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

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.

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.
BACKGROUND TO LUTON

Luton has a population of 194 400\textsuperscript{1} 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 40% 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 June 2010 the numbers of premises granted a premises licence/club certificate is 542. The main categories are as follows:

- 162 Restaurants/takeaways
- 40 Registered Clubs
- 81 Public Houses
- 6 Nightclubs
- 189 Off Licences (supermarkets and grocers included)
- 15 Open spaces
- 13 Hotels
- 4 Schools
- 16 Community/sports centres
- 3 Churches
- 3 Casinos
- 4 Airport premises
- 3 Wholesale
- 1 Cinema

The Licensing Authority has also issued 1500 personal licences.

In the year 1\textsuperscript{st} October 2008 to 30\textsuperscript{th} September 2009 the Environmental Protection team received 50 complaints relating to noise emanating from licensed premises in Luton.

\textsuperscript{1} Office for National Statistics, June 2010
PURPOSE AND SCOPE OF THE LICENSING POLICY

A licence authorises the use of any premises (which is defined in the Act as 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

Supply/Retail sale of alcohol

Licensing is about the control of licensed premises, qualifying member’s clubs and temporary events.
An application that has applied for retail sale of alcohol on a Premises Licence will require a Designated Premises Supervisor (“DPS”). The requirement for the DPS is that they hold a valid personal licence.
Club premises certificates do not require a DPS under the Act
(For more information please see Application section)

Regulated Entertainment

Where the entertainment takes place in the presence of an audience to entertain that audience a licence is required. The types of entertainment regulated by the Act are;

- Performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (indoor and outdoor)
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
(Facilities must be provided for the use of and to entertain customers. Entertainment facilities include for example: Karaoke machine, dance floor and musical instruments)

Exempt Regulated Entertainment

Licensing Authorities will consider whether an activity constitutes the provision of regulated entertainment. The following activities are not regulated entertainment and would not need a licence;

- Education – teaching students to perform music or to dance
- Activities which involve participation as acts of worship in a religious context
- The demonstration of a product e.g. a guitar in a music shop
- Rehearsal of a play or rehearsal of a performance of music to which the public are not admitted.

Late Night Refreshment

Restaurant and takeaway premises that provide hot food or drink between the hours 23.00 and 05.00 requires a licence.
Under section 5 of the Licensing Act 2003, every 3 years the Licensing Authorities are required to review their Statement of Licensing Policy. This Policy must be re-published and take effect by 7th January 2011.

We will use this policy to inform any decision making process including those matters considered at licensing committee 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.

CRIME PREVENTION

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 will be considered.

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 quality 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.

LIVE MUSIC, DANCING & THEATRE

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

Conditions strictly necessary for the promotion of the licensing objectives will be attached to premises licences/club 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 licensed. Persons that wish to use the premises licence must seek the permission of the local authority 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/licences
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” if 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.


- 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:

- Luton’s Local Area Agreement
- Luton’s Corporate Plan 2009 - 2012
- The Borough of Luton Local Plan 2001-2011;
- Luton’s Community Plan 2002 – 2012;
- Luton’s Crime & Disorder Reduction Partnership Strategy
- Fear of Crime Report 2010
- Community Safety Strategy 2002-2005;
- Luton Joint Needs Assessment 2008;
- Environment and Consumer Services’ Enforcement Policy;
- Good Practice Guide on the Control of Noise from Pubs and Clubs;
- Local Transport Plan;
Local Drugs Policy.
Town Centre Development Plan
Local Tourism, Leisure and Cultural strategies
Local Equality, Cohesion and Inclusion Strategies

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.
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.
LICENSED HOURS

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

Staggered dispersal of customers is an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in the areas. The Council will not seek to engineer staggered closing times.

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

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 individual merits of each application. The Licensing Authority may not restrict opening hours unless it receives a valid representation by Responsible Authorities and/or Interested Parties. If such representations are received it is likely to consider restricting hours or imposing suitable conditions in cases where licensed premises are situated in largely residential areas or where the trading hours of the premises and competing businesses in the vicinity are likely to lead to undue pressure on public transport systems or additional public nuisance, disorder and anti-social behaviour and where the licensed premises includes outside areas.
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 Responsible Authorities page 23

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 an age limit.

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

Revised Guidance (paragraph 10.31) states that 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. As the Revised Guidance points out (paragraphs 2.17, 10.31), 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, protect children from harm and promote public safety.

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 an 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.
LICENSING OBJECTIVES

It is the duty of the new 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:

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<th>The prevention of crime and disorder</th>
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<td>Public safety</td>
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<td>The prevention of public nuisance; and</td>
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<tr>
<td>The protection of children from harm</td>
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Each application received by the Licensing Authority will be considered on its own merits in context of the four licensing objectives.

Unless relevant representations received from responsible authorities of 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.

There is no provision for officers of the Licensing Authority to make representation against applications. 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.
CONDITIONS

Conditions that can be attached to Premises Licence and Club Premises Certificates

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 Annex D of the Secretary of State Guidance 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 1st October 2010.

These conditions will appear on all newly issued premises licence and club certificates along with the mandatory conditions that already appear since the Licensing Act 2003 came into force. These mandatory conditions will also have effect on all licences issued prior to the above dates where appropriate.
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 will be implementing a yellow and red card system for Reviews. The provision is in place for Licensing 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 by 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.
ENFORCEMENT

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

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

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

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

Once a licence is granted the licence holder can apply for other applications throughout the period of their licence/certificate, they are:

- Variations to the premises licence/club premises certificate, to add licensed activities change licensed times etc.
- Minor Variation – to do minor changes to structure or layout of the premises, small adjustments to licensing hours, removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions, the addition of certain licensable activities.
- Transfer – to change the licence holder on a licence/certificate
- Vary the Designated Premises Supervisor – Premises Licences have Designated Premises Supervisors (DPS). When a current DPS leaves the premises the licence holder must apply to change the details immediately.

The Licensing Authority has a public Register that contains information about applications, notices and licences. To view the register, go to www.luton.gov.uk/licences
APPLICATION PROCESS

The Licensing Authority will accept applications for Premises Licences, Personal Licences, Club Certificates and Temporary Event Notices, provided these applications are made on the statutory prescribed application form and accompanied by the prescribed fee and supporting documentation.

The Licensing Authority expects all applicants for Premises Licences and Club Certificates to specify methods by which they will promote the four licensing objectives. The applicant must include an operating schedule, addressing the licensing objectives, in particular in regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

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

Applications will be considered in accordance with the delegation of functions table set out at page 32. It is considered that many of the licensing functions will be largely administrative and where there are no areas of contention, the responsibility for processing any such application shall be delegated to officers.

Premises Licence application process

- APPLICATION FORM
  - Site plan
  - Operating plan
  - Prescribed fee

Application form and supporting documentation verified by Local Authority → Application Incomplete

Consultations carried out (applicant to advertise in local newspaper and on premises) → Return to Applicant

No objections → Information collated → Licence Granted

Objections → Licensing Sub Committee → Licence Refused

Objection refused → Applicant informed

Appeal successful → Appeal to Magistrates

Appeal refused

Applicants must advertise their application in a local newspaper and on the premises under Section 17 of the Licensing Act 2003. Failure to comply with the advertisement requirements will deem your application invalid.
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 office 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.

- **APPLICATION FORM**
  - Basic CRB Disclosure Form
  - Prescribed Fee
  - Personal Licence recognised Qualification
  - To be submitted to Local Authority where applicant resident

![Diagram of application process]

- Application form and supporting documentation checked by Local Authority
  - Application Incomplete
  - Application Complete
  - Return to Applicant

- Statutory checks carried out by Licensing Authority with Police Licensing Officer
  - Information collated

- No Police Objections
  - Licence Granted

- Police Objections
  - Applicant informed
  - Licence Refused

- Appeal successful
  - Appeal to Magistrates
  - Licence Refused

- Appeal refused
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.

Temporary Event Notices mean that instead of the local authority giving explicit permission for an event, organisers have to notify the Licensing authority and the Police of their intentions.

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

- When submitting your application, there must be at least 10 full working days notice must be given of an event (excluding bank holidays). This period does not include the day the application is served and the day of the event.
- An event covered by a Temporary Event Notice can last for a maximum of 96 hours.
- There must be 24 hours between each event covered by separate TENs.
- A TEN can cover events with up to 499 people (including staff) attending. If more are expected, a Premises licence will be required.
- A premises cannot by covered by more than 12 individual Temporary Event Notices per year, or for more than 15 days in total per year.
- 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.

![Application Process Diagram]
RESPONSIBLE AUTHORITIES

Responsible Authorities must receive a copy of the application for a grant/variation of a Premises Licence or Club Premises Certificate, plan of the premises and operating schedule in addition to the Licensing Service.

<table>
<thead>
<tr>
<th>Police</th>
<th>Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Licensing Officer</td>
<td>Chief Fire Officer</td>
</tr>
<tr>
<td>Bedfordshire Police</td>
<td>Bedfordshire and Luton Fire and Rescue Service</td>
</tr>
<tr>
<td>Luton Police Station</td>
<td>Southfields Road</td>
</tr>
<tr>
<td>Buxton Road</td>
<td>Kempston</td>
</tr>
<tr>
<td>Luton</td>
<td>Bedford</td>
</tr>
<tr>
<td>LU1 1SD</td>
<td>MK42 7NR</td>
</tr>
<tr>
<td>Tel: 01582 394309</td>
<td>Tel: 01234 351081</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Health &amp; Safety</th>
<th>Weights &amp; Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health Service Manager</td>
<td>Trading Standards Service Manager</td>
</tr>
<tr>
<td>Luton Borough Council</td>
<td>Luton Borough Council</td>
</tr>
<tr>
<td>Clemiston House</td>
<td>Clemiston House</td>
</tr>
<tr>
<td>44-48 Gordon Street</td>
<td>44-48 Gordon Street</td>
</tr>
<tr>
<td>Luton</td>
<td>Luton</td>
</tr>
<tr>
<td>Beds</td>
<td>Beds</td>
</tr>
<tr>
<td>LU1 2BQ</td>
<td>LU1 2BQ</td>
</tr>
<tr>
<td>Tel: 01582 510330</td>
<td>Tel: 01582 547130</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planning</th>
<th>Children Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Planning Officer</td>
<td>Head of Children Services</td>
</tr>
<tr>
<td>Development Control</td>
<td>Children &amp; Family Services</td>
</tr>
<tr>
<td>Luton Borough Council</td>
<td>Luton Borough Council</td>
</tr>
<tr>
<td>Town Hall</td>
<td>1st Floor Unity House</td>
</tr>
<tr>
<td>Luton</td>
<td>111 Stuart Street</td>
</tr>
<tr>
<td>Beds</td>
<td>Luton</td>
</tr>
<tr>
<td>LU1 2BQ</td>
<td>LU1 5TD</td>
</tr>
<tr>
<td>Tel: 01582 546605</td>
<td>Tel: 01582 409470</td>
</tr>
</tbody>
</table>

The Responsible Authorities as defined in the Licensing Act 2003 are able to comment on applications made under the Act, and apply for a review of a licence in certain circumstances (see Review page 16)

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.
OPERATING SCHEDULE - LICENSING OBJECTIVES

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 applicant’s 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 sitting 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.

The applicant may 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 Council’s 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 applicant’s 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 easy 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.
Town Centre Matrix

The following matrix identifies key areas that make up the designated Town Centre Area 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 the responsible authorities would assess an application or would act as a guide to any person wishing to submit a review application.

Plan of Town Centre Area
<table>
<thead>
<tr>
<th>Location</th>
<th>Luton Gateway</th>
<th>St Georges Square</th>
<th>Southside</th>
<th>Westgate</th>
<th>Retail Quarter</th>
<th>Power Court</th>
<th>University Quarter</th>
<th>Hat Factory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Character</td>
<td>Entrance, Transport interchange, business and residential</td>
<td>Leisure/ Civic Quarter</td>
<td>Mixed use including residential</td>
<td>Commercial with offices, small business residential</td>
<td>Retail</td>
<td>Mixed use retail, residential and commercial</td>
<td>Town Centre Campus</td>
<td>New retail mixed use link to station</td>
</tr>
<tr>
<td>Night Clubs</td>
<td>Will be refused unless they satisfy the criteria listed below*</td>
<td>Application must clearly demonstrate that the premises will not add to cumulative impact of the area</td>
<td>Will be refused unless they satisfy the criteria listed below*</td>
<td>Application must clearly demonstrate that the premises will not add to cumulative impact of the area</td>
<td>Will be refused unless they satisfy the criteria listed below*</td>
<td>Application must clearly demonstrate that the premises will not add to cumulative impact of the area</td>
<td>Will be refused unless they satisfy the criteria listed below*:</td>
<td></td>
</tr>
<tr>
<td>Pubs beyond midnight</td>
<td>Will be refused unless they satisfy the criteria listed below*</td>
<td>Application must clearly demonstrate that the premises will not add to cumulative impact of the area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pubs up to midnight</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Will generally be granted, unless it can be shown that the application would harm the licensing objectives</td>
<td></td>
</tr>
<tr>
<td>Restaurants/ Cafes/</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Will generally be granted, unless it can be shown that the application would harm the licensing objectives</td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Luton Gateway</td>
<td>St Georges Square</td>
<td>Southside</td>
<td>Westgate</td>
<td>Retail Quarter</td>
<td>Power Court</td>
<td>University Quarter</td>
<td>Hat Factory</td>
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<tr>
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<td>-------------------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>Character</strong></td>
<td>Entrance, Transport interchange, business and residential</td>
<td>Leisure/ Civic Quarter</td>
<td>Mixed use including residential</td>
<td>Commercial with offices, small business, residential</td>
<td>Retail</td>
<td>Mixed use retail, residential and commercial</td>
<td>Town Centre Campus</td>
<td>New retail, mixed use and link to station</td>
</tr>
<tr>
<td><strong>Take aways</strong></td>
<td>Application must clearly demonstrate that the premises will not add to cumulative impact of the area</td>
<td>Will generally be granted, unless it can be shown that the application would harm the licensing objectives</td>
<td>Application must clearly demonstrate that the premises will not add to cumulative impact of the area</td>
<td>Will generally be granted, unless it can be shown that the application would harm the licensing objectives</td>
<td>Application must clearly demonstrate that the premises will not add to cumulative impact of the area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Off Licences/ Grocers with off sales</strong></td>
<td>Application must clearly demonstrate that the premises will not add to cumulative impact of the area</td>
<td>Will generally be granted, unless it can be shown that the application would harm the licensing objectives</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Application must clearly demonstrate that the premises will not add to cumulative impact of the area.
*Criteria for Nightclubs, Pubs and Bars*

Applicants should specify in their application how they intend to address the following issues:

1. Location of entry and departure points
2. Door control
3. Control and prevention of queuing
4. Effective measures to check the age of those possibly under 18 years old.
5. Ensure door supervisors are trained and empowered to deal with underage drinking.
6. Put in place robust systems to monitor and control the access of young people.
7. Have a policy statement to deal with underage access which should include reference to the use of approved ‘Proof of Age’ schemes (Challenge 25) that include photo identity cards such as the PASS scheme.
8. Display of policy on checking of age.
9. Whether the design and layout of the premises are likely to lead to local overcrowding.
10. Measures to discourage excessive drinking and drunkenness.
11. Measures to promote ‘sensible drinking’ including measures to encourage purchase of soft drinks including pricing of soft drinks to below that of alcoholic drinks.
12. Regard paid to good practice guides and industry codes; e.g. on advertising, packaging, labelling and drink promotions.
13. Whether drinking vessels are made of toughened glass or plastic and are designed to not have a sharp edge when broken.
14. Whether the taking of glasses or glass bottles outside of the premises is proposed to be permitted.
15. Whether licensed door supervisors are to be deployed and their responsibilities for prevention of disorder in the vicinity of the premises.
16. Whether suitable use of CCTV is proposed inside and outside the premises to provide recordings of a quality to be of use in prosecutions.
17. Adequate measures to prevent the use and supply of illegal drugs.
18. Adequate search procedures to prevent the bringing of illegal drugs or weapons onto the premises.
19. Information displayed for staff and patrons and the training for staff on drug awareness including the spiking of drinks with drugs.
20. Procedures agreed with the police, for searches, the surrender and seizure of drugs and weapons.
22. Control of amplified and unamplified music and voices
23. Steps to be taken to achieve good behaviour outside and within the premises
24. Communication with customers (signs, announcements and other means)
25. Management of use of any outdoor areas
26. Steps to be taken to ensure customers leave quietly
27. Arrangements for dedicated taxi or licensed private hire vehicles to collect patrons in a manner so as to minimises any disturbance
28. Limits set on hours for servicing and deliveries.
29. Guidance to drivers to limit noise during deliveries
30. Providing quiet means for storage and movement of waste and recycling materials.
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.

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Licensing Committee</th>
<th>Licensing Sub-Committee</th>
<th>Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for personal licence</td>
<td></td>
<td>If a representation is made</td>
<td>If no representation is made</td>
</tr>
<tr>
<td>Application for personal licence with unspent convictions</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Application for premises licence / club premises certificate</td>
<td></td>
<td>If a representation is made</td>
<td>If no representation is made</td>
</tr>
<tr>
<td>Application for provisional statement</td>
<td></td>
<td>If a representation is made</td>
<td>If no representation is made</td>
</tr>
<tr>
<td>Application to vary premises licence / club premises certificate</td>
<td></td>
<td>If a representation is made</td>
<td>If no representation is made</td>
</tr>
<tr>
<td>Application for Minor Variation</td>
<td></td>
<td>If a representation is made</td>
<td>If no representation is made</td>
</tr>
<tr>
<td>Application to vary designated personal licence holder</td>
<td></td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Request to be removed as designated personal licence holder</td>
<td></td>
<td></td>
<td>All cases</td>
</tr>
<tr>
<td>Application for transfer of premises licence</td>
<td></td>
<td>If a police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application for Interim Authorities</td>
<td></td>
<td>If police objection</td>
<td>All other cases</td>
</tr>
<tr>
<td>Application to review premises licence / club premises certificate</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision on whether a complaint is irrelevant frivolous vexatious etc.</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Decision to object when local authority is a consultee and not the lead authority</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
<tr>
<td>Determination of a police representation to a temporary event notice</td>
<td></td>
<td>All cases</td>
<td></td>
</tr>
</tbody>
</table>

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.
LICENSING COMMITTEE – SUB COMMITTEES

When representations have been received and the application has to go to Licensing 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. Councillors conduct is governed by the Code of Conduct for Members set out in the Council’s Constitution. This sets out personal and prejudicial interests which a Councillor must disclose and the effect if 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 be accompanied with 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 practice is maintained in the execution of its Licensing Committee. It also wishes to ensure that applicants and objectors have a fair hearing. The process of determining licensing applications is broadly administrative in nature.

In the absence of specific regulations under the Act, the licensing committee will set its own procedure which will comply with the rules of natural justice and the Human Rights Act 1998.
CONSULTATION PERIOD

Applicants are required under the Act to advertise on the premises and in a local Luton newspaper. The advert must outline the proposed licensable activities and the proposed hours of opening.

Under the Act Responsible Authorities must be provided with a copy of the applicant’s application. 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 the grant, transfer, review and variation of licences by supplying them the details of the application.

The Act presumes that any application being considered will be granted unless there are objections raised which relate.

Representations – Interested Parties & Members

The statutory representation period begins the day after a valid application is received by the Licensing Authority and lasts for 28 days. Representations must be made in writing and received during the representation period. Representations cannot be made anonymously; any valid representations received will be included in a report to the hearing panel.

Petitions received will be treated as one representation from the person sending it in, supported by other signatories. Petitions will not be treated as individual representations from everyone who has signed it. Each page of the signatures must have the premises details and the reasons for submitting the representation and the licensing objectives the representation relates to.

The Act presumes that any application being considered will be granted unless there are representations received which relate to the licensing objectives received within the 28 day consultation period. All relevant representations will be considered when determining an application, except those that the Council considers are frivolous or vexatious.

Interested parties and any members of Licensing Authority can submit a representation to the Licensing Service showing support to an application.
APPENDIX A

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 local tenants and residents associations
Luton Borough Council Environmental Health, Planning, Highway and Regeneration sections
Luton Borough Council Town Centre Co-ordinator
Local Arts Committee.
Area Child Protection Committee
Alcohol Concern
Licensing Strategy Group
Primary Care Trust
Disability Resource Centre
Luton Borough Council Equalities Unit
Hackney Carriage and Private Hire Trades
Transport Providers
Luton Council of Faiths
Religious groups

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

The Head of Environmental and Consumer Services will maintain an “Issues Log” in which matters pertaining to this Policy will be recorded. Any interested party or responsible authority may raise an issue with the Council in relation to the Policy and the Head of Environmental and Consumer Services will determine whether the issue is relevant to this policy and if so, whether it requires an immediate review of the current policy or to be noted in an “Issues Log” for consideration on a future review of the policy. In addition, when the policy is reviewed, either in accordance with the statutory requirements or because relevant issues have arisen, the Council will consult with the statutory consultees and with any other consultees as deemed appropriate.
APPENDIX B

USEFUL CONTACT DETAILS

Licensing Service

Licensing Service Manager
Luton Borough Council, Town Hall, Luton, Beds LU1 2BQ
Tel: 01582 546040
Fax: 01582 546581
Email: licensing@luton.gov.uk
Website: www.luton.gov.uk/licences

To obtain information on application processes and current fees please contact the Licensing Service or view the website. Most Licensing Act 2003 applications can be accessed and submitted electronically via the Council's website or directly via www.ukwelcomes.businesslink.gov.uk

LutonSafe Coordinator

Bedfordshire Police, Buxton Road, Luton
Tel: 01582 401212

Police Licensing Officer

Bedfordshire Police, Buxton Road, Luton
Tel: 01582 394309

Department for Media, culture and Sport

2-4 Cockspur Street, London, SW1Y 5DH
Tel: 020 7211 6200
Email: enquires@culture.gov.uk
Website: www.culture.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
Tacking 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

Guidance on how to prepare race impact assessments
www.communities.gov.uk/corporate/about/howwework/equalitydiversity/racequalityimpact

Home Office

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