magistrates' court. This right is generally available to both the applicant and those who have made representations on an application. Appeals have to be lodged with the court within 21 days from the day the appellant is notified of the licensing authority decision about the application, although separate time limits apply for some temporary event notices. On receiving an appeal, a magistrates' court has three options. It can:

- dismiss the appeal;

- substitute for the decision being appealed against any other decision which the licensing authority could have made;
- send the case back to the licensing authority and tell them how to deal with it in accordance with directions of the court.

Granting of a Premises Licence/Club Premises Certificates

If the application is deemed granted by the Licensing Act 2003 or is granted by the Licensing Committee or Sub-committee, a premises licence will be issued. There are two parts of a premises licence, the Premises Licence and Summary. The Summary or a certified copy must be prominently displayed at the premises to which it relates.

Each year an annual fee must be paid to the local authority. The Act requires the Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.

The Act provides for a grace period of 21 days in cases of an administrative error or where there is a dispute over liability for the fee, after which the licence/certificate will be suspended.

APPENDIX A – MAKING AN APPLICATION

Under the Licensing Act 2003 a premises licence/club premises certificate is required for any of the following;

- Retail sale or the supply of alcohol
- Performance of a play
- Exhibition of film
- Indoor sporting events
- Boxing and wrestling events
- Live Music (exemptions apply refer to Live Music Act 2012)
- Dancing
- Supply hot food and/or drink between 2300 and 0500

Luton Borough Council is the licensing authority for the borough of Luton, dealing with all licensing functions relation to the above mentioned activities under the Licensing Act 2003. The Council must have regard to the Government's statutory guidance when dealing with its licensing responsibilities and has been required to prepare this statement of licensing policy.

A premises licence/club premises certificate is a permanent licence authorising one or more of the above activities all year round. The licence is tailored to meet the requirements of the applicant, and can carry authorisations for any combination of activities and times, together with any limitations volunteered by the applicant. The application process can take up to 2 months to complete, so it is important to apply for a licence well before any events are due to take place or premises are due to open.

LICENSING PROCESS

Making an application

The application process for a grant/variation and what is required can be viewed at Appendix B. You as the applicant are required to submit the application to Licensing and provide copies to the necessary responsible authorities. You can submit applications via the GOV.uk website, currently at: <https://www.gov.uk/alcohol-licensing>. The benefit of using this process is the local authority will send copies of your application to the responsible authorities where necessary.

This policy sets out the Licensing Authority's expectations with regard to the applications in a number of licensing policy statements. Whilst applicants do not have to comply with the requests and meet the expectations, it is more likely that responsible authorities and other parties will make representations if they do not.

Important Message:

The Licensing Authority would advise that you speak to all the Responsible Authorities about your application before submitting it to Licensing as they may be able to assist you with your operating schedule to promote the licensing objectives. As this may avoid unnecessary delays in the application process.

Applying for a grant Premises Licence/Club Premises Certificate

Your completed application including the operating schedule must be accompanied by the following:-

- The relevant fee
- A plan of the premises (to a scale of 1:100. If the plan is out of scale written request must be submitted to the Licensing Service Manager to depart from the scale)
- The consent form completed by your designated premises supervisor (only if providing alcohol in conjunction with a premises licence. Not required for a club premises certificate)

A copy of your completed application form together with any supporting documents should be sent to all of the Responsible Authorities (details at the end of the application form and at Appendix F) at the same time.

You can submit applications via the GOV.uk website. The benefit of using this process is the local authority will send copies of your application to the responsible authorities where necessary.

If you wish to include supply of alcohol on your licence, you are required to nominate a Designated Premises Supervisor (DPS) who will authorise any alcohol supply. This person must hold a Personal Licence (for information on how to apply for a personal licence see page 37) A designated premises supervisor is not required for a club premises certificate.

What is required from you as the applicant

Once you have submitted your application along with the plan, fee and consent form (if necessary). You are required under the Licensing Act 2003 statutory requirements to give notice of a grant or variation application to the Responsible Authorities (see Appendix D page 45). Applicants are required under the Act to advertise on the premises and display a press notice. The advert must outline the proposed licensable activities and the proposed hours of opening. The requirements are contained in the Licensing Act 2003 and Regulations 2006 (as amended)(SI 2005 No 42)

Failure to comply with Section 17 of the Licensing Act 2003 regarding the advertising will deem your application rejected.

If you submit your application electronically using the Gov.uk website (<https://www.gov.uk/apply-for-a-licence/premises-licence/luton/apply-1>) you are not required to submit any hardcopies of your application to the Licensing Service or to the Responsible Authorities.

Operating Schedule

An application outlines what licensable activities and hours are being applied for, the operating schedule is an important part of the application and should include all the information necessary to allow any responsible authority or interested party to assess whether the steps are being taken to promote each of the four licensing objectives.

For information on each of the four licensing objectives please see pages 22 to 26.

Process

- You application details will be inputted on to our computer system
- Details of your application are included on the Councils website
- The Licensing Service will notify councillors representing the ward in which the premises are situated.
- The Licensing Service will notify neighbouring residents and business (known under the Licensing Act 2003 as 'Interested Parties') of your application by letter. The Licensing Act 2003 does not define 'vicinity' in which the notification should be sent. Residents and businesses that fall within a circle radius of 100 metres drawn from the premises will receive notification of your application. The Licensing Officer will consider whether the extent of the circle should be extended. This will depend on the character of the area, type of licence and size of premises.
- After the consultation period of 28 days, if there are no objections are made against an application either by the Responsible Authorities or local residents and/or businesses, the licence will automatically be granted. If objections are received, the application will be determined by the Council's Licensing Panel.

Variation of premises licence/club premises certificate

A.8 The process for a variation of premises licence has the same consultation period and same advertising requirements as the grant.

See Appendix B for the Premises Licence/Club Premises Certificate application flow chart page 40.

Personal Licence application process

Under the Licensing Act 2003, The Licensing Authority will automatically grant applications for personal licences as long as;

- The applicant is over 18 years old
- Has the qualification determined by Secretary of State
- Has not had a personal licence forfeited within five years of the date of application
- 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 Service.

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. 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.

See Appendix B for the Personal Licence application flow chart page 43.

Renewals

When the Licensing Act 2003 came into force personal licences were valid for 10 years. As of 1st April 2015 there is now no requirement to submit a renewal application to the Local Authority. Personal Licence Holders are required to inform the Local Authority of any relevant or foreign offences and if any personal details such as name or address change.

Temporary Event Notice (TENs) application process

Under the Licensing Act 2003, procedures have been established for the authorising of infrequent, small-scale events without the need for the complication and expense involved in obtaining a Premises licence.

There are two types of temporary event notice (TEN) which can be given to the Council; standard and late.

Temporary Event Notice applications must be served on the local authority, Police and Environmental Health. Applications submitted on-line will be passed on by the local authority to the Police and Environmental Health.

There is a criteria for both standard and late TENS:

There are a number of conditions and limitations that TENs are subject to:

- Standard TEN application must be served on the local authority at least 10 full working days prior to event (excluding bank holidays)
- Late TEN Application must be served on the local authority at least 5 -9 working days prior to event (excluding bank holidays)
- Duration – An event covered by a Temporary Event Notice can last for a maximum of 168 hours.
- Separation – There must be 24 hours between each event covered by separate TENs.
- Capacity – A TEN can cover events with up to 499 people (including staff) attending. If more are expected, a Premises licence will be required.
- Totals – A premises cannot be covered by more than 12 individual Temporary Event Notices per year, or for more than 21 days in total per year.
- Individuals – Personal Licence holder can submit 50 standard TENs or 10 Late TENs. Non Personal Licence Holders can submit 5 standard TENs or 2 Late TENs No individual may give more than 5 Temporary Event Notices in a single year (unless they hold a Personal licence, in which case they may give 50). This limit also applies to associated persons – for example, a husband and wife may only apply for 5 notices between them.
- Conditions - can be added to standard TENs if either the Police or Environmental Health object to a TEN application. No conditions can be added to a late TEN. If there are objections to late TENs a counter-notice will be issued. These conditions are transferred over from a premises licence if there is one. If objections are received, this may result in your application being determined at a panel hearing. In the case of a late TENs, if objections are received a counter notice will be issued, and the application will be deemed void.

Please note for both standard and late TENS: the first day the application is received is NOT classed as the first working day.

See Appendix B for the Temporary Event Notice flow chart page 41.

Minor Variation application process

Changes may be made to a premises licence or club premises certificate through the Minor Variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. Such change could include small changes to the structure of layout of a premises, revisions, removals or additional conditions or small changes to licensing hours. Variation to extend licensing hours for the sale or supply of alcohol may require a full variation application.

As the applicant of a Minor Variation application, you are not required to advertise the application in a newspaper or copy it to all responsible authorities. However, you must display it on a white notice and be displayed for a period of ten working days starting on the working day after the minor variation application is submitted. The notice must comply with the requirements set out in regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42).

Your completed application must be accompanied by the following:-

- The relevant fee
- If the layout of the premises is changing you will be required to submit a plan of the premises (to a scale of 1:100. If the plan is out of scale written request must be submitted to the Licensing Service Manager to depart from the scale)
- Existing premises licence.

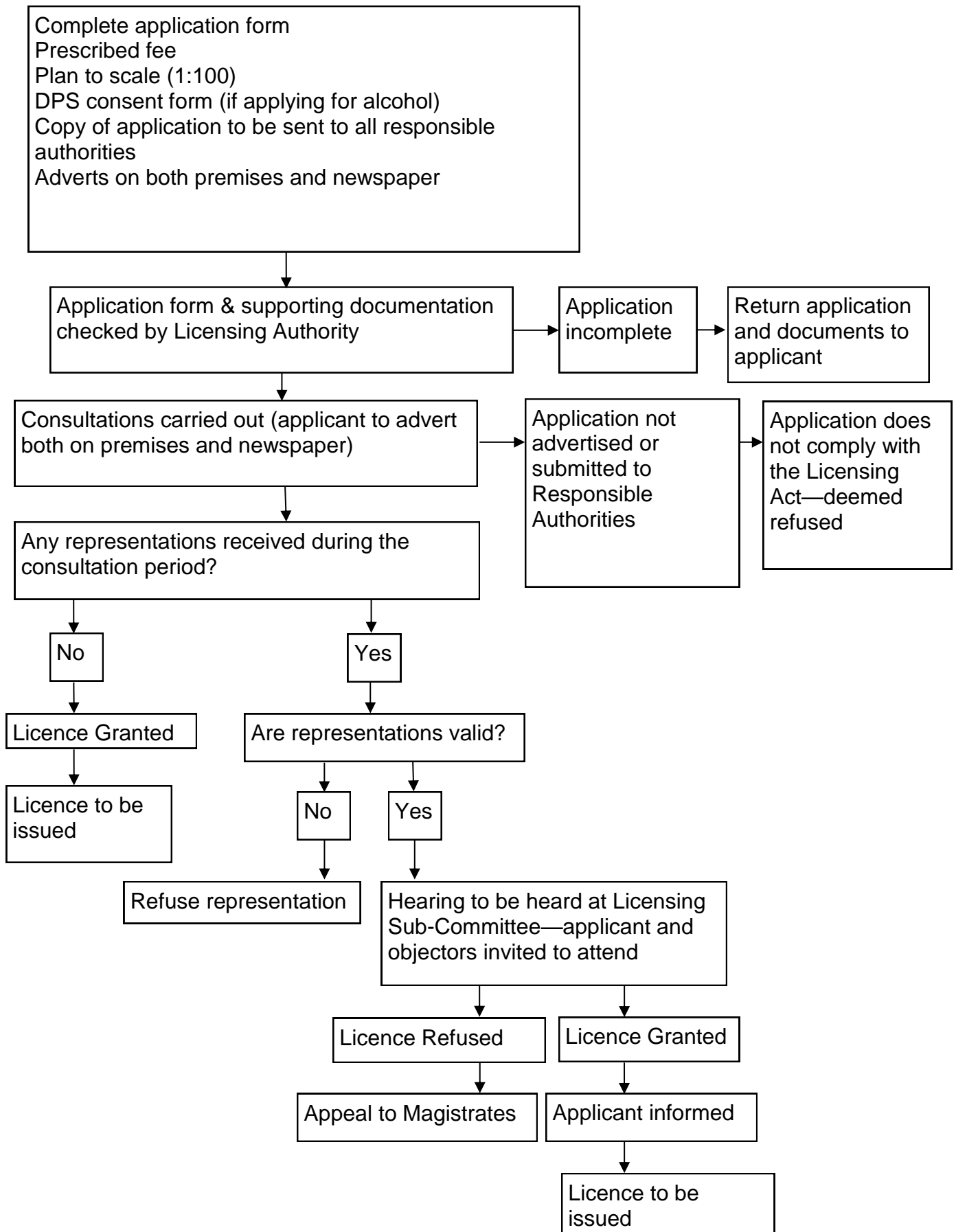
Process

- Your application details will be inputted on to our computer system
- Details of your application are included on the Council's website
- The Licensing Service will decide whether the Responsible Authorities need to be notified about the application.
- After the consultation period of 10 working days, if there are no objections made against an application either by the Responsible Authorities the licence will automatically be granted. If objections are received, the application will be determined by the Council's Licensing Panel.

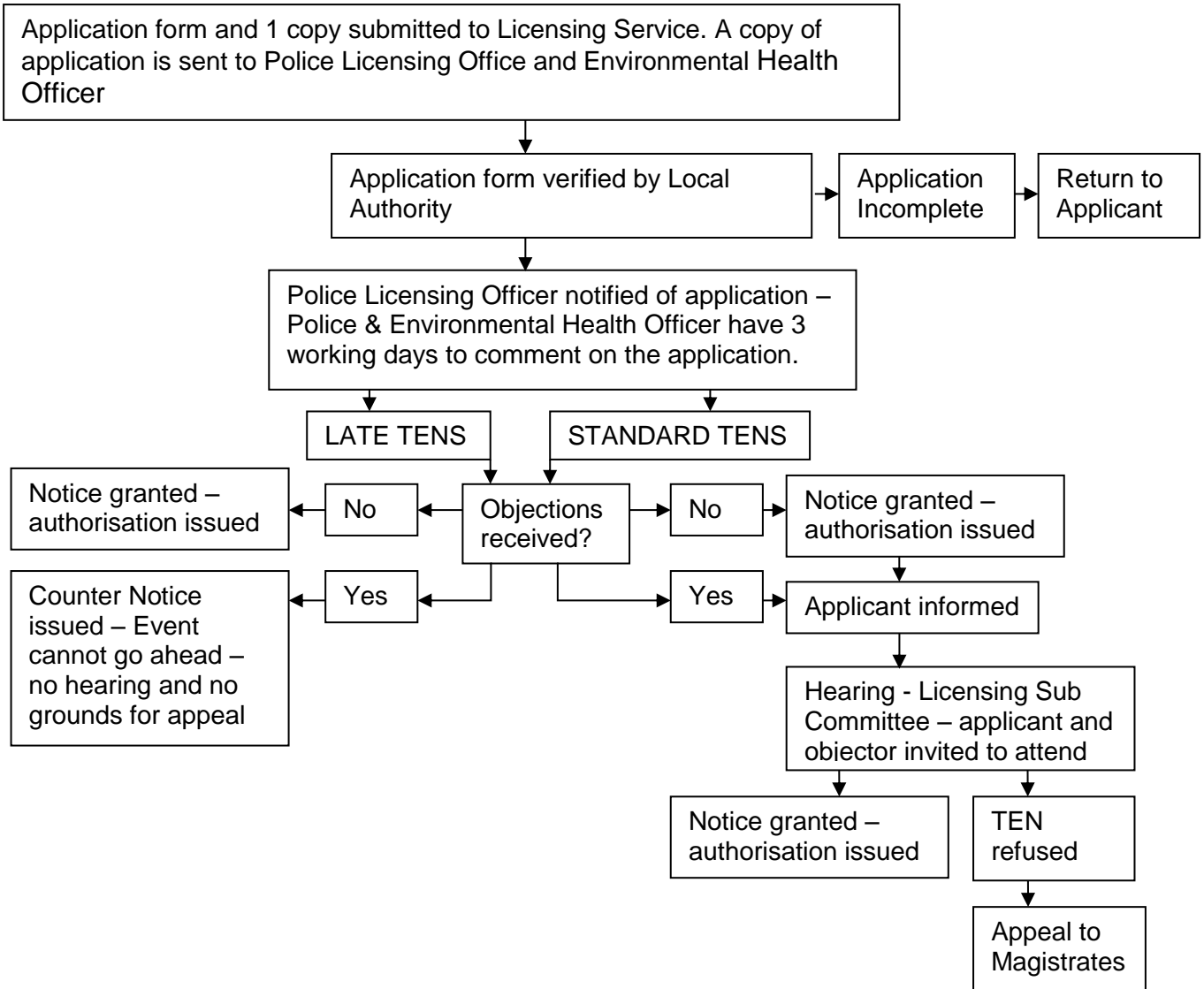
See Appendix B for the Minor Variation application flow chart page 42.

APPENDIX B - APPLICATION FLOW CHARTS

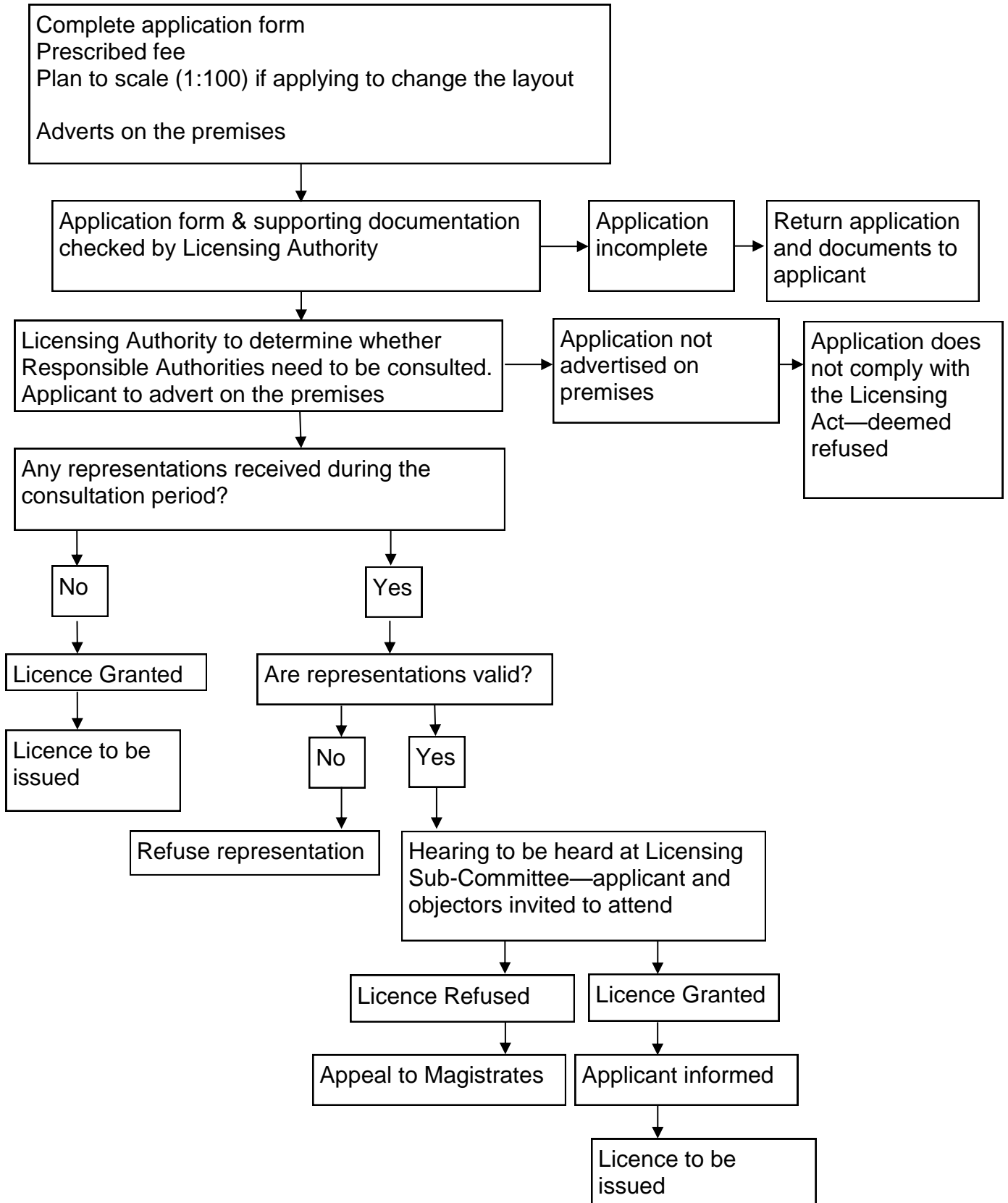
Premises Licence/ Club Premises Certificate



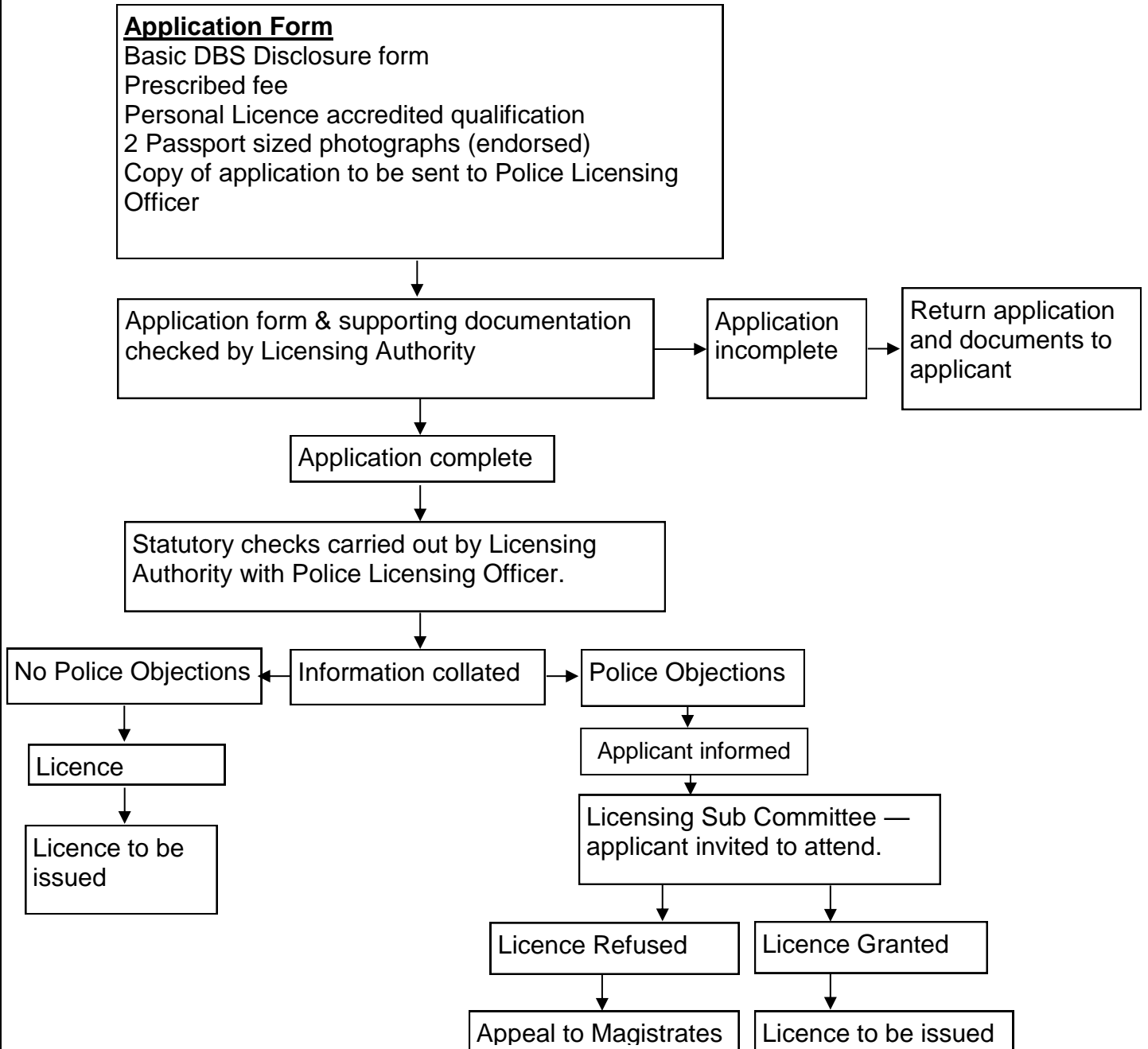
Temporary Event Notices



Minor Variation



Personal Licence



APPENDIX D – RESPONSIBLE AUTHORITIES

Responsible Authorities must receive copies of the application and supporting documentation for grant and variation applications. Police need to be provide with applications for transfer of premises licences and vary designated premises. Temporary event notices need to be provided to both the Police and Environmental Health.

Copies of applications will be sent to the necessary responsible authorities by local authorities if the applications are submitted via the GOV.uk website

<p>Police Police Licensing Officer Bedfordshire Police Luton Police Station Buxton Road Luton LU1 1SD Tel: 01582 394465 Licensingluton@bedfordshire.pnn.police.uk</p>	<p>Fire Chief Fire Officer Bedfordshire and Luton Fire and Rescue Service Southfields Road Kempston Bedford MK42 7NR Tel: 01234 351081 Fire@luton.gov.uk</p>
<p>Environmental Health & Safety Environmental Health Service Manager Luton Borough Council Clemitson House 44-48 Gordon Street Luton Beds LU1 2BQ Tel: 01582 510330 environmentalhealth@luton.gov.uk</p>	<p>Weights & Measures Trading Standards Service Manager Luton Borough Council Clemitson House 44-48 Gordon Street Luton Beds LU1 2BQ Tel: 01582 547130</p>
<p>Planning Principal Planning Officer Development Control Luton Borough Council Town Hall Luton Beds LU1 2BQ Tel: 01582 546605 developmentcontrol@luton.gov.uk</p>	<p>Service Manager for Safeguarding and Quality Assurance Children & Learning Department Luton Borough Council Town Hall Extension – 2nd Floor Luton, Beds, LU1 2BQ</p>
<p>Licensing as a responsible authority Licensing Service RA Luton Borough Council Town Hall Upper George Street Luton LU1 2BQ licensing@luton.gov.uk</p>	<p>Luton Drug and Alcohol Partnership Luton Borough Council Town Hall Extension Third Floor Upper George Street Luton LU1 2BQ</p>

The Responsible Authorities as defined in the Licensing Act 2003 are able to comment on applications made under the Licensing Act 2003, and apply for a review of a licence in certain circumstances.

Failure to serve these documents within 48 hours of submitting the application to the Licensing Service may result in the application being delayed or rejected.

APPENDIX E –CONDITIONS

When conditions are attached to premises licence/club certificate, conditions will reflect local crime prevention strategies for example the provision of closed circuit television cameras in certain premises. Relevant conditions in the Secretary of State's Guidance pool of conditions is attached at Appendix F pages 47 to 57.

The steps proposed in the operating schedule of the application will be translated into conditions to appear on the licence or certificate.

The licensing Authority may not impose any conditions unless a valid representation has been received and has been satisfied at the hearing of the necessity to impose conditions that promote one or more of the four licensing objectives. The conditions attached to a Premises Licence or Club Certificate Licence will, so far as possible reflect local crime prevention strategies.

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.

A blanket standard set of conditions cannot be imposed for every premises. The Act requires licensing conditions to be tailored to the size, style, characteristics and activities taking place at the premises concerned.

A pool of model conditions contained in Appendix H may be referred to by Licensing Authority to select appropriate conditions to suit the specific needs of an individual operation. Any conditions not listed in the pool maybe specifically worded by the Licensing Authority and attached to licences as appropriate.

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

Mandatory Conditions

The Licensing Act 2003 imposes certain mandatory conditions on premises licences and club premises certificates.

Premises Licences and Club Certificates that have authorisation for the supply of alcohol for consumption on the premises have a 5 further mandatory licensing conditions which came into effect on 6th April 2010 and October 2010.

In May 2014 a condition was imposed to ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than permitted price.

These conditions will appear on the premises licence and club certificates along with the mandatory conditions that already appear since the Licensing Act 2003 came into force.

APPENDIX F – POOL OF CONDITIONS

Conditions relating to Crime and Disorder

1. Text/Radio Pagers.

The Licensee will join the scheme operating in the area and will ensure that

- The text/pager equipment is kept in working order at all times
- The pager link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public
- Any police instructions/directions are complied with whenever given, and
- All instances of crime and disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point

2. Door Supervisors.

Where the condition is imposed on the provision of door supervisors the following may also be applied depending upon the circumstances affecting the premise

- (a) The Licensee will employ sufficient registered door staff to deal with any likely contingency.
- (b) Any employed door staff will wear a name badge as identification.
- (c) Each door supervisor will carry proof of his/her registration with the Security Industry Authority.
- (d) Door supervisors will be stationed at a location either inside or outside the premises and at times to be determined by the licensee as being appropriate but the Licensing Authority would expect such staff to be provided.....
- (e) Door supervisors are required to undertake body searches then at least one female supervisor should be available to undertake the body searches of female customers.

Where door supervisors are required the Licensee will keep records showing the names of the supervisor and the date/time that they were employed.

3. Bottle bans

The licensee will ensure that:

- (a) No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.
- (b) No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (Note: this will not include those customers carrying sealed bottles for the purposes of consumption off the premises).

An exception to these conditions will be bottles containing wine sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

4. Plastic containers and toughened glass

The licensee will ensure that only plastic or toughened glass containers will be used for the supply of beverages.

5. CCTV

The licensee will ensure that CCTV is installed and maintained under the auspices and guidance of the police crime prevention officer.

6. Open containers not be taken from premises

The licensee will ensure that no customers shall take glasses or open bottles from the premises.

7. Restrictions on drinking areas

The licensee will ensure that no alcoholic drinks will be consumed in the area marked (in red) on the plan (numbered.....) whilst activity is taking place.

8. Proof of age cards

The licensee shall introduce a policy requiring the production of "proof of age" for any sale that takes place where there is any suspicion that the customer is under 18. Such proof may include a pass conforming to the PASS accreditation system, photo driving licence, student cards and passports.

9. Crime prevention notices

The licensee will ensure that suitable notices are displayed warning customers of the prevalence of crime which may target them, for example, pick pockets or bag snatchers, the need to guard their property and leaving property unattended. The licensee will be directed over the provision of such notices by the Police crime prevention officer.

10. Drinks promotions

The licensee will not introduce or carry on any irresponsible sales promotion or discounting of prices of alcoholic beverages.

11. Signage

The licensee will ensure that:

- (a) A sign indicating the normal hours during licensable activities are permitted to take place to be displayed on or immediately outside the premises.
- (b) Any restrictions of the admission of children to be displayed on or immediately outside the premises.

12. High Volume Vertical Drinking establishments (HVVD's)

The licensee will ensure the adherence to

- A prescribed capacity
- An appropriate ratio of tables and chairs to customers based on the capacity
- The presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit

Conditions relating to Public Safety (including fire safety)

13. Disabled people

The licensee will ensure that

- (a) When disabled people are present adequate arrangements exist to enable their safe evacuation in the event of an emergency.
- (b) Disabled people on the premises are made aware of those arrangements.

14. Escape routes

The licensee will ensure the proper maintenance of all escape routes and exits including external exits. This will require that such exits are kept unobstructed, in good order with non slippery and even surfaces, free of trip` hazards and clearly identified. In premises where chairs and tables are provided all internal gangways must be kept unobstructed.

The licensee will ensure that

- (a) All exit doors are easily openable without the use of a key, card, code or similar means.
- (b) Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of such checks are kept.
- (c) Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.

- (d) All fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).
- (e) Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
- (f) The edges of the treads of steps and stairways are maintained so as to be conspicuous.

15. Safety checks

The licensee will ensure

- (a) That safety checks are carried out before the admission of the public.
- (b) Details of such checks are kept in a log book.

19. Curtains, hangings, decorations and upholstery

The licensee will ensure that

- (a) Hangings, curtains and temporary decorations are maintained in a flame retardant condition.
- (b) Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990.
- (c) Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire fighting equipment.
- (d) Temporary decorations are not used without a review of the Fire risk assessment and prior notification to the Licensing Authority.

16. Accommodation limits

The licensee will ensure that any capacity limit imposed under this licence/certificate is not exceeded.

The person responsible for the day to day management of the premises should be aware of the number of people on those premises and required to inform any authorised person on request.

17. Fire action notices

The licensee will ensure that notices detailing the actions to be taken in the event of fire or other emergencies including how the fire brigade are summoned are prominently displayed and protected from damage and deterioration.

18. Outbreaks of fire

The licensee will ensure that the Fire Brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a fire log book.

19. Loss of water

The licensee will ensure that the local fire control centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

20. Access for emergency vehicles

The licensee will ensure that access for emergency vehicles is kept clear and free from obstruction.

21. First aid

The licensee will ensure that

- (a) Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- (b) If necessary, at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.

22. Lighting

The licensee will ensure that

- (a) In the absence of adequate daylight the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- (b) Fire safety signs are adequately illuminated.
- (c) Emergency lighting is not altered.
- (d) Emergency lighting batteries are fully charged before the admission of public, members or guests.
- (e) In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being recharged; and, if the emergency lighting battery has a capacity of 3 hours, the appropriate period by the end of which the public should have left the premises is one hour.

23. Temporary electrical installations

The licensee will ensure that

- (a) Temporary electrical wiring and distribution systems are not provided without prior inspection by a suitable qualified electrician.
- (b) Temporary electrical wiring and distribution system shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- (c) Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

24. Indoor sports entertainments

The licensee will ensure that

- (a) If necessary, an appropriately qualified medical practitioner is present throughout the sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- (b) Where a ring is involved it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame retardant.
- (c) At any wrestling or other entertainment of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- (d) At water sports entertainment, staff are adequately trained in rescue and life safety procedure and stationed and remain within the vicinity of the water at all material times.

25. Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to the public safety in question.

26. Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience and performers and staff.

Special effects which should be considered include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms
- Motor vehicles

- Strobe lighting
- Lasers
- Explosives and highly flammable substances

These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the licensing authority.

Conditions relating to theatres, cinemas, concert halls and similar places (promotion of public safety) -Premises used for closely seated audiences

27. Attendants

(a) The number of attendants on each floor in a closely seated auditorium should be as set out in the table below.

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1-100	1
101-250	1
251-500	2
501-750	3
751-100	4
And one additional attendant for each additional 250 (or part thereof)	

Figures taken from the Primrose Guide

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

28. Standing and sitting in gangways

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstance shall anyone be permitted to
 - (i) Sit in any gangway
 - (ii) Stand or sit in front of any exit, or
 - (iii) Stand or sit on any staircase including any landings

29. Drinks

Except as authorised by the premises licence or the club premises certificate, no drink shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

30. Balcony fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

31. Special effects

Any special effects or mechanical installation shall be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics including fireworks
- Real flame
- Fire arms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE guide “the radiation safety of lasers used for display purposes [HS(G)95] and BSEN 60825: Safety of Laser Products)
- Explosives and highly flammable substances

In certain circumstances it may be necessary to require that certain special effects are only used with the prior notification of the Licensing Authority or [inspection by] fire authority.

32. Scenery

Any scenery should be maintained as being flame retardant.

33. Safety curtain

Where a safety curtain is provided it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for some sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non combustible material inherently or durably treated flame retardant fabric.

34. Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide whether a further inspection would be necessary and a certificate concerning the conditions of the ceilings forwarded to the Licensing Authority.

35. Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

Premises used for film exhibitions

36. Attendance – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below.

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	2
And one additional attendant for each additional 250 members of the audience present (or part thereof).	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

37. Attendance – premises with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below.

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1-500	2	1
501-1000	3	2
1001-1500	4	4
1501 or more	5 plus one for every 500 (or part thereof) persons over 2000 on the premises	5 plus one for every 500 (or part thereof) persons over 2000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) The holder of the premises licence or the manager on duty at the premises or
- (ii) A member of staff whose normal duties or responsibilities are likely to significantly effect or delay his response in an emergency situation
- (iii) A member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(c) Attendants shall, as far as reasonably practicable, be evenly distributed throughout all parts of the premises to which the public have access and keep under observations all parts of the premises to which the audience have access.

(d) The staff alerting system shall be maintained in working order.

38. Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP1007(maintained lighting for cinemas).

39. Flammable films

No flammable films should be allowed on the premises without the prior notification of the licensing authority/fire authority.

Conditions relating to Prevention of Public Nuisance

40. Hours

- (a) Any appropriate restrictions on opening hours
- (b) Any appropriate restrictions when certain licensable activities can take place
- (c) Any appropriate restrictions on parts of the premises that might be used for certain licensable activities at certain times.

41. Noise

(a) Noise impact assessment of the licensed activities at the premises must be carried out to the satisfaction of the licensing authority. Proposed steps to prevent noise must, if necessary, also be submitted for inclusion within the operating schedule.

(b) The following licensed activities that have the potential to create public nuisance shall not be permitted unless they are done so in accordance with the controls below:

For example

Activity	Control
<i>Playing of amplified, pre-recorded music</i>	<i>Music shall only be played in the main function suite and shall go on no later than 23.30</i>

- (i) A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises.
- (ii) All [external doors / windows] must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
- (iii) The [doors / windows] at [specify] shall be fitted with [double /secondary] glazing in order to improve the sound attenuation of the premises.
- (iv) No music or speech shall be relayed via external speakers other than for events with the prior approval of the licensing authority.
- (vi) A [sound trap lobby / acoustic door / automatic door closer] shall be installed to [describe the location].
- (vii) A scheme of soundproofing the [relevant parts] of the premises must be agreed with the licensing authority and the work completed to the licensing authorities satisfaction.
- (viii) [Openings / specify] in the external fabric of the premises must be acoustically sealed to the satisfaction of the licensing authority.
- (ix) An alarm shall be fitted to [all external windows / fire doors] which alerts staff when [they / it] are opened without authorisation.
- (x) The specification, location and orientation of all permanently fixed speakers shall be agreed with the licensing authority.
- (xi) No fireworks or other pyrotechnics shall be used other than with the prior consent of the licensing authority.
- (xii) Noise from the premises shall not result in exceedences of the following noise levels expressed as[x minute Laeq] at [stated location];

Frequency Range	From a hours to b hours	From y hours to z hours
[Whole range]	x dBA	y dBA
[63Hz octave band]	x dBA	y dBA
[125 Hz octave band]	x dBA	y dBA

- (xiii) Prominent, clear notices shall be displayed at [all exits / in the beer garden] requesting customers to respect the needs of local residents and leave the premises and the area quietly.
- (xiv) The [garden / patio] must not be used by customers after the hours of xx.xx.
- (xv) The car park must be securely locked to prevent access to customers cars between xx.xx and yy.yy.
- (xvi) Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between xx.xx and yy.yy
- (xvii) Arrangements must be put in place to ensure that waste collection contractors do not collect refuse between xx.xx and yy.yy.
- (xviii) Staff must be given adequate training to prevent them causing unnecessary noise when they leave the premises and prominent, clear notices displayed at all points where staff leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
- (xix) The licensee or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
- (xx) No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.
- (xxi) The [car park/ garden] shall be managed to ensure that it is not used for [ball games /skateboarding/ other noisy recreational activities].

42. Litter and Waste

An adequate number of waste receptacles for use by patrons shall be provided in positions agreed with the licensing authority and it shall be the responsibility of the licensee to empty and dispose of the collected refuse at a frequency to be agreed with the licensing authority. The licensee shall comply with the Voluntary Code of Practice For The Fast Food Industry (DEFRA 2003) or any document which supersedes this.

43. Lighting

Any artificial lighting on the premises must not cause nuisance due to glare unless it is considered necessary by the local Police force to prevent crime and disorder.

44. Noxious smells

The licensee shall endeavour to ensure that there are no noxious smells emitted from the licensed premise so as to cause a nuisance to nearby properties and that the licensed premise is properly vented.

Conditions relating to the Protection of Children from Harm

Access for children to licensed premises – in general

48. Children under the age of 18 years shall not be permitted to licensed premises where there has been a known association (having been presented with evidence) with or likely to give rise to:

Heavy or binge or under age drinking

Drugs

Significant gambling

Any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature

49. No child under the age of 12 shall be allowed in a premise unaccompanied by an adult after 11.00pm in the evening in cases where that premise, is not serving alcohol for

consumption on the premises, but where the public are allowed on that premises after that time.

Age restrictions – specific

50 The hours of the day during which age restrictions should and should not apply.

51 Types of event or activity in respect of which no age restrictions may be needed

52 Types of event or activity which give rise to a more acute need for age restrictions than normal.

Age restrictions – cinemas

53 Films should be classified in the following way:

U – Universal. Suitable for audiences age 4 years and over.

PG – Parental Guidance. Some scenes may be unsuitable for young children.

12A – passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.

15 – Passed only for viewing by persons aged 15 years and over.

18 – Passed only for viewing by persons aged 18 years and over.

54 The licensee must ensure that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

Theatres – performances especially for children

55 An attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Children in performances

56 In addition to the requirements of the Children (Performances) Regulations 1968, as amended the licensee shall ensure that with regard to the:-

venue – the back stage facility should be large enough to accommodate safely the number of children taking part in any performance.

Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.

Special effects – it may be inappropriate to use certain special effects including smoke, dry ice, rapid pulsating or flashing lights which may trigger adverse reactions especially in the case of children

Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment, it is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room or anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group: practice on the naming, packaging and promotion of alcoholic drinks

The Portman Group was set up in 1989 by the UK's leading drinks producers and its purpose is

- To promote responsible drinking
- To help prevent misuse of alcohol
- To encourage responsible marketing
- To foster a balanced understanding of alcohol related issues.

57 The licensee shall comply with the Portman Group's retailer alert bulletins.

For more information of such Bulletins access the Portman Group's website on www.portman-group.org.uk/codeofpractice/63.asp or contact the Group on 020 7907 3700 or by writing to the Portman Group, 7-10 Chandos Street, London, W16 9DG.

APPENDIX G - POLICY CONSULTATION

The Licensing Authority's 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 including late night takeaway establishments
- Local businesses and their representatives through the town centre
- Partnerships and the local Chamber of Commerce
- Local residents and their representatives, through Area Committees and local tenants and residents associations
- Luton Borough Council Environmental Health, Planning, Highway and Regeneration sections
- Local Arts Committee.
- Safeguarding Board
- Alcohol Concern
- Public Health
- Luton Town Centre Business Improvement District
- Disability Resource Centre
- Luton Borough Council Social Justice Unit
- Hackney Carriage and Private Hire Trades
- Transport Providers
- Luton Council of Faiths
- Religious groups
- Care Commissioning Group

Following adoption of this Policy, the Council will keep it under constant review.

The Head of Business and Consumer Services will maintain an "Issues Log" in which matters pertaining to this Policy will be recorded. Any person or responsible authority may raise an issue with the Council in relation to the Policy and the Head of Business 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

APPENDIX H - USEFUL WEB LINK

To obtain information on application processes please see the Annex's within this Policy. For the current fees please contact the Licensing Service or view the websites below.

Licensing Act 2003 applications can be accessed and submitted electronically via the Councils website or directly via www.ukwelcomes.businesslink.gov.uk

A copy of the Licensing Act 2003 is available from www.opsi.gov.uk

Portman Group Code of Practice is available from www.portman-group.org.uk

Tackling Antisocial behaviour available from www.together.gov.uk

Safer Clubbing Guide www.drugs.gov.uk

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances
www.streetartnetwork.org.uk/publications

Revised Guidance issued under Section 182 of the Licensing Act 2003

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Guidance on how to prepare race impact assessments

www.communities.gov.uk/corporate/about/howwework/equalitydiversity/racequalityimpact