



BEDFORD
BOROUGH COUNCIL

COVER – TO UPDATE WITH NEW DATES – DESIGN DEPARTMENT

Statement of Licensing Policy

2023-27

Draft



Governance Group

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WHAT KIND OF LICENSED ECONOMY IS THE COUNCIL SEEKING TO DEVELOP?

Bedford Borough Council wishes to encourage a range of licensed activities within the Borough as part of its wider ambitions of supporting economic growth, creating sustainable communities, reflecting the rapid changes in people's socialising habits and in promoting public health. However, the Council must balance this with the need to ensure that four licensing objectives - as set out in the Licensing Act 2003 – are promoted.

The Council is particularly keen to encourage more diverse activities within Bedford Town Centre and its evening and night-time economy. The town centre has seen the successful development of the Riverside and St Cuthbert's quarters. These are places where alcohol is mostly *ancillary* to other activities, such as dining, entertainment, culture and festivals. Despite an increase in the number of licenced premises in these two areas, independent research undertaken for the Council (called a Cumulative Impact Assessment) shows there has *not* been a commensurate rise in *crime and disorder* or *public nuisance* in these quarters.

Whilst each licence application will be considered on its merits, activities where alcohol consumption on the premises is *not* the primary feature of a licence, nor off-sales a significant element of the business model, will generally be welcomed. This includes considering *appropriate* licence applications inside any 'cumulative impact areas' that are currently in force.

Our aim, as set out in the *Bedford Town Centre Plan*, is to broaden the appeal and vitality of Bedford town centre, and the borough as a whole, and to attract a wider range of residents and visitors, whilst reducing crime and disorder and public nuisance associated with the misuse of alcohol.

1 PURPOSE AND SCOPE

1. The purpose of this Statement of Licensing Policy ('the Policy') is to set out the principles to be applied in considering licence applications under the Licensing Act 2003 ('the Act') by Bedford Borough Council ("the Licensing Authority" when explicitly concerning licensing matters or "the Council" when concerning the Council's broader remit and responsibilities).
2. The Policy has been prepared having regard to the Guidance issued by the Home Office under Section 182 of the Act and designed to reflect local circumstances and characteristics whilst promoting the four licensing objectives: It should be noted that the four licensing objectives are of equal importance and therefore each of these should be considered with equal weight.
 - Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm.
3. The Council is responsible for the determination of premises licences, club premises certificates, personal licences, provisional statements, review applications and temporary event notices that receive objections.
4. The Policy covers all premises in Bedford Borough where any of the following take place:
 - a) Sale or supply of alcohol
 - b) Regulated entertainment
 - c) The provision of late-night refreshment
 - d) Supply of alcohol in qualifying clubs.
5. 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 (TEN) for one or more licensable activities for a period of up to 168 hours for 499 persons or less on the premises at any given time (subject to other conditions being met – see TENs section).

2 REVIEW OF THE LICENSING POLICY

6. The Act requires that the Council reviews its statement of licensing policy at *least* every five years. When reviewing the Policy, it must also be consulted upon.
7. The Council's Licensing Act 2003 Committee ("the Licensing Committee") leads on reviewing, re-drafting and consulting upon the Policy. Licence applications are considered by the Licensing Committee's "Licensing Sub-Committee" unless they are minor, in which case they are delegated to officers (see Appendices).
8. The Council recognises the important role that 'responsible authorities' (see Glossary), the licensed trade, residents and other stakeholders have to play in influencing this Policy.
9. Under s5 of the Act, consultation on the Policy must take place with:
 - a) The Police
 - b) The Fire Authority
 - c) The Director of Public Health
 - d) Such persons as the Council considers to be representative of holders of premises licences issued by the Council
 - e) Such persons as the Council considers to be representative of holders of club premises certificates issued by the Council
 - f) Such persons as the Council considers to be representative of holders of personal licences issued by the Council
 - g) Such persons as the Council considers to be representative of businesses and residents in its area.
10. The Council will give due weight to the views of those consulted, making appropriate amendments to the Policy accordingly. In determining what weight to give to consultation responses, the following factors will be considered:
 - a) Who made the representation (what was their expertise or interest)
 - b) What the motivation was for their views
 - c) How many other people expressed the same or similar views
 - d) How far representations related to matters the Council should include in its Policy.
11. In-between formal reviews the Council will keep the Policy and its data under review to ensure that it is fit for purpose. Should circumstances change materially, the Council will be prepared to review the policy earlier in order to promote the licensing objectives.

3 LOCAL CONTEXT

3.1 Bedford borough

12. 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 growing population, which in 2021 Census was estimated at 185,300 (ONS). However, whilst a chiefly a rural borough in terms of area, most of its licensed activity takes place in Bedford town centre.

Figure 1 Map of Bedford Borough Wards



3.2 Integration of licensing with other strategies and policies

3.2.1 Background

13. The Authority will seek to secure the proper integration of this Statement of Licensing Policy with other relevant local crime prevention and public safety, planning, cultural, gambling and public health strategies.

3.2.2 Community Safety Strategic Plan

14. The Borough has a Community Safety Partnership which produces a regular Community Safety Strategic Plan. The current version is 2020-23 and a replacement will be produced around the time of this Policy's publication. It is unlikely that its priorities will change significantly.
15. The current plan has three priority areas and two of these are relevant to licensing, licensed premises and the sale of alcohol. These are '*High Harms and Violence*' (i.e., the *crime and disorder* licensing objective) and '*Public Perceptions*' (i.e., the *public safety* licensing objective). The plan notes the link between high levels of street drinking and aggressive begging and how this leads to crime, ASB and residents feeling unsafe. It also highlights the misuse of alcohol and its association with high levels of sexual violence and domestic abuse crimes, as well as violence within the town centre's night-time economy.
16. It is important that licence applicants are aware of these challenges to the Licensing Objectives, and that in their applications and operating schedules they show how they will not add to the problems already being experienced.

3.2.3 Bedford Local Plan

17. The new draft of the Bedford Local Plan contains a section on its High Street Strategy. Policy TC3 outlines the Council's approach to regeneration and its '*open for business*' approach:

"Within Bedford town centre a range of uses will be supported provided they:

- i. Contribute to the vitality, viability and diversity of the town centre, and;
- ii. They avoid the concentration of similar uses whose cumulative impact would be to the detriment of environmental quality, amenity or parking, or would increase the risk of anti-social behaviour or would create a significant length of inactive frontage at ground floor level.

Acceptable uses in the town centre other than retail will include - commercial, business and service uses, hot food takeaways, public houses, nightclubs, cinemas, theatres, concert halls, community uses, educational uses and other uses appropriate to a town centre.”

18. The licensing and planning systems are separate and guidance to applicants who are applying for both planning consent and a licence is given later in this Policy.

3.2.4 The Bedford Town Centre Plan

19. The *Bedford Town Centre Plan 2020-2023* underpins the Council’s vision to create an “open for business” approach. As part of this the Plan committed to “*review licensing to assess any opportunities to support business*”.
20. This revised Statement of Licensing Policy seeks to support the town centre (and the borough as a whole) by simultaneously promoting the four licensing objectives whilst also welcoming licence applications that will support the growth of a safe and well-balanced licensed and evening and night-time economy.

3.2.5 Bed:Safe and Pubwatch

21. The Bedford Town Centre Area has been covered by a Business Improvement District (BID) since 2010. BedfordBID is an independent company run by a board of directors chosen from those businesses that pay a ‘BID levy’. The levy is invested in projects which make the town centre safer, more vibrant and more appealing.
22. The BID provides financial support for the Bed:Safe initiative with the aim of keeping people safe, particularly at night. The specific objectives for Bed:Safe are to:
 - a) Reduce the number of alcohol-related assaults and alcohol-related crime in the town centre.
 - b) Work in partnership with the licensed trade to improve the management of licensed premises.
 - c) Promote the provision of safer drinking and safer clubbing and support services for those who visit Bedford’s pubs and clubs.
 - d) Reduce the perception of drunkenness, rowdiness and disorder.
 - e) Improve the movement of people around the town centre at night and thereby reduce the potential for nuisances to be caused and the opportunities for disorder.

23. Bed:Safe manages the town centre PubWatch scheme, for which it received a National Pubwatch Award in 2021. Membership and regular attendance at Pubwatch meetings for licensed businesses is not mandatory in Bedford (unless it has been made a specific licence condition), but it is strongly encouraged.
24. Outside of Bedford Town Centre the Licensing Authority will support local Pubwatch schemes that exist for those providing premises for the supply and consumption of alcohol at those premises.

3.2.6 Gambling policy

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

3.2.7 Public health

26. Since 2013 local public health teams have been a Responsible Authority who must be consulted during the development of the Policy and licence applications. However, although public health itself is not a licensing objective, there are two obvious areas where licensed premises and the sale of alcohol can impact on the licensing objectives.
27. The first is the consumption of alcohol by children and young people, which can negatively impact on their health as well as other aspects of their lives, such as educational attainment and future employability. The council takes the *protection of children from harm* licensing objective extremely seriously and expects licence applicants to do so as well.
28. Alcohol is significantly associated with levels of hospital admissions due to injury and violence. The council takes the reduction of alcohol-related *crime and disorder* extremely seriously and expects licence applicants to do so as well.

3.2.8 Culture, live music, dancing and theatre

29. Bedford Borough Council wishes to encourage and promote live music, dancing and theatre in the Borough. Later in the Policy there is reference to the provision of certain activities without the need for authorisation under the Licensing Act 2003 – this is called ‘de-regulated entertainment’.
30. When activity falls outside of deregulated entertainment, the potential for disturbance 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. To this end, the views of vocal minorities will not be allowed to predominate over the general interests of the community that the Council represents.

31. Some of these events may be staged outdoors. Because sound from outdoor events can carry, it may therefore impact on the *public nuisance* licensing objective. 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.

3.2.9 Pavement licences

32. The Council wishes to respond appropriately to applications from public houses, bars and restaurants requesting to serve food and alcohol in areas adjacent to or immediately outside their premises. It is important that any pavement licences granted promote the four licensing objectives and do not impact negatively on nearby residential and business amenity. Approvals may also be required from the planning and highway authorities. For further information on pavement licences please use the link below:

<https://www.bedford.gov.uk/licensing/other-licensing-information/pavement-licences>

3.2.10 Late Night Levy

33. The Late Night Levy (“the Levy”) is a discretionary power granted to local authorities under the Police Reform and Social Responsibility Act 2011. It enables authorities to charge an additional fee to those premises that are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy.
34. Currently the Authority does not intend to introduce a Late Night Levy.

3.2.11 Early Morning Restrictions Orders

35. Early Morning Restrictions Orders (“EMROs”) are a discretionary power first published under section 172A of the Licensing Act 2003 (but enabled in the Police Reform and Social Responsibility Act 2011). EMROs enable licensing authorities to restrict sales of alcohol with the aim of tackling high levels of alcohol-related crime and disorder and nuisance. The EMRO may be applied to the whole or part of the authority area and, if relevant, on specific days and at specific times. A statutory process must be undertaken

before it is introduced, and the authority must be satisfied that such an order would be appropriate to promote the licensing objectives.

36. Currently the Authority has not introduced, nor has the intention to introduce, an EMRO.

3.2.12 Public Space Protection Order

37. The Anti-social Behaviour, Crime and Policing Act 2014 allowed the Council to consult on introducing a Public Space Protection Order (PSPO) to tackle the serious problem of street drinking and associated crime and nuisance in Bedford Town Centre.
38. Following consultation, a PSPO was adopted in 2020 which prohibits people consuming alcohol or having an open container of alcohol in a defined area. A map of the current PSPO area is shown in the Appendices.

3.2.13 Equalities Act 2010

39. Applicants and licensees must make themselves familiar with their responsibilities under the Equalities Act and relevant guidance for businesses, which can be found on the Equality and Human Rights Commission website: www.equalityhumanrights.com
40. In carrying out its functions under the Licensing Act 2003, the 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 regarding age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

3.2.14 Avoiding duplication

41. Whilst the Licensing Authority seeks the integration of this Policy with other strategies, the Authority also makes a firm commitment to avoid duplication with other regulatory regimes, so far as is possible.
42. Located in the Appendices is a non-exhaustive list of other relevant legislation that licence applicants are advised to review when preparing their application. Three of the most relevant of these to licensing and the night-time economy are highlighted below.

4 THE FOUR LICENSING OBJECTIVES

43. Each of the four licensing objectives are of equal importance and therefore each needs to be considered with equal weight.
44. The Authority expects applicants to risk assess their proposals and put forward measures aimed at promoting the licensing objectives, which are listed below.

4.1 Prevention of crime and disorder

45. Whether the proposal included satisfactory measures to mitigate any risk of the proposed operation creating crime and disorder within the premises or making an unacceptable contribution to levels of crime and disorder in the vicinity.

4.2 Public safety

46. Whether the necessary and satisfactory risk assessments have been undertaken, the management procedures put in place and the relevant certification produced to demonstrate that the public will be kept safe both on and in the vicinity of the premises.

4.3 Prevention of public nuisance

47. Whether the applicant has addressed the potential for public nuisance arising from the characteristics and style of the proposed activity and identified the appropriate steps to reduce the risk of public nuisance occurring from the premises or in its vicinity.

4.4 Protection of children from harm

48. Whether the applicant has identified and addressed any risks with the aim of protecting children from harm when on or in the vicinity of the premises.

5 APPLYING FOR A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

5.1 Introduction

49. In determining a licence application, the overriding principle will be that each application will be determined on its own merits, having regard to the promotion of the licensing objectives and considering this Policy and the Guidance issued under Section 182 of the Act. Where it is necessary to depart from the Guidance or this Policy the Authority will give clear and cogent reasons for doing so.

5.2 The application process

50. All applications for premises licences / club premises certificates, variations and provisional statements must be submitted in accordance with the Act and its accompanying Section 182 Guidance.
51. As part of the application process there is a requirement for the submission of an Operating Schedule. The Authority will normally expect the operating schedule to have regard to the nature of the area where the premises is situated, the type of premises concerned, the licensable activities to be provided, operational procedures, and the needs of the local community in addressing the four licensing objectives.
52. It is critical that licence applicants show how they will promote the four licensing objectives in their application. Failing to do this is one of the most common reasons that an application will be rejected.
53. Applicants are legally obliged to give notice of their application in two ways, by displaying a blue notice at the premises for a period of 28 days and placing a notice in a local newspaper. Each notice must clearly state the date by which representations must be received, where the application can be viewed in full and where any representations must be sent.
54. For further information on how to apply for a premises or personal licence, please use the link below:

<https://www.bedford.gov.uk/licensing/alcohol-and-entertainment-licensing/alcohol-and-entertainment-licensing-overview>

5.3 Representations

55. Representations to a licence application can include support and / or objections.
56. Representations may be received from the responsible authorities and by other persons (as defined by the 2003 Act). Elected members may make representations themselves, or on behalf of residents or the applicant. In these cases, the elected member cannot take part in the decision process. Guidance on submitting a representation is available on the Council's website or by contracting the Licensing Department.
57. Members of the public who wish to submit a representation regarding an application need to be aware that once submitted to the Authority it becomes a public document. Their representation will be made available to the applicant and will also be included in any report that is presented at a Licensing Sub-Committee hearing.
58. If this is an issue, they may contact a local representative such as a ward councillor, parish or town councillor, or any other locally recognised body - such as a residents association - about submitting the representation on their behalf. The Authority cannot accept anonymous representations.
59. Relevant representations are representations as defined by Section 18 of the Act as:
 - a) About the likely effect of the application on the promotion of the licensing objectives.
 - b) Which have not been withdrawn and, in the case of representations made by other persons, are not, in the Council's opinion irrelevant, frivolous or vexatious.
60. It is imperative that any resident, Responsible Authority or other relevant party making a representation about a licence application does so by showing how it will either promote or harm one or more of the four Licensing Objectives. The Authority must, and will, exclude any representation that is not explicitly linked to the Licensing Objectives.
61. Unless relevant representations are received from Responsible Authorities and / or other persons, licences will be granted on the terms set out in the application. There is no provision for the Authority to impose conditions (other than Mandatory Conditions¹ under the Licensing Act 2003) on a licence / certificate arising from an uncontested application

¹ For more information on the Mandatory Conditions, see the accompanying Appendices or search the gov.uk website.

(other than those proposed by the applicant themselves within their application including the applicant's Operating Schedule).

62. All representations must be received within the prescribed window and in writing. ('Writing' includes email representations to the Authority).

5.4 Determination of applications

63. The Authority will consider each application on its own merits whilst having regard to the Act, the Section 182 guidance and this policy.
64. Any delegated decision made by the Authority will be carried out in accordance with the Scheme of Delegation (see Appendices).
65. Applications where there are relevant representations will be dealt with by a Licensing Sub-Committee, unless the Council, the applicant and everyone who has made representations agree that a hearing is unnecessary.
66. Where possible, officers from the Authority will act to mediate between applicants and persons making relevant representations to resolve issues, thereby preventing unnecessary hearings.

5.5 Composition of a Licensing Sub-Committee

67. A Licensing Sub-Committee shall comprise of any three elected members who serve on the Licensing Committee.
68. The Council's Code of Conduct requires Elected Members to register and declare their financial and other interests and sets out consequences for the Member's participation in the decision-making process in respect of an application, in the light of those interests.
69. Members will also disqualify themselves if the application relates to a premises within their ward.

6 INFORMATION FOR APPLICANTS

6.1 Specific policy considerations

70. The Policy does not prevent an applicant's right to apply under the Act for a variety of permissions; nor does it override the right of any person to make representations on an application or seek a review of a licence or certificate.
71. The Authority cannot reject an application for a licence or certificate, or impose conditions, unless relevant representations have been made. This also applies to premises in any cumulative impact area.
72. The measures to be taken should be proportionate to the level of risk; for example, a busy town centre nightclub or late-night bar will be expected to take far more precautions than a small local restaurant.
73. Where insufficient detail is provided in the application to satisfy responsible authorities and other persons, this is likely to lead to representations being made.
74. The Act requires certain mandatory conditions to be attached to licences. The mandatory conditions override any pre-existing conditions and do not have to be specifically included on licences authorising the sale of alcohol for consumption on the premises. These can be found in the Appendices.
75. The Authority must be satisfied that it is appropriate to attach conditions, other than those volunteered under the Operating Schedule or by mandatory conditions – where an application has generated a negative representation.
76. The Authority will not implement standard conditions and will, as far as possible, avoid the attachment of conditions that duplicate other regulatory regimes.
77. Where appropriate, the Authority will attach individual and tailored conditions to a licence that are reasonable, proportionate but not over-burdensome. These must be robust enough to promote the licensing objectives and will be related only to those matters under the direct control of the licence holder.
78. When preparing or considering applications, applicants, Responsible Authorities, objectors and the Licensing Authority should refer to the Model Conditions included in the Appendices to this document, and which may be updated from time to time. These are not mandatory conditions but a pool of possible conditions and suggested wording that cover a range of operational issues. The application of one or more of these conditions (or

modified versions therefore) to a licence – where relevant and appropriate - may assist in demonstrating that the operation of a licence will not undermine the licensing objectives.

79. The list of Model Conditions will be updated, as appropriate, to assist anyone involved in the application or review process. The date of any update will be indicated on each relevant appendix.

6.2 General principles

80. The general principles will normally be applied in each case where the Authority is considering an application for a premises licence, club premises certificate, variations to those or a provisional statement.
81. Applicants should note that Operating Schedules that are lacking in detail are more likely to be refused, have hours restricted, or have conditions attached to them by the Authority or by any of the Responsible Authorities.
82. The Authority expects applicants to demonstrate:
 - a) That they understand the nature of the locality in which the premises are to operate and that this has been taken into consideration whilst preparing the Operating Schedule.
 - b) Where the application is for evening and night-time activity, that the proposal reflects the Council's aspiration to diversify the borough's offer, whilst at the same time promoting the licensing objectives.

6.3 Management competence

83. 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.
84. 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.
85. Whilst it is acknowledged that there is no statutory bar to a Designated Premises Supervisor (DPS) 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.

86. 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 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).
87. The Licensing Authority expects that this approach will be identified by applicants for premises licences in their Operating Schedules. Applicants for community premises exempt 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 licences / certificates.
88. Where issues are identified that suggest the poor management of a licensed premises, the Authority sees the advantage of Management Action Plans endorsed by the relevant Responsible Authorities and the 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.

6.4 Major events

89. The Council broadly welcomes professionally operated cultural, musical and festival events to the borough.
90. If a major event is to be staged under an existing premises licence, then it will be subject to the conditions and Operating Schedule of those premises, albeit early contact with the borough's Safety Advisory Group - to allow the Responsible Authorities to plan for the event - is essential.
91. If the applicant for a major event wishes to stage this at a currently unlicenced building or outdoor space that requires a licence, the Authority strongly encourages early pre-application discussions (preferably at least six months ahead) with both its Licensing Team as well as the borough's Safety Advisory Group.

6.5 Planning

92. The Authority recognises that the licensing process should not be seen as a re-run of any planning process and that there should be separation between the planning and licensing regimes to avoid duplication.
93. Applicants for a premises licence need to be aware that the granting of a licence under the Act does not negate the need to obtain planning permission. Premises operating in breach of planning permission may be liable to prosecution or other enforcement measures under planning law. Applicants are therefore recommended to obtain the correct planning permission for the use of premises they seek to operate.
94. There will be circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises. Where these hours differ from the hours authorised under Licensing, the operator will need to abide by the earlier closing time.
95. Licence applications should normally be from premises where:
 - a) The activity to be authorised by the licence is a lawful planning use or is a deemed permitted development pursuant to the General Permitted Development Order (1995) as amended.
 - b) The hours sought do not exceed those authorised by any planning permission.
96. The Authority may consider the lack of planning permission or an established lawful use in deciding whether there is likely to be any harm to the licensing objectives.
97. The National Planning Policy Framework sets out the importance of the ‘agent of change’ principle. Agent of change has also since been included in the s182 Guidance issued under the Licensing Act 2003 (revised December 2022).
98. Where there is an application for planning permission, the National Planning Policy Framework expects new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them because of development permitted *after* they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) will be required by the local planning authority to provide suitable mitigation before the development has been completed.

6.6 Wholesale of alcohol

99. The sale of alcohol in wholesale quantities to the public is a licensable activity under the Act. A premises licence and a designated premises supervisor who holds a personal licence are required for such transactions to take place lawfully.

6.7 Internet and mail order sales

100. A premises licence will be required for a warehouse or storage facility for alcohol. However, the call centre where the order was placed would not require authorisation. The Authority expects that the application will include procedures for ensuring that sales of alcohol are not made by or delivered to persons under 18 years of age.

6.8 Deregulation of Entertainment

101. The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 deregulated some of the licensable activities under the Licensing Act 2003, in addition to the deregulation created by the Live Music Act 2012.
102. Some of the activities which may no longer require authorisation are:
- a) Exhibitions of films where they are incidental to another activity which is exempt from licensing.
 - b) 'Not-for-profit' film exhibitions between 08:00 and 23:00hrs on any day held in community premises provided that the audience size is no more than 500 and the organiser gets consent from the person who is responsible for the premises and ensures that age classification ratings are complied with.
 - c) A performance of amplified live music or playing of recorded music between 08:00 and 23:00hrs on any day on premises authorised to sell alcohol for consumption on the premises, provided that the audience size is no more than 500.
 - d) A performance of amplified live music or playing of recorded music between 08:00 and 23:00hrs on any day in a religious venue, community hall, or other similar community premises, that is not licensed to sell alcohol, provided that the audience size is no more than 500 and the organiser gets consent from the person responsible for the premises.
 - e) A performance of amplified live music or playing of recorded music between 08:00 and 23:00hrs on any day at the non-residential premises of a local authority, a school or a

hospital provided that the audience size is no more than 500 and the organiser gets consent from the local authority or the school or the health care provider for the hospital.

6.9 Immigration

103. The commencement of the Immigration Act 2016 made it a requirement for licensing authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK must be rejected.
104. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
105. A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end.

6.10 Sexual entertainment

106. 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.
107. 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.
 - c) No such occasion has lasted longer than 24 hours.
108. Accordingly, lap dancing, striptease and other forms of adult entertainment may still be provided and authorised by the Licensing Act 2003 provided they remain exempt in accordance with the above criteria.
109. Schedule 7 to the Policing and Crime Act 2009 amends the Licensing Act 2003 to ensure that premises for which a SEV 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 most lap dancing clubs and similar venues will require both an SEV licence *and* a Premises Licence or Club Premises Certificate for the sale of alcohol and other types of entertainment.

110. When a licensing application is received in respect of premises for sexual entertainment, such as lap dancing or pole dancing, and 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, 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 merits.
111. 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 for children under 18 years.

6.11 Children

112. In certain circumstances, where children will be present at a licensed premises, the Authority expects responsible adults to be present to control children's access and to ensure their safety. Measures must be taken to protect children from hazards, and which outlines priorities for reducing *crime and disorder* and tackling drug and alcohol misuse, risks such as gambling, entertainment of an adult nature and incidents of violence or disorder as well as preventing underage sales.
113. There are a range of alternatives which the Authority may consider for limiting the access of children which include, but are not limited to:
 - a) A limit on the hours when children may be present
 - b) Limitation or exclusion when certain activities are taking place
 - c) Requirement to be accompanied by an adult
 - d) Limited access to parts of the premises; and
 - e) Excluding persons who are under 18 years from the premises when any licensable activities are taking place.

114. However, the Authority will not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee.
115. The Authority will expect cinemas to stipulate that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. Similarly, theatre productions should be suitable for the audience present with consideration given in advance to the content and nature of the production.
116. Where an authorisation for the sale or supply of alcohol is in place, there is a requirement for the mandatory condition in relation to age verification to be attached. The Authority supports the promotion of 'Challenge 25' schemes, but also recommends additional measures be put in place. For example, regular documented staff training, relevant notices to be displayed and the use of a register to record refusals of alcohol sales.
117. In recent years, incidents of child sexual exploitation (CSE) taking place in licensed premises have been of particular concern across the country. Whilst there has been no specific intelligence suggesting incidents have taken place in Bedford, the Authority will work via existing partnerships, including the licensed trade, to ensure that any concerns in relation to CSE can be tackled and addressed appropriately.

6.12 Counter terrorism

118. Crowded places, such as bars, pubs, nightclubs and music venues have been targets of acts of terrorism across the UK and the world. The National Counter Terrorism Security Office has produced guidance to operators of crowded places giving advice to operators to reduce the threat of attack. Applicants and licence holders are encouraged to have regard to this guidance in the design and operation of their premises.

<https://www.protectuk.police.uk>

119. The threat level should be always taken into consideration, especially when:
 - a) Events/festivals are taking place which attract large numbers to visitors to the borough.
 - b) National and international sporting events are taking place and are televised in licensed premises.
120. When planning an event or festival, the organiser must always consider counter terrorism and the measures that they need to put in place.

121. In 2022 the Home Office, through the Protect Duty consultation, pledged to consider legislative approaches requiring venue operators to consider the risk of terrorist attacks, and to take proportionate and reasonable measures to protect the public. Progress on this legislation can be found below.

<https://www.gov.uk/crime-justice-and-law/counter-terrorism>

6.13 Vicinity

122. The Act 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 licence.

6.14 The Licensing Authority as a responsible authority

123. The Act enables the Licensing Authority to act itself as a Responsible Authority. These powers have been delegated to officers within the Council's Licensing Service. Officers may choose to intervene where they consider it appropriate for the promotion of the licensing objectives without having to wait for representations from other Responsible Authorities. For example, where an application is in a cumulative impact area and officers have concerns about additional harm, they may make a representation to that effect. Also, where an application is received in respect of a premises which has a history of complaints which mean that additional activity may undermine the licensing objectives.
124. The Licensing Service has taken steps to achieve a line of separation between those officers processing applications and those making representations. The officer presenting any application to a Licensing Sub-Committee will also be different from the officer acting as the Responsible Authority.

7 CUMULATIVE IMPACT

126. The ‘cumulative impact’ of licensed premises on the promotion of the licensing objectives is a proper matter for the Authority to consider in its Policy. Cumulative Impact was given a legal status through primary legislation when the Police and Crime Act 2017 (which amended the Licensing Act 2003) came into force on 6th April 2018.
127. 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 groups of people gathering leading to severe problems of *crime and disorder* and / or *public nuisance*. Examples of cumulative impact may include shouting, screaming, fast food littering, vomiting and urinating, often late into the night, as well as violence hotspots, drunken individuals in the highway or criminal damage to property.
128. The effect of adopting a Cumulative Impact Policy (CIP) is to create a ‘rebuttable presumption’. That is, if (and only if) relevant representations are received, applications for new licences / 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 problems already being experienced in a designated CIP Area.
129. The 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 CIP Areas will be unlikely to add significantly to the problems arising from saturation. Where the Authority can lawfully make decisions on applications in CIP Areas, it will have full regard to the impact different premises may have on the local community, including businesses, residents and visitors.
130. The Authority will consider the adoption of a CIP within a defined area or areas if it is satisfied that it is appropriate, proportionate and necessary to promote the licensing objectives.
131. 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 any adopted CIP.
 - f) Following a Cumulative Impact Assessment (CIA) published in 2022, the Authority has published a CIP. CIPs must be reviewed at least every three years. This differs to a statement of licensing policy which must be reviewed at least every five years. This means that the Authority will need to conduct a new CIA and publish its decision to retain, change or dismiss any CIP Areas by 2025. In reality, this is likely to be before this Policy expires. Applicants and others are therefore recommended to visit the Licensing section of the Council's website for the latest information of any CIP Areas.
132. At the time of publishing this policy, the Authority had in force three CIP Areas that were retained in 2022. They apply to the following locations and 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.
133. Maps detailing the exact boundaries of the CIP Areas at the time of publishing this Policy can be found in Appendices.

8 TEMPORARY EVENT NOTICES

134. Temporary Events Notices (TENs) are a light-touch method by which licensable activities can be authorised to take place without the need for a premises licence or club premises certificate. Advance notice must be given to the Police, Environmental Protection and the Authority when applying for a TEN.
135. The Police and Environmental Protection are the only parties that can object to a TEN. Whilst both parties can object on the grounds of any licensing objective, the Police will tend to focus on *crime and disorder*. The Environmental Protection service will be minded to object where there is a risk to the *prevention of public nuisance* objective.
136. The role of the Authority is to ensure that the statutory limits for the giving of TENs in a calendar year by an individual and the restriction of the number of TENs in respect of a particular premises are not exceeded. The Police and Council Environmental Protection remain the enforcement authorities and may monitor any event.
137. The Authority has a strong preference for premises users to provide advance notice of TEN events *at least four weeks* prior to the start date of the activity.
138. There is provision in the Guidance for the submission of 'Late TENs'. These have a shorter deadline than a regular TEN in which the applicant may serve a notice. However, the use of a Late TEN for significant public events would likely concern the Council and the Police as it *may* be a sign of poor management competence. As a result, it *may* increase the chance of an objection being raised on the grounds of the event being a risk to crime and disorder and / or the public nuisance licensing objectives.
139. Details on the numbers of TENs and Late TENs that can be given in respect of premises and individual applicants in any calendar year, as well as the number of days prior to the event by which they must be submitted, can be found on the Council's website and at the gov.uk website. These limits are set nationally through legislation, not by the Authority.
140. When considering an objection to a TEN the Authority will:
 - a) Expect that any existing conditions will be maintained (where relevant) in circumstances where an event is to take place at a premises that has an existing authorisation.
 - b) Assess any history of complaints because of licensable activity that may or may not have been authorised by a TEN.
 - c) Consider the track record of the premises user.
 - d) Consider any other control measures proposed to mitigate the objection.

9 PERSONAL LICENCES

141. The supply of alcohol under a premises licence / club premises certificate must be made by, or authorised by, a person who holds a personal licence. The Act requires any sale made when the personal licence holder is not present to have been authorised by a personal licence holder.
142. Where an applicant has been convicted of a relevant offence, foreign offence, immigration offence or has been required to pay an immigration penalty, the Police will be provided with a copy of the application. If the Police object to the grant of the licence, the matter will be referred to a Licensing Sub-Committee for determination.
143. The Authority will consider whether a refusal of the licence is appropriate for the promotion of the *crime prevention* licensing objective and will consider:
 - a) The seriousness and relevance of any conviction(s).
 - b) The period that has elapsed since committing the offence(s).
 - c) Any mitigating circumstances that assist in demonstrating that the *crime prevention* objective will not be undermined.

10 ENFORCEMENT, REVIEWS AND SUSPENSION

10.1 Enforcement

144. The Authority aims to offer a graduated approach to enforcement.
145. The Authority will inspect premises using a targeted risk-based approach. For example, inspections should not always be undertaken routinely but when and if they are judged necessary. This is to ensure that resources are used efficiently and can be effectively concentrated on premises most likely to lead to problems.

10.2 Licence reviews

10.2.1 Reviews of licences and certificates

146. Responsible Authorities and other persons can apply to the Authority to review a premises licence where problems appear to be arising at the premises in relation to any of the licensing objectives.
147. A licence review can be applied for at any stage following the grant of a premises licence or club premises certificate. In every case, an evidential basis for the allegations made will need to be submitted to the Authority.
148. In the first instance, the Authority is required to consider whether the representation made is irrelevant to the licensing objectives, or is frivolous, vexatious or repetitious.
149. The Guidance recommends that more than one review on similar grounds originating from other persons should not be *permitted within a twelve-month period, except in exceptional or compelling circumstances*, or where it arises following a closure order.
150. In addition, a review will normally follow:
 - a) Any action by the Police to close the premises for up to 24 hours on grounds of disorder, or noise nuisance.
 - b) Any formal enforcement action by the Council.
 - c) Any action taken by the Immigration Authority.
151. The Authority can exercise a range of powers when dealing with a review. In cases where the *crime and disorder* licensing objective is being seriously undermined it is expected that revocation of the premises licence, even in the first instance, will be considered seriously.

10.2.2 Summary reviews

152. Where a licensed premises appears to be associated with serious crime, serious disorder or both, the Police can apply for a 'summary', or 'expedited', review of the premises licence. Within 48 hours of receipt of that application the Authority must consider whether it is appropriate to take interim steps pending the determination of a review of the licence. Within 28 days after the day of its receipt, a full review hearing must be held.
153. Interim steps could include:
 - a) The modification of the conditions of the premises licence.
 - b) The exclusion of the sale of alcohol by retail from the scope of the licence.
 - c) The removal of the designated premises supervisor (DPS) from the licence.
 - d) The suspension of the licence.
154. If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the Authority, the Authority must, within 48 hours of the receipt of the representations, hold a hearing to consider those representations.

11 DEFINITIONS AND INTERPRETATION

155. Unless the context indicates otherwise, words used in this Policy have the same meaning as in the Licensing Act 2003. For convenience, a Glossary of these terms have been set out in the Appendices, but in the event of any inconsistency between these definitions and the Act, the provisions of the Licensing Act 2003 will prevail.
156. This Policy is intended to be indicative only and does not limit the issues that may be considered by the Authority nor action taken by the Authority. For any individual application, the Authority is not required to consider every matter or material listed as matter or material that may be considered by the Authority.
157. Nothing in this Policy should be interpreted as an indication that any requirement of licensing or other law may be overridden. This Policy is not legal advice on the requirements of the Act or other legal requirements and may not be relied on for that purpose. All prospective applicants, licensees, those with a registrable interest in a premise, premises users, Responsible Authorities and others are strongly advised to seek their own independent legal advice.

12 CONTACT DETAILS

158. For information on licensing and the application process please visit the licensing pages on the Authority's website: www.bedford.gov.uk/licensing
159. You can also email licensing@bedford.gov.uk
160. If you wish to discuss this Policy, in the first instance you should contact:
Lee Phanco, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP.
161. Current contact details for the Responsible Authorities are shown in the Appendices to this Policy. They are not considered part of the Policy itself and therefore may be updated from time to time.
162. Information on the Licensing Act 2003 and the statutory Guidance issued under Section 182 of that Act is available from:
<https://www.gov.uk/guidance/alcohol-licensing>