



# Statement of Licensing Policy

2018-2023



Made under Section 5 of  
the Licensing Act 2003

REGISTRATION & RECORDS  
**LICENSING**  
BEDFORD BOROUGH COUNCIL

## UPDATE

This Licensing Policy was developed immediately prior to Section 141 of the Policing & Crime Act 2017 commencing. This put cumulative impact policies on a statutory footing for the first time from 6 April 2018. The relevant Statutory Guidance on this matter states:

*“A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.”*

*“The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.”*

The Licensing Study and Cumulative Impact Assessment now forms the evidential basis for the three cumulative impact areas which Bedford Borough Council has deemed appropriate to consult upon and introduce from May 2018 into Bedford Town Centre. The Council will keep the cumulative impact areas under review and will revisit this cumulative impact assessment process within the next three years - as per the new legislative requirements (as set out in the Section 182 Guidance - revised April 2018 - that accompanies the Licensing Act 2003).

A copy of the Licensing Study and Cumulative Impact Assessment referred to is available from the Council’s Chief Officer for Democratic and Registration Services upon request.

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## 1. SUMMARY

- 1.1 In England and Wales the Licensing Act 2003 (the Act) transferred responsibility for the supply of alcohol from the local magistrates' courts to councils (in their role as 'licensing authorities').
- 1.2 The Licensing Act 2003 provided rights of appeal for individuals, businesses and other organisations and enabled them to instigate reviews of licences under the Act. In addition, it provided a single framework for licensing regulated entertainment and late-night refreshments (e.g. take-aways).
- 1.3 Bedford Borough Council is the Local Authority for the Bedford borough area but, for the purposes of this Statement of Licensing Policy, it is also referred to as the Licensing Authority.
- 1.4 This Bedford Borough Statement of Licensing Policy 2018-2023 (or 'Licensing Policy') seeks to build on the experience of the Licensing Act 2003 over the first decade since its enactment in 2005. In that time, there have been several changes to the provisions of the 2003 Licensing Act.
- 1.5 The most recent major changes are as a consequence of the Police and Social Responsibility Act 2011 and the Live Music Act 2012.
- 1.6 Locally, the landscape for licensing has also changed dramatically. From 1 April 2009, Bedford Borough Council took on the functions of the former Bedfordshire County Council within the Borough and was designated a 'unitary authority'. As such, Bedford Borough Council had a number of existing roles as the 'responsible authority' for several licensing-related areas of activity:
  - 1.6.1 Enforcement of section 18 of the Health & Safety at Work etc. Act 1974 (Environmental Health)
  - 1.6.2 Minimising or preventing the risk of pollution of the environment or of harm to human health (Environmental Health)
  - 1.6.3 Local land use planning within the meaning of Town & Country Planning Act 1990 (and subsequent Acts).

And, after unitary designation, these were supplemented with the following County Council roles:

  - 1.6.4 Weights and Measure Authority (within the meaning of section 69 of the Weights and Measures Act 1985) (Trading Standards)
  - 1.6.5 The body that is recognised by the Licensing Authority as representing those who are responsible for, or interested in, matters relating to the Protection of Children from Harm (Children's Services).

- 1.7 In addition, as of 25<sup>th</sup> April 2012, Bedford Borough Council, in its capacity as Licensing Authority, also became a Responsible Authority in its own right. That is, Bedford Borough Council is now not only responsible for the creation of a Licensing Policy, administrating licence applications and ensuring compliance and enforcement with the Act but that it must be consulted as a Responsible Authority and may make representations for or against a licence application.
- 1.8 Bedford Borough Council recognises the difference between the roles it plays as a Responsible Authority and the function it performs as the Licensing Authority. As such, within the Council, there is a clear separation of these roles. This separation has been recognised as good practice by leading licensing solicitors nationally.
- 1.9 Bedford Borough Council as the Licensing Authority also maintains positive day-to-day working relationships with the other Responsible Authorities such as Bedfordshire Police and Bedfordshire Fire & Rescue Service.
- 1.10 This Statement of Licensing Policy has been drawn up in the context of a comprehensive independent assessment of the evidence surrounding licensing in the Borough, extensive public consultation on matters of licensing and engagement with the full range of relevant stakeholders, as well as consistent input from the Borough's Responsible Authorities.

## 2. PURPOSE AND SCOPE OF THE STATEMENT OF LICENSING POLICY

### The Licensing Objectives

- 2.1 At the heart of the Licensing Act 2003 are the four Licensing Objectives. The Licensing Authority will seek to promote these Licensing Objectives, which are contained in Section 4 of the Licensing Act 2003, when carrying out its licensing functions. These Licensing Objectives are:
- a. The Prevention of Crime and Disorder.
  - b. Public Safety.
  - c. The Prevention of Public Nuisance.
  - d. The Protection of Children from Harm.

Each Licensing Objective is of equal importance.

- 2.2 This Statement of Licensing Policy sets out the policy of the Licensing Authority with respect to carrying out its licensing functions under the Licensing Act 2003. This includes policy formulation, administration (such as processing applications for grants, variations and reviews of authorisations) and enforcement activities.

### Licensable activities and authorisations

- 2.3 This policy relates to the activities that must be licensed under the Licensing Act 2003. With particular exceptions, the 2003 Act identifies those licensable activities as being:
- a. *Retail sale of alcohol.* This includes sales through the internet and mail order.
  - b. *Supply of alcohol* by or on behalf of a club, or to the order of a member of the club.
  - c. *Provision of regulated entertainment.* This includes the following activities for entertaining members of the public, members and guests of a club or in any event for consideration and with a view to a profit:
    - Plays (performances) (Deregulated between 0800 and 2300 for audiences under 500);
    - Exhibition of films;
    - Indoor sports events (Deregulated between 0800 and 2300 for audiences up to 1000);
    - Boxing or wrestling events (Deregulated for Olympic style Greco-Roman and Freestyle Wrestling);
    - Performing live music or playing recorded music (except incidental music) (Deregulated for non-amplified live music between 0800-2300 and amplified live music between 0800-2300 in on-licensed premises and deregulated in

workplaces for audiences up to 200); Recorded Music is now deregulated between 0800 and 2300 in on-licensed premises (but not work places) for audiences up to 500); Dance performances (Deregulated between 0800 and 2300 for audiences up to 500 but not nudity); and

- d. *The provision of late night refreshment.* This is the supply of hot food or drink to members of the public between the hours of 23.00 and 05.00 whether for consumption on or off the premises.
- 2.4 Where licensable activities under the 2003 Act are provided they can be authorised by way of one of the following forms of authorisations:
- a. *Premises Licences* - These authorise the holder to use the premises for one or more licensable activities.
  - b. *Club Premises Certificates* - These authorise qualifying clubs to use the premises for one or more licensable activities (known as qualifying club activities).
  - c. *Temporary Event Notices* - These authorise an individual to use the premises identified in the temporary event notice for one or more licensable activities for a period of up to 168 hours for less than 500 persons on the premises at any given time. There are limits as to the number of such notices that may be used by an individual or associate (see section 14) and also as to the frequency that an individual premises may be the subject of such notices in a calendar year. The term Temporary Event Notice here covers also Late Temporary Event Notices.
- 2.5 In addition, Bedford Borough Council is the Licensing Authority for *Personal Licences* in the Borough. Personal Licences authorise individuals to supply alcohol or to authorise the supply of alcohol in accordance with a premises licence.
- 2.6 Further details of Temporary Event Notices are set out at section 14.

### **Uncontested and Contested Applications**

- 2.7 Each licence/certificate application will be considered on its own merits in the context of the four Licensing Objectives and, unless relevant representations are received from Responsible Authorities or others, there is no provision for the Licensing Authority to impose conditions (other than Mandatory Conditions under the Licensing Act 2003) on a licence/certificate arising from an uncontested application (other than those proposed within an application including the applicant's Operating Schedule).
- 2.8 The Licensing Act 2003 requires the Licensing Authority to consider the Operating Schedule of all applications for the grant of premises licences / club premises

certificates in order to determine those conditions which are to be attached to any such licence / certificate that is granted. The role of the Licensing Authority in this regard is to identify conditions which are consistent with that Operating Schedule.

- 2.9 While the Licensing Authority itself can make representations, in the absence of any relevant representations in respect of an application, the authority is obliged to issue the licence/certificate on the terms sought. The Licensing Authority will not normally intervene to make representations where other responsible authorities or others are in a position to submit representations themselves.
- 2.10 Representations can include positive / supportive comments as well as objections. For a representation to be relevant it must identify how the granting/varying of a Premises Licence or Club Premises Certificate will affect one or more of the Licensing Objectives. All representations must be in writing. (This includes email representations).
- 2.11 The authority will take this Statement of Licensing Policy into account in exercising its Responsible Authority role and otherwise if its discretion is engaged (normally at a hearing following representations). The Authority also urges applicants to consider the policies set out in this Statement of Licensing Policy when making applications and Responsible Authorities/others to take the Policy into account when making representations on such applications. This does not seek to fetter the Authority or others from seeking to depart from the Policy where there are compelling reasons to do so based on the individual circumstances of an application and the promotion of the Licensing Objectives.

### **Vicinity**

- 2.12 The Licensing Act 2003 envisages that holders of authorisations should be responsible for matters that they control. As such, licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the immediate vicinity of the individual club, business or licensed premises holding the relevant authorisation.

## **3. INTEGRATING STRATEGIES AND STRATEGIC LINKS**

- 3.1 The Licensing Authority will seek to secure the proper integration of this Statement of Licensing Policy with local crime prevention, planning, transport, tourism, cultural strategies and race equality schemes.

### **Planning**

- 3.2 There is a clear separation of the licensing, planning and building control systems to avoid duplication. Normally applications for authorisations should already have the appropriate planning consent. The Licensing Authority will endeavour to

ensure that as far as possible, licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the Authority's Planning Committee or any appeals of such decisions. The granting by the Licensing Committee of any variation of an authorisation which involves a material alteration of the building will not relieve the applicant of the need to apply for planning permission or building control where appropriate.

- 3.3 Planning remains the regime that is directed at the development of premises and their overall use. Licensing is the regime that is directed to the individual licensable activities and their management. The granting of a planning permission for premises, or finding that a licensed premise enjoys a lawful planning use, does not constrain the Authority as Licensing Authority from considering in detail the licensable activities, their management and conditions appropriate to them.
- 3.4 This Statement of Licensing Policy also references the *Strategy for Bedford High Street* and the intention within that strategy to develop policies for the Bedford night-time economy. It is acknowledged therefore that the decisions of the Licensing Authority in relation to licensable activities in Bedford High Street will therefore impact upon the development of those policies and vice versa.

### **Cultural Strategies**

- 3.5 The Licensing Committee will generally monitor the impact of licensing on cultural activities and entertainment, particularly live music and dancing. The Licensing Committee will receive such reports as are submitted to it on the cultural themes for the Borough found in strategies such as the *Sustainable Community Strategy*, the council's *Corporate Plan* and relevant individual departmental Service Plans. This may also include any views of the Authority's portfolio holder with responsibility for the arts to assist the Licensing Committee to have regard to these issues.

### **Live Music, Dancing and Theatre**

- 3.6 Bedford Borough Council wishes to encourage and promote live music, dancing and theatre in the Borough. In section 2.3 there is reference to the provision of such activities without the need for authorisation under the Licensing Act 2003. Outside of that 'deregulated' activity, the potential for disturbance in neighbourhoods will be carefully balanced with the wider benefits of these activities. The Licensing Authority is aware of the need to avoid measures that deter live music, dancing and theatre by imposing indirect costs of a substantial nature. To this end the views of vocal minorities will not be allowed to predominate over the general interests of the community that Bedford Borough Council represents.

- 3.7 Some of these events may be staged outdoors. Because sound from outdoor events can carry, it may therefore cause Public Nuisance. The British climate dictates that most outdoor events are held in the summer months. The extent and frequency of these events in relation to the areas where the impact is felt will be considered in determining applications for premises licences for outdoor licensable activities, and the imposed conditions will reflect this.

### **Business Improvement District**

- 3.8 The Bedford Town Centre Area has been covered by a Business Improvement District (BID) since 2010. BedfordBID is a private and independent company run by a board of directors chosen from those businesses that actually pay the BID levy, including both small and large businesses.
- 3.9 BedfordBID is funded by those firms in the area paying a levy of 2% of the rateable value of their business. Making Bedford Town Centre safer and friendlier is one of the BID Company's strategic priorities.
- 3.10 To deliver this priority, the BID provides financial support for the Bed:Safe initiative with the aim of keeping people safer at night. In particular, the Borough Council has been able to provide a Taxi Marshall Service (through a contractor) on Fridays and Saturdays from funding provided by BedfordBID.
- 3.11 The field research and stakeholder engagement that was undertaken as part of drafting this Licensing Policy, recognises the importance of this scheme to enhancing the customer experience of using the town centre at night and in reducing potential for violence flashpoints when queuing for taxis.

### **Gambling Policy**

- 3.12 Many premises that provide licensable activities under the Licensing Act 2003 also provide activities licensable under the Gambling Act 2005. The Authority has its separate Statement of Gambling Licensing Principles and reference should be made to that Statement to identify the inter-relationship between the two licensing frameworks.

## **4. AVOIDING DUPLICATION**

- 4.1 The Licensing Authority makes a firm commitment to avoid duplication with other regulatory regimes so far as is possible. However, some legislation or regulations will not always cover the unique circumstances that arise in connection with licensable activities at specific premises.
- 4.2 A range of legislation, regulatory systems, strategic influences and reference material may inform and shape the Licensing Authority's licensing policy, and

revisions to it, which in turn influence decisions by the Licensing Authority. This Statement of Licensing Policy identifies some of these matters but it is not intended to be exhaustive. Some of these matters will relate to more than one of the Licensing Objectives. Any association of one of these matters to a particular licensing objective in this Statement of Licensing Policy does not preclude that matter from being relevant to other Licensing Objectives.

## **5. MANAGEMENT COMPETENCE**

- 5.1 A critical element of the proper control of a licensable activity and a premises where such activity is provided is good management of those activities and the premises generally. Conversely, poor management can undermine the Licensing Objectives. As such, the Authority urges all involved in providing such activities and managing such premises to consider what skills and competencies are appropriate in the safe delivery of regulated activities and secure these. This applies to managers, musicians, DJs, door staff, bar staff, performers and contractors as well as everyone associated with the activities. Good management also extends to the appropriate advertising of events and premises users and licensees are expected to control advertising content as part of their role.
- 5.2 Whilst it is acknowledged that there is no statutory bar to a designated premises supervisor holding this role in more than one premises, the Authority does not endorse this approach as a norm. The Authority envisages that a designated premises supervisor will be in day to day management control of a premises and this can be undermined if they hold this role at more than one premises. Where this is proposed, applicants should address the issue of day to day control in support of the Licensing Objectives.
- 5.3 In premises where the sale by retail of alcohol is permitted it is important that clear direction is given to those undertaking such sales. Whilst retail sales of alcohol must be authorised by the designated premises supervisor or a personal licence holder, it is recommended as part of good management that such authorisation is committed to writing. This act should enable the designated premises supervisor or personal licence holder to reinforce the personal responsibility on the person being authorised (including in relation to preventing under age sales). The Licensing Authority expects that this approach will be identified by applicants for premises licences in their Operating Schedules. Applicants for community premises exemptions from the requirement for designated premises supervisors and club premises certificate holders are also urged to provide written authorisation to those permitted to supply alcohol under their respective premises licences and club premises certificates.
- 5.4 Where issues are identified that point to poor management of a licensed premises, the Licensing Authority sees the advantage of Management Action

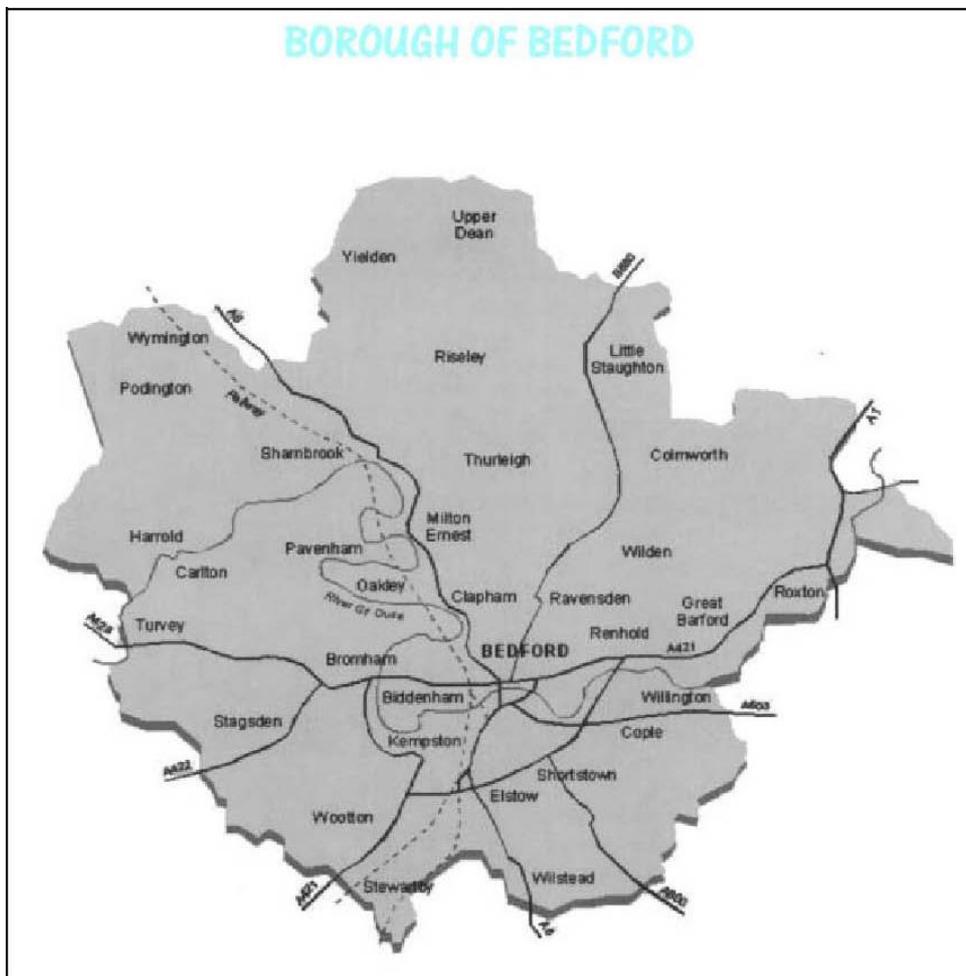
Plans endorsed by the relevant responsible authorities and the Licensing Authority. These can provide a flexible approach to respond to immediate issues and then for specific measures to be adjusted once improved management can be demonstrated.

## 6. THE BOROUGH OF BEDFORD

6.1 Bedford Borough is centrally located about 50 miles (80km) north of London. The Borough is served by train services offering a regular rail service to London in under 40 minutes. Bedford has excellent road links with access to the A1 and to the M1 in less than 10 minutes. Along with the town's recently re-opened bus station, this means the town centre's licensed (and particularly night-time) economy is accessible from well beyond the Borough.

6.2 Bedford is predominantly a rural Borough covering 47,641 hectares and comprising the county town of Bedford, the adjacent urban area of Kempston and 45 rural parishes. It has a population of 159,200 (2012) with approximately 65,000 households. 64% of residents live in the urban area of Bedford and Kempston and 36% live in the rural parishes.

6.3 However, whilst a rural Borough, the majority of its licensed activity takes place in the town, specifically, in the core of the town centre.



- 6.4 Bedford Town Centre has a comparatively large number of licensed premises within a relatively small area, and through the Bed:Safe initiative the Authority (with its partners) seeks to ensure that the Town Centre is a vibrant and safe place to be. The initiative has previously been recognised nationally as good practice and this would not have been possible without the support of premises licensees, their managers and designated premises supervisors.
- 6.5 In recent years the central area of Bedford has been subject to a Designated Public Place Order (DPPO) under Sections 12 to 16 of the Criminal Justice and Police Act 2001 (See Appendix 2). This meant that the Police may require individuals to stop consuming alcohol if they believe they may subsequently commit a crime or antisocial behaviour. An offence is committed if any individual continues to consume alcohol following such a direction from the Police. The DPPO was adopted in response primarily to anti-social behaviour by habitual/problem street drinkers.
- 6.6 The Council is currently in the process of consulting on replacing the DPPO with a Public Space Protection Order (or PSPO) under the Anti-social Behaviour, Crime and Policing Act 2014, to serve similar a purpose. The PSPO is intended to prevent street drinking in the centre of Bedford.
- 6.7 In central Bedford, the Local Authority has supported the development of a Night-time Economy Strategy for the Town Centre - as envisaged in the *Strategy for Bedford High Street*, and published by Bedford Borough Council as a Supplementary Planning Document in 2010. This constitutes one of a suite of documents that constitute the *Bedford Development Framework*.
- 6.8 Outside of the Bedford Town Centre Area the Licensing Authority supports and endorses the local Pub Watch schemes that exist for those providing premises for the supply and consumption of alcohol at those premises. It also encourages licensees and managers of 'off- licences' to participate in schemes such as Community Alcohol Partnerships (CAPs) designed to prevent access to alcohol by those under 18 years of age.
- 6.9 The Licensing Authority supports good management practice in licensed venues and appreciates that pubs/clubs can provide well-run opportunities for consumption of alcohol which is supervised. This has the potential for being a far more constructive environment than the consumption of alcohol that is unsupervised in private or public spaces. To this end the Council has supported the development of Bed:Safe to raise and promote good practice in the local licensed trade.
- 6.10 At the time of publication of this Statement of Licensing Policy it was the custom and practice of the Licensing Authority to produce a weekly extract from the

public registers of applications and Temporary Event Notices (TENs) received and provide this for information to Members of the Licensing Authority, Responsible Authorities and such other persons who request this. Those who wish to receive a copy of the weekly extract may do so by contacting the Licensing Team at Bedford Borough Council (e.g. by email to [licensing@bedford.gov.uk](mailto:licensing@bedford.gov.uk)).

- 6.11 The new settlement development known as the Wixams is extending during the period of this Statement of Licensing Policy. The development spans the boundary between the Borough and Central Bedfordshire. As such, any authorisations for licensable activity will be a matter for Bedford Borough Council in relation to part of the development area and for Central Bedfordshire Council in relation to the remainder. The Authority wishes to ensure that the approach to licensing in this development area fully supports the Licensing Objectives. As such, it wishes to work with Central Bedfordshire Council as Licensing Authority for its area with a view to achieving this aim.

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

- 7.1 Conditions attached to authorisations will, so far as possible, reflect local crime prevention strategies, these can be found in documents such as the Community Safety Plan.
- 7.2 The Licensing Authority will expect applicants to explain in their Operating Schedule how the operation of the premises will promote the Prevention of Crime and Disorder Licensing Objective. For pubs, bars, and premises with facilities for music and dancing (e.g. night clubs) a specific assessment is needed of how the risk of violence and crime in the premises and vicinity will be managed.
- 7.3 The Operating Schedule should also include appropriate management measures to prevent Crime and Disorder. For example, as part of an Operating Schedule it may be appropriate to include the use of SIA registered door supervisors. If so, the Operating Schedule might specify the ratio of door supervisors to patrons and the presence of both male and female door supervisors to facilitate any searches of patrons required.
- 7.4 If the premises include an outside area / roof terrace its operating schedule should detail the management of these areas and whether patrons will be able to take drinks into those areas and whether there are any limitations on timings in the use of those areas.
- 7.5 Premises which supply hot food and hot drink for consumption off the premises (e.g. takeaways) which are open after 11.00pm can attract large groups of customers, many of whom may have been consuming alcohol in pubs, bars or

night clubs. Evidence shows that the congregation of people around these premises leads to additional noise and disturbance. The Police have raised concerns about the level of Crime and Disorder that happens outside takeaway food premises late at night due to alcohol-fuelled behaviour, and the opportunities for crime afforded by the congregation of people. In response to these concerns, the Licensing Authority would expect applicants for such licences (or variations of existing licences) to consider such risks and outline what management and security arrangements are appropriate in order to promote the Licensing Objectives. This could include, amongst other things, consideration of the use of CCTV on and immediately in front of the premises and/or the use of SIA registered door staff.

- 7.6 CCTV is a useful tool to both assist in deterring Crime and Disorder on and in the vicinity of premises and to detect those responsible. Where CCTV is proposed by applicants and holders of authorisations as appropriate to promote the Licensing Objectives, the Licensing Authority would expect that the CCTV installed by them is: properly maintained; has sufficient cameras to fully cover the public areas of the premises; images are kept for at least 31 days; playback as slow as 3-4 frames per second is possible, recorded images provide sufficient quality whereby individuals may be recognised (and where appropriate identified); staff are fully conversant with the operation of the system; images from the system are provided in a timely manner to the Police and authorised officers of the Licensing Authority and that dates and timings for the system are properly set. The Licensing Authority would normally anticipate a condition requiring CCTV to be installed would reflect the above expectations for such systems.
- 7.7 The Licensing Authority will receive such reports as are submitted to it from Bedford Borough Community Safety Partnership including the reduction of crime, misuse of drugs and the fear of crime to assist the Licensing Committee to have regard to these issues. As and when it believes it appropriate the Licensing Authority will provide reports to Bedford Borough Community Safety Partnership. In addition, dialogue is encouraged between officers in the licensing discipline and those supporting the Community Safety Partnership.
- 7.8 In undertaking its functions, consideration will also be given by the Licensing Authority to the duty imposed on it to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent Crime and Disorder in its area. This duty is imposed by Section 17 of the Crime and Disorder Act 1998.
- 7.9 The Council has the power to determine whether premises licensed for the supply of alcohol in part or all the Borough must close during set hours within the limit of midnight and 6am. This power is through the implementation of an Early Morning

Restriction Order. At the time of publication of this Statement of Licensing Policy no such order had been made and no request for such an order had been made.

- 7.10 Further to the above, the Council has the power to implement a Late Night Levy on premises licensed for the supply of alcohol during set hours within the limit of midnight and 6am. Such a levy would apply to the whole Borough and certain exemptions/reductions on the levy could be approved. At the time of publication of this Statement of Licensing Policy no such levy had been approved and no request for such a levy had been made.

## **8. PUBLIC SAFETY**

- 8.1 The Licensing Authority expects those managing premises authorised to provide licensable activities to avoid overcrowding generally (and particularly for large scale events or at specific areas of the premises). Overcrowding can pose Public Safety issues as well as higher risks of opportunistic thefts and flashpoints. In support of this expectation, the Licensing Authority may impose a maximum number of people permitted to be in the premises at any one time to ensure the safety of people at the premises and to prevent Crime and Disorder.

- 8.2 Where the premises have a history of Crime and Disorder and Public Nuisance, consideration should be given to a ban on the use of annealed glass for drinks supplied at the premises. Exceptions to this rule are likely to include non-profit licensed premises, for example, village halls and sports clubs. If the Licensing Authority's discretion is engaged on this matter, the particular circumstances of the premises will be considered before any such condition is applied and this should be required only where it is also proportionate to the risk.

- 8.3 The Licensing Authority will take steps to provide for the safety of people with disabilities, but will endeavour to avoid conditions that would enable an operator to justify the exclusion of people with disabilities by reference to the condition. It is ultimately the responsibility of the business or relevant persons to be aware of, and to comply with, their obligation under the Equality Act 2010.

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

- 9.1 The Licensing Authority will expect applicants to explain in their Operating Schedule how the operation of the premises will prevent a Public Nuisance occurring.
- 9.2 This should include appropriate management measures that will limit the potential for noise from music and persons using external areas affecting those members of the public living or working in the vicinity. In particular where external areas are used after 23.00hrs, the authority will expect applicants to explain in detail how these areas will be managed. This may include limitations on taking drinks and

refreshments into these areas and limiting/reducing or prohibiting access to external areas.

- 9.3 In addition, the applicant should detail appropriate management measures that will limit the potential for noise from plant and associated equipment, removal of waste, odour and litter to affect those members of the public living or working in the vicinity.
- 9.4 Responsible management of late-night refreshment premises will take account of cleaning up the waste and litter in the vicinity of the premises during the authorised hours and on closure of the premises. In certain circumstances, late night refreshment premises may be required to employ door security. Whether door security is needed for a particular premise will depend on consideration of matters such as the location of the premises, its trading hours, what activities are authorised at the premises and any history of crime or nuisance there may be.
- 9.5 Licensees are encouraged to make provision within the area of their premises for smoking by those using their premises for licensable activities. Licensees should ensure that by providing smoking areas they do not compromise the licensing objective relating to the Prevention of Public Nuisance, which has been identified by some residents in survey research as a problem (see MAKE report summary in the appendices).

## **10. PROTECTION OF CHILDREN FROM HARM**

- 10.1 It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. The provisions of the Licensing Act 2003 are that unaccompanied children under 16 should not be on “premises being used exclusively or primarily for the supply and consumption of alcohol” (e.g. ‘alcohol-led’ premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on licensed premises after midnight but before 5.00am.

### **Criteria**

- 10.2 To ensure the Protection of Children from Harm, the Licensing Authority will apply the following criteria, where relevant, in determining applications and reviews: ‘whether there are appropriate measures in place to ensure the Protection of Children from Harm’.

### **Considerations**

- 10.3 To ensure the Protection of Children from Harm, the Licensing Authority will take into account the following considerations, where relevant, in determining applications and reviews:

- a. Whether there are effective measures, such as Challenge 21 / 25, to check the age of those people who appear to be under these ages, to ensure that alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol-led premises.
- b. Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- c. Whether children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or being entertained by a live performance.
- d. The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.
- e. Whether due regard is paid to the industry codes of good practice on the labelling and display of alcoholic drinks.
- f. Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.
- g. The likelihood of children being attracted to the premises e.g. by the nature of activities or facilities provided, whether or not these are licensed.
- h. Whether there is evidence of heavy, binge, or underage drinking on the premises.
- i. Whether the premises commonly provide entertainment or services of an adult or sexual nature.
- j. Whether there is a strong element of gambling on the premises.
- k. Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification.
- l. If the performances or activities are likely to attract children, the number of adults required for the supervision of children.
- m. Where play facilities are provided if an adequate risk assessment has been made and appropriate measures taken.
- n. The measures to be taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure they pose no known risk to children. Obtaining Enhanced Disclosure from the Disclosure and Barring Service may be appropriate in some cases.
- o. Proposals for the provision or arrangement for safe transport for children.

10.4 The Licensing Authority will expect applicants to consider the measures appropriate to promote the licensing objective of Protecting Children from Harm when on the premises and in the vicinity where it is in the power of the applicant

to influence this. These measures may include staff training on how to control the entry of children and young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to those measures in application for licences involving:

- a. The sale of alcohol.
- b. Children's performances.
- c. Attractions or performances likely to attract children.

10.5 The Licensing Authority expects all those who supply alcohol to take all reasonable steps to avoid sales to or for those who are under 18 years of age. The use of proof of age identification such as a DVLA driving licence, valid Passport, 'PASS' accredited card or Ministry of Defence Form 90 (UK Military ID) is important but not the only measure. Appropriate, timely and repeated advice and training for staff to challenge individuals to prove their age is also important. The maintenance of a refusals book detailing the times and descriptions of those denied a purchase of alcohol is appropriate, as is liaison with the Police and other local agencies to try to address the issues identified with local schools, parents and others.

10.6 Where regulated entertainment is provided to children, including at events aimed at those in the 16-20 age group where children are likely to be a significant component of those attending, licensees and premises users are urged to seek advice from the Police, at least 21 days in advance of any such event, on measures to reduce the risk of harm to those children. Such measures may include:

- a. Arrangements for sales of alcohol to those of 18 years or older and preventing consumption by children.
- b. Arrangements for the safe transport to and from the premises for children.
- c. Arrangements for supervision of children at the premises.

10.7 So as to not undermine the licensing objective of Protecting Children from Harm, applicants for authorisations for such regulated entertainment to children should clearly identify this in their applications.

## **11. ADULT ENTERTAINMENT**

11.1 The control of adult entertainment venues in the Borough of Bedford is under the provisions of Schedule 3 to The Local Government (Miscellaneous Provisions) Act 1982. Such venues are classified as Sexual Entertainment Venues (or SEVs). The Authority has a policy for the regulation of Sexual Entertainment Venues and that policy should be referred to in respect of those venues. However, premises where relevant entertainment is provided on an infrequent basis are exempt from

the requirement for SEV licensing under the 1982 Act referred to above. The infrequent basis is defined as:

- a. No relevant entertainment has been provided on more than 11 occasions within a 12-month period;
- b. No such occasion has begun within a period of one month beginning with the end of the previous occasion; and
- c. No such occasion has lasted longer than 24 hours.

11.2 Accordingly, lap dancing, striptease and other forms of adult entertainment may still be provided and authorised by the Licensing Act 2003 provided that they remain exempt in accordance with the above criteria.

11.3 Schedule 7 to the Policing and Crime Act 2009 amends the Licensing Act 2003 to ensure that premises for which a sexual entertainment venue licence is required do not also require a premises licence or club premises certificate under the Licensing Act 2003. However, in practice, this will mean that the vast majority of lap dancing clubs and similar venues will require both a Sexual Entertainment Venue licence and a Premises Licence or Club Premises Certificate for the sale of alcohol and other types of entertainment.

11.4 When a licensing application is received in respect of premises for adult entertainment, such as lap dancing or pole dancing, where there are reasons under the Licensing Act 2003 which are relevant to licensing, namely, the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety, and the Protection of Children from Harm, the Authority may have regard to where the premises are located. For example, and in particular, if they are located near to the entrance or entrances to any location for children's activities: such as schools, youth clubs or nurseries. As with any licence, each application will be considered and determined on its own particular merits.

11.5 For any premises with any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.

## **12. LICENSING HOURS**

12.1 If the Licensing Authority is enabled to consider the licensing hours for particular premises, it will consider the individual merits of the proposed licensing hours, including the individual style, characteristics and activities of the business involved. The Licensing Authority may restrict the hours of trading where appropriate.

12.2 When the Licensing Act 2003 was introduced, it was contended by the Government of the day that longer licensing hours with regard to the sale of

alcohol was important to ensure that concentrations of customers leaving premises simultaneously are avoided. In particular, it was argued that longer hours could reduce the friction at late-night food outlets, taxi ranks and other sources of transport which may result in disorder and disturbance.

- 12.3 It was a further contention that the setting of licensing hours should not be used to inhibit the development of a safe and thriving evening and night-time economy which provided consumers with greater choice and flexibility. This was also considered important for investment and employment locally and to ensure towns and cities were attractive to tourists. However, this 'permissive' approach must still have regard to any likely compromise in the ability of local services (e.g. police, transport, cleansing) to manage the night-time economy effectively.
- 12.4 To this end, if relevant representations are made regarding an application and its potential negative impact on the Prevention of Public Nuisance, the Licensing Authority will consider the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises in order to examine the potential steps which could be taken to reduce the risk of Public Nuisance occurring.
- 12.5 The Licensing Authority will expect stricter conditions with regard to noise control in areas of residential accommodation and where the opening times could cause noise nuisance.
- 12.6 Bedford Town Centre has historically exhibited substantial patterns of movement by the users of late-night licensed premises between venues and this is known to be a spark for Public Nuisance (in the form of anti-social behaviour) and Crime and Disorder, particularly between 01:00hrs and 04:00hrs (this is confirmed by the aforementioned independent evidence study). In order to address the potential problems which can occur through late night 'circuit drinking' in Bedford Town Centre, applicants and licensees of 'on-licence' premises are encouraged to help reduce the number of (often intoxicated) individuals on the street by considering the adoption of a last entry time. Last entry times, if appropriate, could also apply to those who leave a premise and wish to return.
- 12.7 Stricter conditions with regard to the prevention of Crime and Disorder will be expected where premises are to be open after 12 midnight. In this regard, applicants for Premises Licences and Club Premises Certificates (including those seeking to vary the same) when opening hours exceed 12 midnight are urged to identify in their Operating Schedule what measures they envisage appropriate to avoid anti-social behaviour associated with late night circuit drinking. Such measures may include, but are not limited to, the adopting of a final entry time.
- 12.8 Shops and supermarkets permitted to sell alcohol for consumption off the

premises will normally be able to do so at any times when the outlet is open for shopping. The hours of sale of alcohol by these businesses may be restricted where there are good reasons for this under the Licensing Objectives.

### **13. DRINKS PRICING**

13.1 The price of alcoholic beverages is clearly a matter for licensed operators to determine for themselves within a competitive market economy. However, it has long been recognised that irresponsible selling of alcoholic drinks is not a facet of good management in licensed premises. Indeed, since April 2010 it has been a Mandatory Condition that drinks promotions carried on for the purposes of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries significant risk to the Licensing Objectives have been prohibited.

13.2 As referenced in section 6, a central area of Bedford is the subject of an order under Sections 12-16 of the Criminal Justice and Police Act 2001. Here, licence holders of premises authorised to supply alcohol for consumption off the premises are actively encouraged to consider the particular drinks they are supplying and the pricing of those drinks. In particular, evidence shows that super strength beers and ciders can attract those prone to street drinking and who may violate the underlying reasons for the DPPO areas and one or more of the Licensing Objectives. This is particularly the case where the pricing of such drinks further encourages street drinkers into the locality and who then commit breaches of the DPPOs.

### **14. TEMPORARY EVENT NOTICES**

14.1 Under the Licensing Act, the minimum notice that an individual intending to use a Temporary Event Notice (TEN) must give is 10 *clear* working days (or 5 *clear* working days for a Late Temporary Event Notice). This does *not* include the date of submission of the TEN or the date of the event.

14.2 The Police and Environmental Health Service may object to a notice on any of the four Licensing Objectives They must make their objection within three working days of receipt of the notice.

14.3 However, the Licensing Authority would recommend that organisers give a minimum of one month's notice of a Temporary Event. Less notice than this could be seen as indicative of an event where the planning is being rushed, haphazard and uncertain. One month's notice is desirable to hold a hearing if there are objections from the Police or Environmental Health Service, as this would allow time for meditation between the parties, where appropriate.

14.4 The legislation requires that those seeking a TEN serve a notice on the Licensing

Authority, Environmental Health Service and the Police. Whilst the notice can be served on any police station, the licensing department for Bedfordshire Police is based at Halsey Road Police Station, Kempston and to enable dialogue with the police it is advisable that the notice be served on this station.

- 14.5 Authorised officers of the Licensing Authority may visit a permitted Temporary Event held under the terms of the Temporary Event Notice. Although the Police and Environmental Health Service are the only bodies able to intervene to prevent such an event taking place the Authority remains the enforcement authority under the Licensing Act 2003 and may monitor the event to ensure it is in accordance with it.
- 14.6 Details of Temporary Event Notices are available as part of the Licensing Authority's public registers. By virtue of this information, Responsible Authorities may arrange to visit premises subject to a Temporary Event Notice for the purposes of ensuring compliance with other legislation.
- 14.7 Temporary Event Notices are *not* applications to the Licensing Authority and the Authority has no discretion, based on the four Licensing Objectives, to refuse the Notice.
- 14.8 The numerical limits on Temporary Event Notices that may be served by an individual and in respect of an individual premises are noted elsewhere in this Statement of Licensing Policy. The Licensing Authority is not permitted to attach conditions to such Temporary Event Notices unless, as noted above, an Objection Notice is served by either (or both) the Police and Environmental Health Service.
- 14.9 The Authority regards the use of TENs by Premises Licensees to seek to avoid compliance with conditions attached to their Premises Licences as being inappropriate and the Police and Environmental Health Service will be encouraged to take these matters into account when considering a Temporary Event Notice. As such, where Temporary Event Notices are proposed to extend existing authorisations, the Authority would expect Licensees/Certificate Holders to provide for compliance with the conditions attached to those authorisations so far as it is consistent with the extension proposed.
- 14.10 In addition, for other Temporary Event Notices, the Authority seeks to draw attention to the remaining policies in this Statement of Licensing Policy as matters which the premises user should have regard to when providing the licensable activities set out in those Notices.
- 14.11 The maximum number of days of regulated activities that can be authorised on one premises by a Temporary Event Notice is 21 days per calendar year.

## 15. CUMULATIVE IMPACT

- 15.1 The 'cumulative impact' of licensed premises on the promotion of the Licensing Objectives is a proper matter for the Licensing Authority to consider in its Statement of Licensing Policy. The cumulative impact of the number, type and density of premises in particular areas, as well as their operating hours, can lead to an area becoming 'saturated' with premises of a certain type. Even if the individual premises are well run, this could make the area a focal point for large groups of people gathering together leading to severe problems of Public Nuisance and anti-social behaviour. Examples of such anti-social cumulative impact may include shouting, screaming, fast food littering, vomiting, urinating and defecating on private properties in the area, often late into the night.
- 15.2 The effect of adopting a Cumulative Impact Policy (CIP) is to create a 'rebuttable presumption'. That is, if relevant representations are received, applications for new premises licences or club premises certificates or material variations to existing licences / certificates will not be granted, *unless* the applicant can demonstrate that the operation of the premises involved will **not** add to the cumulative impact already being experienced in a particular area.
- 15.3 The Licensing Authority recognises that many different kinds and styles of premises sell alcohol, serve food and provide entertainment. It also recognises that some licence applications in cumulative impact areas will be unlikely to add significantly to the problems arising from saturation. Where the Licensing Authority can lawfully make decisions on applications in Cumulative Impact Policy areas, it will have full regard to the impact different premises may have on the local community, including businesses, residents and visitors.
- 15.4 The Licensing Authority will consider the adoption of a special Cumulative Impact Policy (see Home Office amended guidance under section 182 of the Licensing Act 2003) within a defined area or areas if it is satisfied that it is appropriate, proportionate and necessary in order to promote the four Licensing Objectives.
- 15.5 Under the Licensing Act 2003, taking such a decision may only be considered after the following steps have been taken to evidence the need for such a policy:
- a. Identify concern about Crime and Disorder; Public Safety; Public Nuisance; or Protection of Children from Harm.
  - b. Consider whether there is good evidence that Crime and Disorder or Public Nuisance are occurring, or whether there are activities which pose a threat to Public Safety or the Protection of Children from Harm.
  - c. If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.

- d. Identify the boundaries of the area where problems are occurring (e.g. mapping where the problems occur and identifying specific streets or localities where such problems arise).
- e. Consult those specified in section 5(3) of the Licensing Act 2003, and subject to the outcome of the consultation, include and publish details of the special policy in the Statement of Licensing Policy.

15.6 Should the Licensing Authority adopt a Cumulative Impact Policy, applicants will need to address the Cumulative Impact Policy issues in their Operating Schedules or Club Operating Schedules to rebut the presumption.

15.7 It is stressed that if any application is made in a Cumulative Impact Policy area, the presumption raised does not relieve Responsible Authorities or other persons of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its Cumulative Impact Policy.

15.8 The Licensing Authority, in its role as a Responsible Authority, may also make representations itself on these and other matters.

15.9 It is important to note that the Licensing Authority, under the Licensing Act 2003, *must* grant an application in a Cumulative Impact Policy area in accordance with the Operating Schedule submitted by the applicant if it does not receive a relevant representation.

15.10 Any Cumulative Impact Policy adopted by the Licensing Authority will be reviewed regularly (and at least every five years) to assess whether the policy should be terminated or expanded.

15.11 A Cumulative Impact Policy will not be used as a ground for revoking an authorisation nor to reject an application to vary an authorisation where the modifications are not directly relevant to the reasons for introducing a Cumulative Impact Policy.

15.12 Having undertaken the steps noted in 15.5 above, it is proposed to introduce three Cumulative Impact Policy areas (CIPs) in Bedford Town Centre where the evidence clearly demonstrates the negative impact by customers of licensed venues cumulatively on one or more of the four Licensing Objectives. The remainder of this section sets out the context and summarises the evidence underpinning these three proposed Cumulative Impact Policy areas.

15.13 The independently produced objective evidence base for this Statement of Licensing Policy was gathered by external consultants commissioned by the Licensing Authority (see summary in Appendix 4) using crime and nuisance statistics, public surveys and consultation, stakeholder engagement, fieldwork observational studies and a review of relevant strategic documents.

- 15.14 The Statement of Licensing Policy evidence base showed that in 2017 there were three key streets in Bedford (and their surrounding vicinities e.g. side streets) which demonstrated negative cumulative impact. These three streets were: The High Street, Midland Road and Tavistock Street.
- 15.15 The **High Street** zone suffers particularly from high levels of Public Nuisance (noise, littering, urination etc.) and some Crime and Disorder. This is clearly linked to users of the on-premises and late-night refreshment premises (takeaways) in the area late in the evening and particularly post-midnight.
- 15.16 The **Midland Road** zone suffers from two main issues. Street drinkers who causing Public Nuisance and potentially Crime and Disorder and who purchase alcohol from the numerous off-licences here, and who can become aggressive and leave litter. Secondly, later at night, the area suffers from those using the late-night refreshment premises (takeaways) discarding rubbish and who are often noisy.
- 15.17 The **Tavistock Street** zone suffers Public Nuisance from street drinkers who use the local off-licences and litter and waste from those using late-night refreshment premises (takeaways).
- 15.18 To this end it is proposed that the three Cumulative Impact Policy areas apply to the following licence types:
- a. High Street: On-premises and late-night refreshment premises.
  - b. Midland Road: Off-licences and late-night refreshment premises.
  - c. Tavistock Street: Off-licences and late-night refreshment premises.
- 15.19 Maps detailing the boundaries of the proposed Cumulative Impact Policy areas can be found in Appendix 3.

## 16. CONDITIONS

- 16.1 Other than in its distinct role as a Responsible Authority, the Licensing Authority will not impose any conditions, apart from Mandatory Conditions, unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a licensing hearing of the appropriateness to impose conditions due to the representations raised. It will only impose such conditions as are appropriate to promote the Licensing Objectives arising out of the consideration of the representations. Conditions will be focused on matters that are within the control of individual licensees and will centre on the premises and the vicinity of the premises. The primary focus will be the direct impact of the licensed premises activities on members of the public living, working or engaged in normal activity in the area concerned.

- 16.2 The above position does not negate the Licensing Authority's role in determining conditions to be attached to a Premises Licence/ Club Premises Certificate where these conditions are consistent with the Operating Schedule attached to the application for the Licence/Certificate. In relation to this, the Licensing Authority may refer applicants to wording in the Model Conditions attached to this Statement of Licensing Policy (see Appendices) to identify wording that will be consistent with the intentions in the Operating Schedule.
- 16.3 Where existing legislation already places certain statutory responsibilities on an employer or operator of premises these will not be duplicated as conditions. However, these general duties will not always adequately cover specific issues that arise on the premises in connection with certain entertainment, and in these cases additional measures in the form of conditions may be required to promote the Licensing Objectives.
- 16.4 Conditions include limitations or restrictions attached to a licence or certificate, and are essentially the steps the holder of the Premises Licence or the Club Premises Certificate will be required to take when licensable activities are taking place at the premises in question.
- 16.5 The Licensing Authority will not impose conditions which replicate matters that constitute the offences in Part 7 of the Licensing Act 2003, nevertheless the Licensing Authority will take into account any breaches of conditions and offences under the Licensing Act 2003 when considering the imposition of conditions in reviews and in respect of applications for the variation of licences.
- 16.6 When granting variations to licences, the Licensing Authority may apply conditions to replicate the effect of previous undertakings where relevant to the premises and the promotion of the Licensing Objectives.
- 16.7 The Authority has developed a series of 'Model Conditions' which may be considered either by the applicant when completing an Operating Schedule or by the Authority when considering granting an application, to identify conditions which may be appropriate in the individual circumstances for an application. This series of 'Model Conditions' supplements the pool of conditions in the Secretary of State's Guidance that accompanies the Licensing Act 2003. The series of 'Model Conditions' are set out in the Appendices to this Statement of Licensing Policy.
- 16.8 The Licensing Authority may impose a maximum number of people permitted to be in the premises at any one time to ensure the safety of people at the premises and to prevent Crime and Disorder. Normally, the Licensing Authority will set occupancy limits in consultation with appropriate responsible authorities.

- 16.9 Conditions may also be appropriate, where a Premises Licence / Certificate Holder / Premises User has given commitments or is otherwise bound by conditions and limitations of their authorisation, that they should take all reasonable steps to publicise these conditions to those attending or likely to attend the premises concerned.
- 16.10 Without prejudice to the generality of this approach, the Licensing Authority takes the view that holders of premises licences should assist and ensure that patrons and staff are fully aware of any conditions placed on the licence. This can be achieved by induction training for new staff and regular re-training. For example patrons can be made aware of relevant conditions by signage (e.g. 'No Search – No Entry', 'Last Entry is at xx.xx hrs', 'The Beer Garden Closes at xx.xx hrs') at relevant locations on the premises. Additionally, information regarding a search policy or last entry times in advertisements are helpful and indicate a responsible attitude to promoting the Licensing Objectives.

## **17. LICENCE REVIEWS**

- 17.1 The promotion of the Licensing Objectives and achieving common aims relies on a partnership between licence holders, authorised persons, others, the Police, Fire Authority and the Licensing Authority. The Licensing Authority will, wherever possible, try to give licence holders early warning of concerns about problems identified at any licensed premises and identify the need for improvement.
- 17.2 The review process is integral to the operation of the Licensing Act 2003. The Government's intention is for a light touch regulatory regime with regard to the granting of new licences and variations. Only when there have been representations will the Licensing Authority have the discretion not to grant licences. If problems arise in connection with a premises licence or club premises certificate, it is for the Responsible Authorities or others to apply for a review. Without such representations, the Licensing Authority cannot review a licence.
- 17.3 Proceedings under the Licensing Act 2003 for reviewing a premises licence are provided as a key protection for the community, where problems associated with Crime and Disorder, Public Safety, Public Nuisance or the Protection of Children from Harm are occurring. While the Licensing Authority is a Responsible Authority in its own right, it will not normally use these powers to instigate a review where other responsible authorities or others are able to do so in their own right.
- 17.4 At any stage, following the grant of a premises licence, any of the Responsible Authorities or any other individual, business or other organisation, may ask the Authority to review the licence because of a matter arising at the premises in connection with any of the four Licensing Objectives.

- 17.5 The police can take action to close premises for up to 24 hours on grounds of disorder and noise nuisance under the terms of the Licensing Act 2003, and powers also exist for the police to apply for an 'expedited review' of a premises licence where the premises selling alcohol are associated with serious Crime and Disorder.
- 17.6 In addition, there are powers under Sections 76 and 77 of the Anti-social Behaviour, Crime and Policing Act 2014 for the Police or the Local Authority to close premises for up to 48 hours on the grounds of nuisance or disorder.
- 17.7 When a request for a review is initiated from an individual, business or other organisation, the Licensing Authority is required to first consider whether the representation made is irrelevant to the Licensing Objectives, or is 'vexatious or frivolous'. In addition, the Secretary of State recommends that more than one review on similar grounds from an individual, business or other organisation should not be permitted within 12 months, except in exceptional and compelling circumstances or where it arises following a closure order.
- 17.8 Where the Licensing Authority receives a request for a review in accordance with the closure procedures described in part 8 of the Act, the Licensing Authority will arrange a hearing in accordance with the regulations set out by the Secretary of State.
- 17.9 The Licensing Authority determining a review may exercise the range of powers available to it to promote the Licensing Objectives.
- 17.10 The Licensing Authority may take the following steps as it considers appropriate to promote the Licensing Objectives:
- a. Modifying the conditions of the premises licence (which includes adding a new condition or any alteration or omission of an existing condition temporarily or permanently).
  - b. Excluding a licensable activity from the scope of the licence.
  - c. Removing the designated supervisor.
  - d. Suspending the licence for a period not exceeding three months.
  - e. Revoking the licence.
- Other steps that can be taken by the Authority include:
- f. Taking no action.
  - g. Issuing an informal warning.
  - h. Recommending improvements within a particular time.

- i. Monitoring by regular inspection and invite to seek a further review if problems persist.

However, where responsible authorities have already issued their own warnings requiring improvement by the Premises Licensee, or associate, either orally or in writing, and this has not achieved the appropriate level of improvement, the Licensing Authority will not normally seek to repeat that approach.

17.11 Offences under the Licensing Act 2003 includes the serving of alcohol to unaccompanied persons under 18. The consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people. The admitting or serving of persons who are intoxicated is also an offence under the Licensing Act 2003, the Authority will treat representations that these offences have occurred seriously when they arise in connection with the granting or review of a premises. It will also have regard to other criminal activities which may take place in some licensed premises:

- a. Sale or distribution of drugs.
- b. Sale or distribution of stolen or counterfeit goods or weapons.
- c. Sale of smuggled tobacco and alcohol.
- d. Prostitution, pimping or procuring.
- e. Use as a base for criminal activity, particularly gangs.
- f. Organisation of racist activity.
- g. Unlawful gaming and gambling.

17.12 Where reviews arise and the Licensing Authority determines that the Crime Prevention objective is being undermined through the premises being used to further crimes, it is expected that the revocation of the licence – even in the first instance – will be seriously considered. However, revocation remains an option if other Licensing Objectives are being undermined.

## **18. ENFORCEMENT**

18.1 It is essential that licensed premises operate in accordance with the Licensing Act and that the Licensing Objectives are promoted. Part of the Licensing Authority's role is to monitor premises and take appropriate action to ensure that the Licensing Objectives are promoted.

18.2 An intelligence-led approach will continue in conjunction with information exchanged with the responsible authorities. Data regarding incidents of violent crime, disorder and nuisance in and around licensed premises will be collated to provide a list of premises where problems have been identified. This will inform the process of selecting those premises to be inspected as part of any regular

joint agency visits.

- 18.3 The Licensing Authority will need to be satisfied that premises are being run in accordance with the Licensing Act and any licensing conditions, which may be attached to the premises licence. The frequency of inspection will be determined on risk-based criteria, with high risk operations (e.g. in Bedford Town Centre where the highest density of the latest operating venues is located) receiving more attention than premises carrying low Crime and Disorder/Public Safety/Public Nuisance risks.
- 18.4 Inspection and enforcement will be based on the principles of risk assessment, having a graduated response and targeting problem premises. Enforcement of the legislation will be objective and transparent. Premises found to be fully compliant will attract a lower risk rating and those where breaches are detected will attract a higher rating.
- 18.5 The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed activity. Action will be carried out in accordance with its Licensing Enforcement Policy which seeks to comply with the Regulators' Code. The Licensing Enforcement Policy is available at [http://www.bedford.gov.uk/business/licences\\_and\\_street\\_trading/prosecutions\\_and\\_enforcement.aspx](http://www.bedford.gov.uk/business/licences_and_street_trading/prosecutions_and_enforcement.aspx)
- 18.6 Any complaints received by the Licensing Authority about unlicensed activity or the way licensed premises may be operating will be dealt with in accordance with the Licensing Authority's enforcement protocol and may result in adjustment to risk rating, prompting more frequent visits. We will work with businesses in an attempt to resolve issues that are of concern.
- 18.7 The participation of premises in schemes such as 'Best Bar None' will influence the risk rating for those premises and will be a factor to influence less frequent inspection than would otherwise be the case.

## **19. ADMINISTRATION, EXERCISE AND DELEGATIONS OF FUNCTIONS**

- 19.1 The Licensing Act 2003 provides that decisions and functions may be taken or carried out by the Licensing Authority's (Licensing Act 2003) Licensing Committee, delegated to Licensing Sub-Committee or, in the appropriate cases, delegated to officers supporting the Licensing Authority.
- 19.2 The Licensing Authority has adopted the delegation set out at Appendix 6 to this Statement of Licensing Policy in the interests of speed, efficiency and cost effectiveness. Any applications for the grant of authorisations that are dealt with by officers (which will be if there are no representations) will be listed for comment

at the next available Licensing Committee meeting but without the opportunity for the Licensing Committee to reverse the officer's decision.

- 19.3 The Licensing Authority must have a Licensing Committee of between 10-15 Members. In addition, the Licensing Authority maintains the maximum number of Sub-Committees comprised of three Members of the parent Committee.
- 19.4 The Licensing Authority requires that prior to those Members of the Council being eligible to hear applications for determination of applications that they receive a minimum of 7.5 hours of training on licensing matters generally including on the Licensing Act 2003 and good decision making. This training must be authorised by the Council's Assistant Chief Executive (Law & Corporate Governance) who is the Solicitor to the Council and the Council's Monitoring Officer. In addition, the Licensing Authority has guidance for Members in dealing with licensing matters. This Guidance is available upon request and can be downloaded at: [http://www.bedford.gov.uk/business/licences\\_and\\_street\\_trading/licensing\\_act\\_2003.aspx](http://www.bedford.gov.uk/business/licences_and_street_trading/licensing_act_2003.aspx)

## **20. CONTACT DETAILS/ADVICE AND GUIDANCE**

- 20.1 For information on licensing and the application process you can visit the licensing pages on the Licensing Authority's website [www.bedford.gov.uk/licensing](http://www.bedford.gov.uk/licensing) . You can also email [licensing@bedford.gov.uk](mailto:licensing@bedford.gov.uk) or telephone (01234) 276955.
- 20.2 If you wish to discuss this Statement of Licensing Policy in the first instance you should contact:
- The Chief Officer for Democratic and Registration Services, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP.
- 20.3 Contact Details for the Responsible Authorities are detailed in the Appendices to this Statement of Licensing Policy. Although included as a specific Appendix they are not considered part of the Statement of Licensing Policy itself and therefore may be updated from time to time as appropriate.
- 20.4 The Licensing Authority will seek to liaise regularly with those Responsible Authorities with a view to ensure that all parties seek to deliver the four Licensing Objectives. This regular liaison will inform the review process of this Statement of Licensing Policy, provide an opportunity to consider those premises where problems have been identified by Responsible Authorities and seek to improve efficiency and effectiveness in inspection regimes through an analysis of risks. This does not seek to undermine the independence of each Responsible Authority or the distinct and separate role of the Licensing Authority.

20.5 Information on the Licensing Act 2003, the statutory Guidance issued under Section 182 of that Act and more generally on the provisions of the Act is also available from:

Home Office, 2 Marsham Street, London, SW1P 4DF. Tel:020 7035 4848.

<https://www.gov.uk/government/organisations/home-office>

## **21. EQUAL OPPORTUNITIES**

21.1 In carrying out its functions under the Licensing Act 2003, the Licensing Authority will be mindful of its duties under the Equality Act 2010 “to have due regard to” the need to eliminate discrimination, advance equality of opportunity and foster good relations in regard to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## **22. REVIEW OF THE STATEMENT OF LICENSING POLICY**

22.1 The Licensing Authority will keep this Statement of Licensing Policy under review and should it consider revisions, these revisions will be subject to consultation. Any interim or five yearly review will involve consultation with at least those bodies it is required to consult with under Section 5 of the Licensing Act 2003.

## **23. DEFINITIONS AND INTERPRETATION**

23.1 Unless the context indicates otherwise, words used in this Statement of Licensing Policy have the same meaning as in the Licensing Act 2003. For convenience, definitions of these terms have been set out in Appendix 1 of this Statement of Licensing Policy, but in the event of any inconsistency between Appendix 1 and the Licensing Act 2003, the provisions of the Licensing Act 2003 prevail.

23.2 The Statement of Licensing Policy is intended to be indicative only and does not limit the issues that may be considered by the Licensing Authority nor action taken by the Licensing Authority. For any individual application, the Licensing Authority is not required to consider every matter or material listed as matter or material that may be considered by the Licensing Authority.

23.3 Nothing in this Licensing Policy should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden. This Statement of Licensing Policy is not legal advice on the requirements of the Licensing Act or other legal requirements and may not be relied on for that purpose. All prospective applicants, licensees, those with a registerable interest in a premise, premises users, others and Responsible Authorities are strongly advised to seek their own independent legal advice on the said requirements.

23.4 Headings in this Statement of Licensing Policy are to assist and do not affect the

interpretation of this Statement of Licensing Policy.

## APPENDICES

### 24. APPENDIX 1 - GLOSSARY

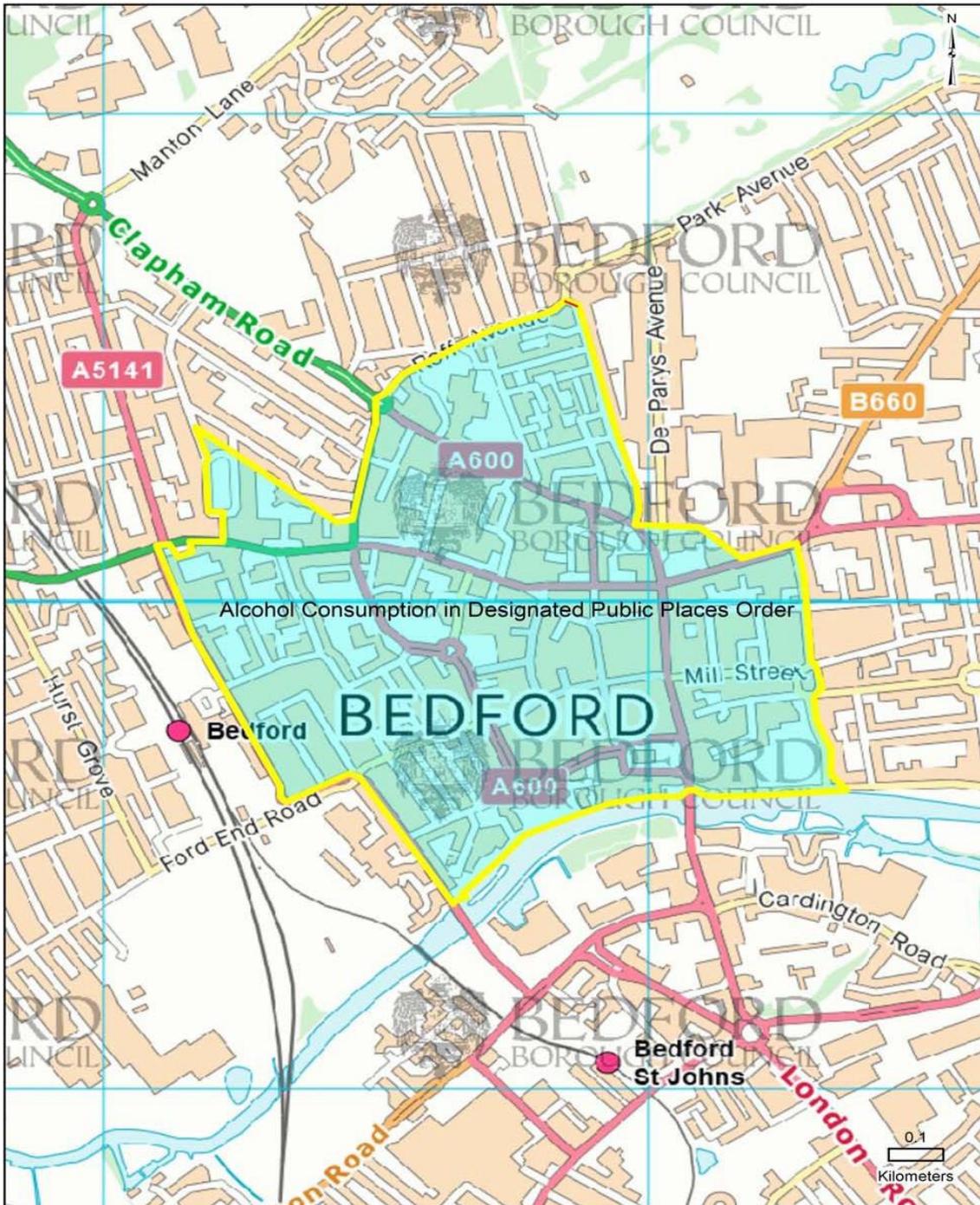
Authorisation	Includes one or more of the following (as the case may be): <ul style="list-style-type: none"> <li>• Premises licence</li> <li>• Club premises certificate</li> <li>• Temporary Event Notice</li> <li>• Personal licence.</li> </ul>
Central Area of Bedford	The area that is bounded by the yellow line in Appendix 2. This is the designated area as a DPPO (to become a PSPO in 2018) for the purposes of sections 12 and 16 of the Criminal Justice and Police Act 2011.
Club Operating Schedule	Document in the prescribed form and including a statement of the following matters: <ul style="list-style-type: none"> <li>• Relevant qualifying club activities</li> <li>• Times during which it is proposed that the relevant qualifying club activities are to take place</li> <li>• Any other times during which it is proposed that the premises are open to members and their guests</li> <li>• Where it is proposed that the qualifying club activities include the supply of alcohol, whether the supply is proposed to be for consumption on the premises or both on and off the premises</li> <li>• Steps which it is proposed to take to promote the Licensing Objectives</li> <li>• Other prescribed matters.</li> </ul>
Cumulative Impact Policy Area	Also known as CIP areas, these are evidence-based areas where the licensing objectives are currently or immanently in danger of being breached due to the concentration of licensed premises.
Licensable Activities	There are the activities referred to in paragraph 2.3 of this Statement of Licensing Policy.
Police	The chief officer of police for the area in which the majority of the premises are situated.
Qualifying club activities	Includes the following activities, subject to the limitations under the Licensing Act (as amended): <ul style="list-style-type: none"> <li>• Supply of alcohol by a club to a member or to the order of a member.</li> </ul>

	<ul style="list-style-type: none"> <li>• Retail sale of alcohol by a club to a guest of a member of the club for consumption on the premises.</li> <li>• Provision of regulated entertainment by a club for members or members and their guests. This includes the following activities for entertaining members and guests of a club or in any event for consideration and with a view to profit: <ul style="list-style-type: none"> <li>• Plays (performance and rehearsals)</li> <li>• Exhibition of films</li> <li>• Indoor sports event</li> <li>• Boxing or wrestling</li> <li>• Performing live music and playing recorded music (except incidental music) and dance performances.</li> </ul> </li> </ul>
Responsible Authorities	<p>For the area in which the majority of the premises are situated:</p> <ul style="list-style-type: none"> <li>• Police</li> <li>• Fire and Rescue Service.</li> <li>• Bedfordshire Primary Care Trust.</li> <li>• Bedford Borough Council Licensing Authority.</li> <li>• The enforcing authority under section 18 of the Health and Safety at Work etc. Act 1974.</li> <li>• The local planning authority within the meaning of the Town and Country Planning Act 1990.</li> <li>• The local authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.</li> <li>• Area Child Protection Committee for Bedford being the body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the Protection of Children from Harm and is recognised by the Licensing Authority for the purposes of section 13 of the Licensing Act as being competent to advise it on such matters.</li> <li>• For premises which are in the area of more than one Borough, then the Licensing Authority in whose area the majority of the premises are situated.</li> <li>• For premises that are a vessel, then: <ul style="list-style-type: none"> <li>A navigation authority within the meaning of section 221(1) of the Water Resources Act 1991 having functions in relation to the waters where the vessel is</li> </ul> </li> </ul>

	<p>usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities</p> <p>The Environment Agency  The British Waterways Board or  The Secretary of State.</p> <ul style="list-style-type: none"> <li>• Any prescribed person.</li> </ul>
Statement	This Statement of Licensing Policy, as revised from time to time.

## 25. APPENDIX 2 – DESIGNATED PUBLIC PLACE ORDER AREA

NB. At the time of publishing this *draft* Statement of Licensing Policy, Bedford Borough Council is also consulting on a Public Space Protection Order which would replace the DPPO.



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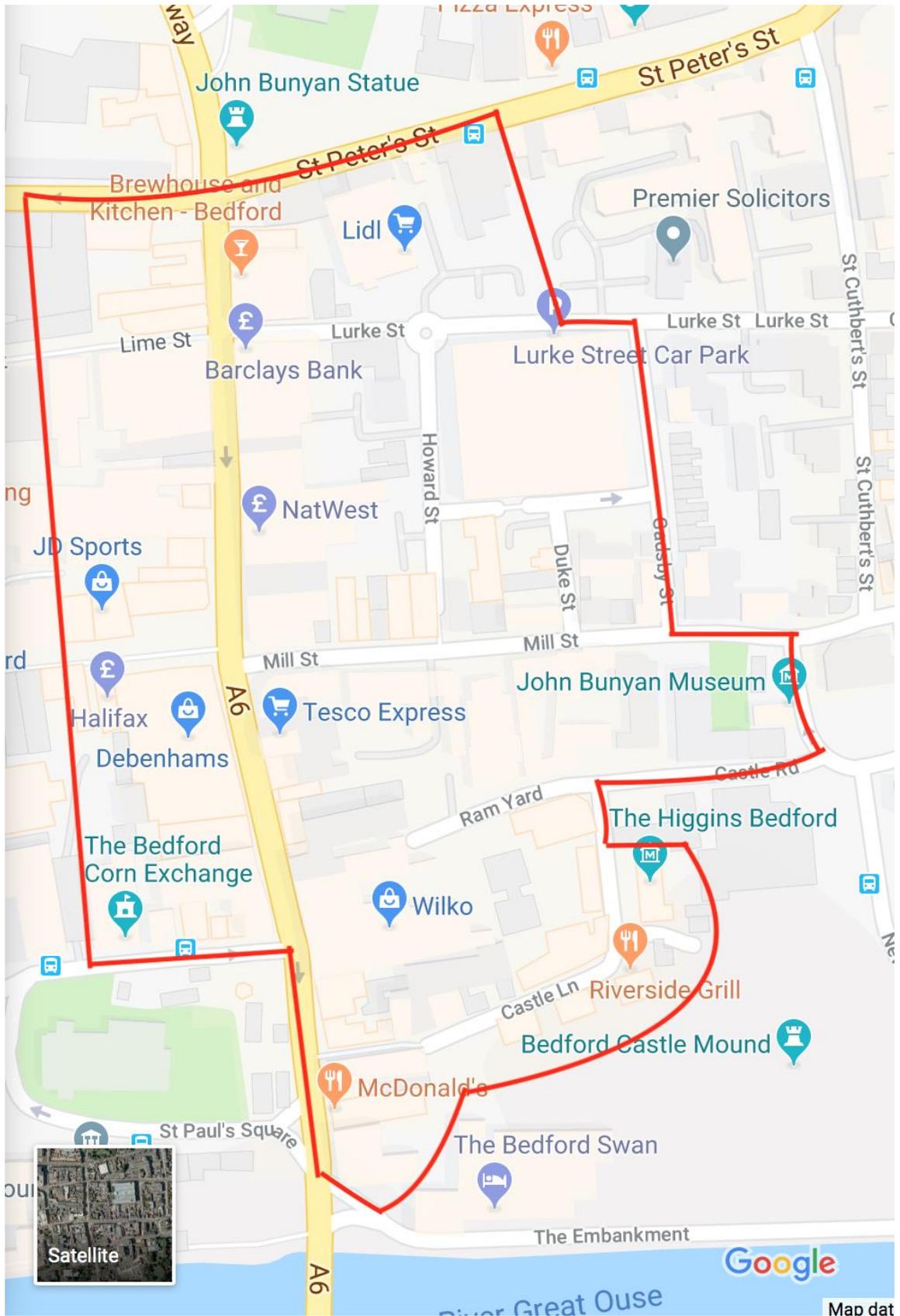


BEDFORD BOROUGH COUNCIL

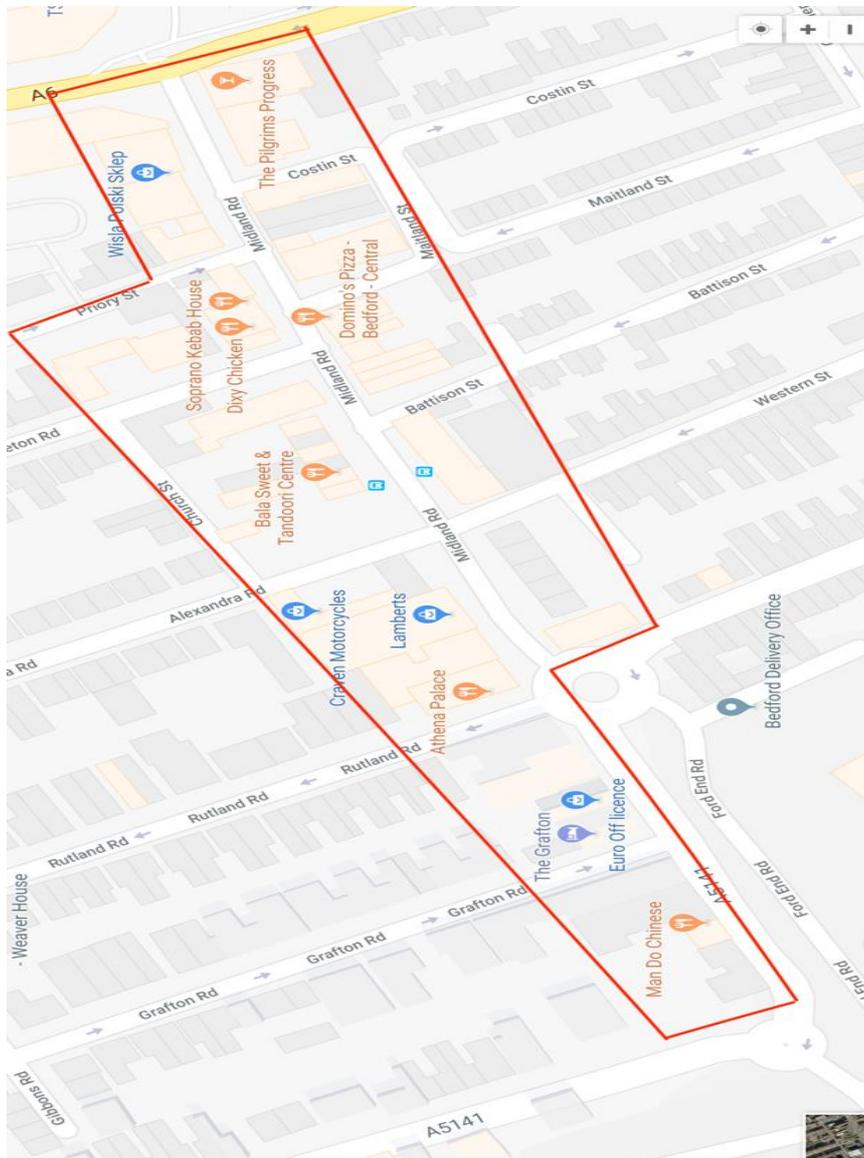
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## 26. APPENDIX 3 – CUMULATIVE IMPACT POLICY AREAS

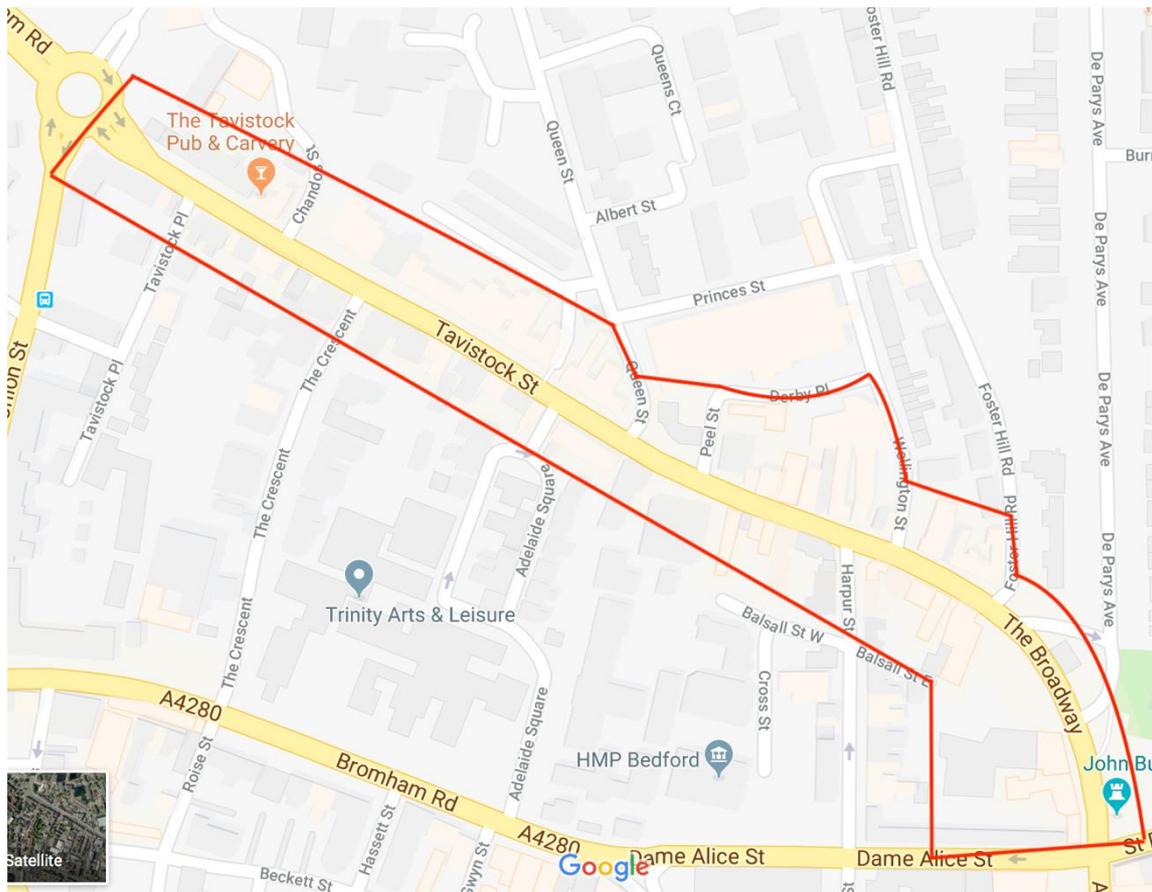
### Cumulative Impact Policy Area 1: The High Street zone



## Cumulative Impact Policy Area 2: Midland Road zone



### Cumulative Impact Policy Area 3: Tavistock Street zone



## **27. APPENDIX 4 – STATEMENT OF LICENSING POLICY EVIDENCE BASE**

### **Background**

1. To support the development of this Statement of Licensing Policy a review of evidence was commissioned by Bedford Borough Council in 2017. It was undertaken by specialists in licensing research, MAKE Associates.
2. Bedfordshire Constabulary also provided crime and ASB context as well as an analysis of its resourcing issues and policing strategy that have informed the development of this Statement of Licensing Policy.

### **Objectives**

3. The objectives of the research were:
  - a. To better understand the views of hard to reach groups in Bedford Town Centre on licensing issues.
  - b. To provide observational evidence to quantify what residents may be saying about low-level nuisance related to the licensed economy.
  - c. To quantify any issues around street drinking or late-night violence that is not reported to the police.
  - d. To examine any issues of ‘cumulative impact’ that may exist due to concentrations of specific types of licenced premises.
  - e. To provide useful comparisons to other locations that have undertaken similar studies.
  - f. To provide an evidence base to help finalise Bedford’s 2018-2023 *Statement of Licensing Policy* and support its ongoing robustness.
  - g. To create a replicable method should a future study be needed to measure changes in the town’s licensed economy.

### **Study approach**

4. The study involved the following research methods:
  - a. Six day and night observation sessions (72hours) of Bedford town centre and the impact of licensed premises and public behaviour associated with them, including photographic evidence.
  - b. The council surveyed 368 residents on licensing and 1,300 on community safety across the borough (including a robust number in the town centre).
  - c. MAKE surveyed a further 100 town centre residents about specific issues relating to licensing in the town centre.
  - d. A spatial and temporal analysis of crime and ASB in the town centre (conducted by the borough’s community safety analyst).

- e. Reference to best practice around licensing and specific issues of addressing street drinking and the management of the night-time economy.
5. The findings were presented to the council's licensing committee on 30<sup>th</sup> September 2017. Subsequently, MAKE hosted two workshops on 1<sup>st</sup> December 2017 with stakeholders from the borough's responsible authorities, residents and businesses to gain feedback and ideas that might address the issues raised in the research.

## Findings

6. Overall, the research confirmed that there were *two* major issues with the behaviour of customers of licensed premises in the town centre:
  - a. Street drinking and its associated *crime and disorder*, *public nuisance* and *public safety* problems in and around Midland Road and, to a lesser extent, Tavistock Street.
  - b. Occasional violence (i.e. *crime and disorder*) but mainly antisocial behaviour (i.e. *public nuisance*) in the High Street area and its vicinity linked to users of the night-time economy.
7. Residents were especially concerned about the negative *public nuisance* and *public safety* impact of street drinkers, who purchase alcohol from the town's off-licences. This includes aggressive begging, drink vessel littering, urination and alleged drug dealing.
8. They are also concerned about the *public nuisance* problems they experience with the night-time economy, particularly noise, urination, litter and feeling threatened at times (*public safety*) by *some* users of the bars, pubs, clubs and takeaways around the High Street area.
9. Residents were supportive of a cumulative impact policy / CIP (70% in the borough council's survey / 81% in MAKE's town centre survey). Very few (18% / 8% respectively) were against this.
10. Of those who felt a CIP would be a valid tool to address negative issues within the licensed economy, 86% felt the policy should apply to *clubs*, the same for *pubs* (86%), and a similar percentage felt it should apply to *bars* (83%). To a lesser extent residents felt a CIP should also apply to *takeaways* (62%) and *off-licences* (52%).
11. 73% of those who supported a CIP felt it should apply to the town centre as a whole, whereas applying such a policy to individual streets was considered less preferable.
12. The stakeholder groups, once they understood the policy, were broadly supportive, but were more likely to suggest that such a policy was targeted at the areas where the evidence of negative impacts of the licensed economy was most compelling.

13. Residents were broadly supportive of restrictive measures to limit entry into licensed premises later at night / early hours (79%) (which was also broadly supported by most stakeholders). Support for restricting opening hours for licensed premises (68%) and limiting the sale of high strength low cost alcohol (63%) were considered useful policy tools.
14. Residents in the town centre were significantly more likely to say that crime (*crime and disorder*) and ASB (*public nuisance*) had *got worse* in their neighbourhood over the past year (2016-17) than residents borough-wide (36% vs 27%).
15. Residents would like to see more cultural facilities in town centre, saying there were 'too few' *live music events* (41%), *festivals* (38%), *comedy* (41%) and *theatre* (42%) and *later retail* (30%). 49% felt there were 'too many' *takeaways*.
16. 81% of residents felt 'safe or very safe' during the *day*, but only 30% during the *evening* and 15% at *night*. Whilst the daytime figure is typical of other locations, these evening and night-time figures are unusually low, signaling at least some negative impact of the licensed economy on *public safety*.
17. The **crime analysis** shows that the most serious violent *crime* in the Borough is evenly distributed across the town centre including residential areas. However, less serious *crime* is clustered around the main NTE area in the High Street. Sexual offences are highest in and around the High Street, Tavistock Street and Midland Road.
18. Antisocial behaviour (or *public nuisance*) associated with the licensed economy (e.g. rowdiness, street drinking, noise complaints) are located primarily in the NTE area of the High Street and at the western end of Midland Road.
19. Recorded street drinking and begging *crimes* are strongly linked with the presence of off-licences, particularly in Midland Road.
20. There is also a positive correlation between the presence of licensed premises of all night-time economy types (e.g. bars, pubs, clubs and takeaways) and *public nuisance* and *crime and disorder* in parts of Bedford town centre.
21. The **observational study** of the town's licensed economy recorded 473 individual incidents in contravention of the Licensing Objectives over the six-day observation period.
22. Of these 473, the largest number (139) were *drunken noise* sufficient to wake people up or to be aggressive or unpleasant. 74 incidents were of *drunken behaviour* (such as staggering dangerously in front of oncoming vehicles). There were 41 incidents of *street drinking*, 23 of *urination*, 12 of *vomiting* and 13 of *fighting*.
23. The highest numbers of incidents take place between 03:00 and 04:00hrs on Friday (and particularly) Saturday nights, although the trend jumps after midnight.

24. Daytime problems are less frequent but still exist. The main location is the High Street at night and Midland Road during the day. Tavistock Street experiences lower levels of problems day and night (though still higher than the rest of the Town Centre or Borough).
25. There are *public nuisance* noise and urination issues from some people leaving the town centre's night-time economy in the High Street and walking through corridors such as St Peter's, Tavistock Street and, to a lesser extent, along the Riverside and Embankment and south towards St John's Street.
26. Overall, the pedestrianised heart of the town centre appears to suffer from very little crime and ASB linked to licensed premises.

### Conclusions

27. In MAKE's experience, these results are relatively typical of a town of this size and its small but intense night-time economy. It is certainly problematic, but without being at 'crisis' point.
28. **MAKE's view is that Bedford town centre has moderate but problematic issues from the customers of its pub, bar and club-based late night-economy**, with some fighting, urination and disturbance on dispersal from the main venues in the High Street zone. This cumulatively contravenes the licensing objectives of *crime and disorder*, *public nuisance* and *public safety*.
29. **Takeaways are a moderate problem in the town centre**, particularly around the High Street after midnight, but also Tavistock Street and Midland Road where there are clusters of them. They contribute to littering (*public nuisance*), particularly late at night and attract some aggressive customers, which impacts upon *public safety*.
30. **Off-licences, particularly in Midland Road but also Tavistock Street**, are attractive to street drinkers, some of whom then cause problems in nearby residential areas with noise, aggressive begging and littering.

### References

31. The full report by MAKE Associates is available from Bedford Borough Council.

## **28. APPENDIX 5 - SERIES OF MODEL CONDITIONS**

### **Context**

In carrying out its licensing functions the Licensing Authority must have regard to Guidance issued under the Act by the Secretary of State. Current Guidance provides pools of conditions (although not an exhaustive list), which relate to the four Licensing Objectives and which could be used where appropriate to the particular circumstances of an individual licensed premises.

The Guidance states however, that it is important that conditions should not be applied universally and treated as standard conditions irrespective of circumstances. Under no circumstances should licensing authorities regard the pools of conditions as standard conditions to be automatically imposed in all cases. Guidance also urges partnership working to promote the Licensing Objectives.

Conditions which are appropriate to promote the Licensing Objectives should emerge initially from the prospective licence holders risk assessment and be translated to form part of the Operating Schedule for the premises. This series of model conditions has been produced to assist prospective licence holders in their consideration of promoting the Licensing Objectives as part of their application.

Once an application has been made, the Police, Environmental Health Service, other Responsible Authorities, and others are encouraged to engage with the applicant if they are considering making a representation to the application. This series of model conditions has been produced to assist all parties and promote a consistent approach when proposing conditions on a premises licence.

This series of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence. It does not restrict any applicant, Responsible Authority, or others from proposing any alternative conditions, nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the Licensing Objectives.

Number	Condition
MC01	The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Bedfordshire Police Licensing Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available as soon as practicable on the request of the Police or authorised officer, and in any case within 24 hours.
MC02	A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public.
MC03	There shall be a personal licence holder on duty at the premises at all times/between the hours of XX and XX when the premises are authorised to sell alcohol.
MC04	No drinks shall be served in glass containers at any time.
MC05	A minimum of (X) SIA licensed door supervisors shall be on duty at the premises between xx.xxhrs and xx minutes after the premises closes to aid dispersal of patrons.
MC06	No patrons shall be admitted or re-admitted to the premises after xx.xxhrs unless they have passed through a metal detecting search arch and, if the search arch is activated or at the discretion of staff, then physically searched in accordance with a procedure agreed with the Bedfordshire Police, which will include a 'pat down search' and a full bag search.
MC07	All persons entering or re-entering the premises shall be searched by an SIA licensed door supervisor.
MC08	The premises licensee shall ensure that door staff working at the premises in a security capacity shall wear high visibility jackets/coats at all times that the public are on the premises.
MC09	The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.
MC10	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 to

Number	Condition
	<p>prevent a public nuisance.</p> <p>The controls for the entertainment noise control system shall be located in a secure, lockable cupboard or similar location. The entertainment noise control system is to be independent of control by persons other than the licensee. Access to the entertainment noise control system is to be restricted to the licensee or designated manager.</p>
MC11	No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to Public Nuisance.
MC12	Loudspeakers shall not be located in the entrance lobby or outside the premises building.
MC13	All windows and external doors shall be kept closed after xx.xxhrs hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
MC14	There shall be no admittance or re-admittance to the premises after xx.xxhrs.
MC15	All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
MC16	Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
MC17	Outside tables and chairs shall be rendered unusable by 23.00 each day.
MC18	All tables and chairs shall be removed from the outside area by 23.00 each day.
MC19	Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
MC20	Patrons permitted to temporarily leave and then re- enter the premises shall be limited to (15) persons at any one time.
MC21	Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
MC22	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone

Number	Condition
	number is to be made available to residents in the vicinity.
MC23	An attendant shall be on duty in the cloakroom during the whole time that it is in use.
MC24	The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no Public Nuisance or obstruction to the public highway.
MC25	Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills/screens or secured behind locked cabinet doors.
MC26	No single cans or bottles of beer or cider shall be sold at the premises.
MC27	Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
MC28	All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
MC29	Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.
MC30	No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300hours and 0800hours.
MC31	Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
MC32	The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
MC33	No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 shall be provided.

Number	Condition
MC34	There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
MC35	A proof of age scheme, such as Challenge 21/25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport or PASS.
MC36	<p>A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale.</p> <p>The log shall be available for inspection at the premises by the police or an authorised officer of the Licensing Authority at all times whilst the premises is open.</p>
MC37	<p>An incident log shall be kept at the premises, and made available on request to an authorised officer of the Licensing Authority or the Police, which will record the following:</p> <ul style="list-style-type: none"> <li>a. All crimes reported to the venue.</li> <li>b. All ejections of patrons.</li> <li>c. Any complaints received.</li> <li>d. Any incidents of disorder.</li> <li>e. Seizures of drugs or offensive weapons.</li> <li>f. Any faults in the CCTV system / searching equipment / scanning equipment.</li> <li>g. Any refusal of the sale of alcohol.</li> <li>h. Any visit by a relevant authority or emergency service.</li> </ul>
MC38	<p>No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.</p> <p>NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.</p>
MC39	All functions in the specified function room shall be pre- booked or ticketed events.

Number	Condition
MC40	The Local Authority expects that a Challenge 21 or Challenge 25 Policy will be adopted by all suppliers of alcohol. It is a further expectation that signage indicating that such a policy is in place to customers and staff will be displayed in prominent positions within individual premises. It is also envisaged that records of staff training are kept in order to evidence that front line staff understand the implications of such a policy in relation to the sale of age restricted products and that such records are refreshed periodically and made available for inspection by officers of the Local Authority and Police.
MC41	There shall be no entry to the premises to persons under the age of 18 years.
MC42	<p>There must be advertisement in prominent positions at the premises, including at the entrance to it, of such commitments/limitations/conditions in relation to hours of trading, last entry times, last hours for sale of alcohol, age verification, search arrangements, areas for the consumption of alcohol, capacity, CCTV, removal of bottles from the premises and requirements on patrons leaving the premises.</p> <p>In addition, where any advertisement is undertaken by or on behalf of the Premises Licensee about regulated activities to be provided at the Premises using the internet, leaflets, radio or newspapers the advertisement must refer to the commitments/conditions/limitations and must indicate that the premises will be operated in compliance with those commitments/conditions/limitations.</p>
MC43	After (xx:xxhrs) no drinks or refreshments may be taken outside. After (xx:xxhrs) the outside area shall only be used by those persons wishing to smoke.
MC44	Regulated entertainment shall not be provided on more than (X) occasions in a calendar year and on no more than (X) occasions in any 4-week period.
MC45	The licence holder shall ensure that external areas are managed and supervised so as to ensure there is no Public Nuisance.
MC46	The use of annealed glass shall be prohibited at the premises, where toughened glass is available.

Number	Condition
MC47	The premises licensee will provide or arrange adequate training for staff on any licence conditions and the measures necessary for compliance with those conditions. A record of the training provided / arranged (including attendance) shall be kept and made available to the Police and / or the Licensing Authority upon request.
MC48	The number of persons permitted in the premises at any one time (including staff) shall not exceed x persons.
MC49	The supply of alcohol shall be by waiter or waitress service only.

## 29. APPENDIX 6 – DELEGATIONS OF POWERS

Matter to be dealt with	Full Committee / Council	Sub Committee	Chief Officer Democratic and Registration Services
Determination of the Statement of Licensing Policy	Council		
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent relevant convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint/submission is irrelevant frivolous or vexatious			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	

<b>Matter to be dealt with</b>	<b>Full Committee / Council</b>	<b>Sub Committee</b>	<b>Chief Officer Democratic and Registration Services</b>
Determination of a police objection to a temporary event notice		All cases	
Decision on whether minor variation application acceptable			All cases
Acknowledgement of Temporary Event Notice			All cases
Authorisation of officers to inspect premises			All cases
Determination as to whether applicant for a Club Premises Certificate meets the statutory conditions.			All cases
Determination for requests for plans to be other than to scale 100:1			All cases
Determination of interim measures following an expedited review		If time permits a hearing	All other cases
Determination of representations (to be) made on a grant/variation application for a premises licence/club premises certificate as a Responsible Authority.			All cases
Service of Closure Notice			All cases

References to the named posts in the staff structure of the Licensing Authority shall be construed as appropriate to the relevant Assistant Chief Executive and Chief Officer in the staff structure with responsibility for the administration of licences etc. under the Licensing Act 2003.

### **30. APPENDIX 7 – RESPONSIBLE AUTHORITY CONTACT DETAILS**

These details are not regarded by the Licensing Authority as part of the Statement of Licensing Policy and so may be updated from time to time. The list below does not refer to the Council as Licensing Authority although, in this capacity, the Council is also a Responsible Authority.

#### **A. The Police**

**Address** Chief Officer of Police, c/o Licensing Officer, Bedfordshire Police, Halsey Road, Kempston, Bedford, MK42 8AX

**Tel** 01234 842068

**Email** [licensingbedford@bedfordshire.pnn.police.uk](mailto:licensingbedford@bedfordshire.pnn.police.uk)

#### **B. The Fire Authority**

**Address** Chief Fire Officer, Bedfordshire & Luton Fire & Rescue Service, Southfields Road, Kempston, Bedford, MK42 7NR

**Tel** 01234 245514

**Email** [naofiresafetyadministration@bedsfire.com](mailto:naofiresafetyadministration@bedsfire.com)

#### **C. Public Health**

**Address** Public Health Team Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP

**Tel** 01234 276874

**Email** [Publichealthenquiry@centralbedfordshire.gov.uk](mailto:Publichealthenquiry@centralbedfordshire.gov.uk)

#### **D. Enforcing Authority under S.18 of the Health & Safety at Work etc. Act 1974**

**Address** Manager for Commercial Regulation, Environmental Health & Trading Standards, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP

**Tel** 01234 718099

**Email** [ehadmin@bedford.gov.uk](mailto:ehadmin@bedford.gov.uk)

#### **E. The Local Authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health**

**Address** Manager for Commercial Regulation, Environmental Health & Trading Standards, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP

**Tel** 01234 718099

**Email** [ehadmin@bedford.gov.uk](mailto:ehadmin@bedford.gov.uk)

**F. Local Planning Authority within meaning of Town & Country Planning Act 1990**

**Address** Planning Services, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP

**Tel** 01234 221725

**Email** michael.muscroft@bedford.gov.uk

**G. Children's Services Policy Officer for the purposes of s.13 of the Licensing Act**

**Address** Children's Services, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP

**Tel** 01234 276535

**Email** childrensservices@bedford.gov.uk

**H. Weights and Measure Authority (within the meaning of section 69 of the Weights and Measures Act 1985 (a))**

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