



Statement of Licensing Policy 2020

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Approved Council
22 September 2020

PART 1

1 Introduction

- 1.1 Selby District Council is the Licensing Authority (“the Licensing Authority”) under the Licensing Act 2003 (“the 2003 Act”). The Licensing Authority is responsible for the administration and issuing of Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the District of Selby in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
- 1.2 Selby district is home to a number of popular restaurants, bars and entertainment venues. The Licensing Regime must balance the competing demands of those who benefit from licensed activities whilst ensuring that these activities do not impact upon residents in a negative way.
- 1.3 The Licensing Authority is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. The Licensing Authority wishes to see these encouraged for the benefit of all. When drawing up this Policy the Licensing Authority has in mind a wide range of licensed premises such as pubs, members’ clubs, social clubs, restaurants, cafes, theatres, hotels and late night takeaways.
- 1.4 This Policy intends to shape the future of licensing, entertainment and related social activities within the district and has been produced after consultation with all Responsible Authorities, Premises and Club Premises Certificate licence holders, licensed trade representatives and the general public incorporating businesses and residents within Selby district.

PART 2

2 The Policy

- 2.1 The 2003 Act requires a Licensing Authority to prepare and publish a ‘Statement of Licensing Policy’ (“the Policy”) that sets out the principles the Licensing Authority will apply to promote the four Licensing Objectives set out below. The Licensing Authority must base its decisions, in relation to determining applications and attaching any conditions to licences or certificates, on the promotion of these objectives.
- 2.2 This Policy encompasses experience gained in the implementation and regulation of the 2003 Act. The overriding aim of the Policy is to promote the four licensing objectives, each is of equal importance:
 - **The prevention of crime and disorder**
 - **Public safety**
 - **The prevention of public nuisance**
 - **The protection of children from harm**

- 2.3 This Policy was prepared in accordance with the provisions of the 2003 Act having had due regard to the Guidance issued under s182 of the 2003 Act (“the Guidance”). This Policy was reviewed in 2019 following consultation between 29th June 2020 and 10 August 2020 and will come into force in 2021. Due consideration and appropriate weight has been given to all responses in the production of this revised Policy.
- 2.4 This Policy will be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate. In any event the Licensing Authority is required to review their Statement of Licensing Policy every 5 years. The Licensing Authority may make revisions to this Policy following changes to, for example:
- local circumstances;
 - the Licensing Act, associated regulations or statutory guidance;
 - national legislation; or
 - the policies and practices of a responsible authority
- 2.5 This Policy shall not undermine the right for any individual to apply for a variety of permissions under the terms of the 2003 Act and to have any such application considered on its individual merits. Similarly, the Policy shall not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act. Each application shall be treated on its own merit.
- 2.6 This Policy is intended to provide clarification to Responsible Authorities applicants and any person on how this Licensing Authority will determine applications and reviews. As the ‘vicinity’ test has now been removed, the Licensing Authority will consider relevant representations from any person irrespective of where they live in relation to the subject premises, however, the Licensing Authority shall give greater weight to the representations of persons immediately affected by the premises and its operation.
- 2.7 The Licensing Authority may depart from this Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the four licensing objectives. Where it does depart from this Policy full reasons will be provided.
- 2.8 Where revisions are made to the Guidance there may be a period of time when this Policy is inconsistent with the Guidance. In these circumstances the Licensing Authority shall have regard, and give appropriate weight, to the revised Guidance in conjunction with this Licensing Policy.
- 2.9 This Policy recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.
- 2.10 The applicant is expected to comply with relevant legislation on disability including access and egress for disabled persons. This policy will not be used to duplicate such duties as already exist in this area. Further advice can be obtained from the Equality and Human Rights Commission web site https://www.equalityhumanrights.com/en_

2.11 The need for licensed premises

The Licensing Authority will not take “need” into account when considering an application, as this is a matter for planning and the market. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to problems of nuisance and disorder outside and some distance from the premises.

3. Cumulative Impact

3.1 With effect from 6 April 2018, the Policing and Crime Act 2017 introduced the concept of Cumulative Impact Assessments (“CIA”) into the 2003 Act by inserting into the 2003 Act a new section 5A.

3.2 Guidance issued under section 182 of the 2003 Act states the following:

Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

A 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.

3.4 The Licensing Authority has not published a CIA as there is not currently an evidential basis on which to publish a CIA.

3.5 If the Licensing Authority were to consider the publication of a CIA in the future, it would do so in accordance with the requirements of section 5A of 2003 Act and with regard to the Guidance.

PART 3

4 Principles

- 4.1 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 4.2 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 4.3 In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 4.4 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, the licensing committee and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 4.5 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.
- 4.6 In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in representations and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.
- 4.7 In addition, all new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in representations and the licence being refused or granted subject to conditions.
- 4.8 Where premises have not obtained such consents or licences, they may be liable for enforcement action under the appropriate legislation. There may be circumstances when as a condition of planning permission; a terminal hour is set for the use of commercial premises. Where these hours are different to the licensing

hours, the applicant must observe the earlier closing time. Licensing applications therefore will not be a re-run of the planning application process and licensing decisions will not cut across decisions taken by the Planning Committee or permissions granted on appeal.

- 4.9 The Licensing Authority shall expect every licence/certificate holder or event organiser to minimise the impact of their activities on the surrounding area and any anti-social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures and actions consistent with that responsibility. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.10 The Licensing Authority may recommend actions as good practice. Applicants are asked to give these recommendations serious consideration as adoption of best practices may be considered in the investigation of complaints if they arise in connection with the premises in the future.
- 4.11 The Licensing Authority, however, recognises that the licensing law is not the primary mechanism for the general control of nuisance, noise or anti-social behaviour particularly once individuals have left the vicinity of the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence or certificate. However, licensing controls and targeted enforcement should have a positive impact on the immediate vicinity of the licensed premises.
- 4.12 The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Gambling Act 2005, the Equality Act, The Clean Neighbourhoods and Environmental Act 2005, Health and Safety at Work, etc. Act 1974, Environmental Protection Act 1990, the Noise Act 1996 and the Regulatory Reform (Fire Safety) Order 2005, etc.
- 4.13 The Licensing Authority seeks to encourage the provision of a culturally diverse range of regulated entertainment within the district, particularly live music and dance that are accessible to all people.
- 4.14 The Licensing Authority has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.
- 4.15 In drafting this Policy, the Licensing Authority acknowledges its duty under Section 17 of The Crime and Disorder Act 1998 in that the Council has a duty to exercise its functions with a due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. In addition, the Licensing Authority will seek to support strategies where they are allied to the Licensing Objectives such as National and Local Harm Reduction Strategies and any other relevant strategies and policies.

5 Conditions

- 5.1 The Licensing Authority is unable to refuse or impose conditions on applications where no relevant representations have been made. Relevant representations are those which relate to the effect of granting or varying the licence on the four licensing objectives. Where relevant representations have been made, the Licensing Authority will aim to facilitate negotiations/mediation between the applicant and Responsible Authorities and any other person to establish whether mutually agreed amendments to the application can result in the representation being withdrawn. If negotiations/mediation proves unsuccessful the Licensing Authority will convene a hearing and where necessary, take steps that are appropriate and proportionate to promote the four licensing objectives. This may result in the grant or refusal of the application or the imposition of conditions.
- 5.2 Where conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premises concerned. However, the Licensing Authority accepts that Responsible Authorities may suggest conditions following negotiation with the applicant when completing their Operating Schedules.
- 5.3 In addition, conditions imposed by a Licensing Authority shall be precise and enforceable, clear in what they intend to achieve, shall not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation, shall not replicate offences set out in the 2003 Act or other legislation, shall be justifiable and capable of being met and shall focus on matters which are within the control of the individual licence holders and not seek to manage the behaviour of customers once they are beyond the direct management of the licence/certificate holder and their staff.
- 5.4 The Licensing Authority recommends that conditions volunteered in the Operating Schedule should be:
- appropriate for the promotion of the licensing objectives;
 - proportionate and enforceable;
 - consistent and not conflicting;
 - relevant, clear and concise; not duplicate other legislation; and
 - expressed in plain language capable of being understood by those expected to comply with or enforce them.
- 5.5 The Licensing Authority when preparing the licences/certificates will not simply replicate the wording from an applicant's Operating Schedule but will interpret conditions in accordance with the applicant's overall intentions.
- 5.6 Applicants are advised before completing their Operating Schedule to seek guidance on the framework for writing conditions in their Operating Schedules. Guidance is available from the Council.
- 5.7 The Licensing Authority recognises that in accordance with Section 43 of the Regulatory Reform (Fire Safety) Order 2005, any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by that Order, shall have no effect. The Licensing Authority shall therefore not impose fire safety conditions where the Order applies.
- 5.8 In much the same way, the Indecent Displays (Control) Act 1981 prohibits the public display of indecent matter and the Licensing Authority shall therefore not seek to impose conditions concerning such displays inside or outside the premises. The

existing laws governing indecency and obscenity are adequate to control adult entertainment of this nature. However, the Licensing Authority shall, if it considers necessary in certain premises, consider attaching conditions following a hearing addressing the exclusion of minors.

- 5.9 Although it is accepted that licence conditions should not duplicate other statutory provisions, the Licensing Authority and licensees should be mindful of the requirements and responsibilities placed on them by other legislation.
- 5.10 Whilst the Licensing Authority encourages cultural activities and live music within the district it is also aware of the need to avoid measures that will deter live music when determining what conditions should be placed on licences/certificates, particularly those conditions that impose costs of a disproportionate nature. However, any adverse environmental impact that may arise from individual applications will also be taken into account when considering such applications. With regard to dancing, the Licensing Authority acknowledges the changes set out in the Policing & Crime Act 2009 related to lap dancing clubs and their re-classification as sexual entertainment venues.
- 5.11 With reference to the Protection of Children from Harm Licensing Objective, those conditions relating to the admission of children to any premises remain a matter for the individual licensee or club or person who has given a Temporary Event Notice (TEN). Venue operators may however volunteer prohibitions or restrictions in their Operating Schedules.
- 5.12 All relevant representations will be considered during the decision-making process unless they are considered to be frivolous, vexatious, repetitious, or not in line with the four Licensing Objectives.
- 5.13 The Glossary at the back of this Policy sets out the licensable activities and relevant definitions surrounding the licensing process. If any member of the public is uncertain as to whether or not they require a licence or certificate they should contact Licensing Team, Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT or e-mail the Licensing Authority on; licensing@selby.gov.uk.

6 Licensing Hours

- 6.1 With regard to licensing hours, when the Licensing Authority's discretion is engaged, it will consider each application on its own merit and shall not seek to impose predetermined licensed hours. Where there are no objections to those hours raised by Responsible Authorities or other persons on the basis of the promotion of the licensing objectives, the Licensing Authority will have no discretion but to grant the hours requested.
- 6.2 With regard to shops, stores and supermarkets, the Licensing Authority shall normally expect such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons for restricting those hours, based on the licensing objectives.
- 6.3 The Licensing Authority recognises that in some circumstances flexible licensing hours for the sale of alcohol may help to ensure that concentrations of customers leaving premises simultaneously are avoided.

7 Early Morning Restriction Orders

- 7.1 The power conferred to licensing authorities to make, vary or revoke an Early Morning Restriction Order (“EMRO”) is set out in sections 172A to 172E of the Act. This power came into force on 31 October 2012 and the Government provided guidance as part of the S182 Guidance to Licensing Authorities. This gives the Licensing Authority the discretion to restrict sales of alcohol in the whole or part of their area by introducing an EMRO to restrict the sale or supply of alcohol between the hours of midnight and 6am to tackle high levels of alcohol-related crime and disorder, nuisance and anti-social behaviour.
- 7.2 The decision to implement an EMRO must be evidence based and the Licensing Authority must be satisfied that such an Order would be appropriate to promote the licensing objectives. Furthermore, the Licensing Authority shall consider the potential burden that would be imposed on premises licence/certificate holders.
- 7.3 As an EMRO is a powerful tool and a very stringent approach in tackling issues, the Licensing Authority will first consider whether other measures may address the problems and achieve the same goal. These could include:
- The use of a Cumulative Impact Policy (see Part 2 point 3);
 - Taking a robust joint agency approach to tackling problem premises;
 - Prior to reviewing a licence/certificate, meeting with the DPS and licence/certificate holder to ensure a Premises Improvement Plan is in place
 - Where this fails, reviewing Premises Licences/Certificates by the North Yorkshire Police or other Responsible Authorities;
 - Using other mechanisms to control the cumulative impact, e.g. planning controls;
 - Using other mechanisms to control noise and anti-social behaviour;
 - Using Closure Notices and Closure Orders;
 - Providing powers to designate parts of the local authority area as places where alcohol may not be consumed publicly;
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
 - Provision of CCTV;
 - Provision of night marshals and street angels, introduction of a late night levy;
 - Reviews and Expedited Reviews of individual premises, etc.
- 7.4 The Licensing Authority would periodically review any active EMROs in order to ensure that it continues to be appropriate for the promotion of the licensing objectives. The applicant may be required to periodically submit evidence as part of this process to demonstrate that the EMRO is appropriate and achieving the goals and confirming that these cannot be achieved by alternative methods.

8 Late Night Levy

- 8.1 The Police Reform and Social Responsibility Act 2011 (“the PRSR Act”) has also introduced the power for the Licensing Authority to charge a late night levy (“the levy”) to all premises within Selby District. The late night levy is a discretionary power allowing Councils to collect an annual fee from all licensed premises in the District that are authorised to sell alcohol between the hours of midnight and 6am as a means of raising a contribution towards the costs of policing the night time economy. The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Police and Crime Commissioner and North Yorkshire Police. However, any decision in relation to the administration and design of the levy will be delegated to the Licensing Committee.

9 Representations

- 9.1 Under the 2003 Act both Responsible Authorities and 'other persons' may make representations on licence/certificate applications and review existing premises licences/certificates. A list of Responsible Authorities can be found at Appendix 3.
- 9.2 'Other persons' is defined as any individual, body or business that may be affected by the operation of a licensed premises regardless of their geographical location. Although the other person may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives. In addition the other person is encouraged to provide evidence supporting their representation or review. This may be for example by way of recording dates where noise nuisance or anti-social behaviour occurs. Any representation however must be specific to the premises in question and not to the area in general.
- 9.3 In addition all representations must be relevant relating to the likely effect of the grant of the licence/certificate on the promotion of at least one of the licensing objectives. The Licensing Authority will determine whether a representation from an individual, body or business is relevant, frivolous, repetitive or vexatious. In borderline cases, the benefit of the doubt will be given to the person or body making that representation.
- 9.4 Any person aggrieved by a rejection of their representation may lodge a complaint through the Council's complaints procedure or alternatively by way of judicial review.

10 Reviews

- 10.1 Responsible Authorities and other persons may apply to review a licence or certificate where it is believed an operator of a licensed premises is in their opinion managing their business in a manner that does not promote one or more of the four Licensing Objectives.
- 10.2 Examples of triggers for a review may be: continual complaints of noise from or in the vicinity of the premises; continual complaints of noise or intimidation from customers outside the premises; an accumulation of breaches of licensing conditions; poor management where the licensing objectives are undermined; underage sales of alcohol (persistent or otherwise); crime-related activity; anti-social behaviour; sales of alcohol outside of the permitted hours. This list is not exhaustive
- 10.3 Where an application for a review has been submitted the Licensing Authority will determine whether or not it is relevant, frivolous, vexatious or repetitive. In borderline cases the benefit of the doubt will be given to the person making that application. Advice on reviews is available from the Council.
- 10.4 The Licensing Authority will expect applicants for a review to gather sufficient and relevant evidence relating to the specific premises that is subject to the review. This may include a diary of events and any potential witnesses. With regard to reviews on noise complaints, applicants are encouraged to liaise with the Council's Environmental Health team who may be able to assist with and support the review process.
- 10.5 Prior to a requesting a review, however, North Yorkshire Police, other Responsible Authorities or the Licensing Authority may seek to meet with the licence/certificate holder to address issues through a premises improvement plan.

11 Licensing Authority as a Responsible Authority

- 11.1 The PRSR Act amended the 2003 Act to include the Licensing Authority as a Responsible Authority. This Licensing Authority will therefore be empowered to fulfil the same functions as other Responsible Authorities under the 2003 Act including making relevant representations to new licence/certificate applications and variations and reviewing an existing licence/certificate.
- 11.2 The Licensing Authority will however not normally act on behalf of other parties (e.g. local residents, councillors or community groups) as such parties may make relevant representations in their own right. However, if these parties fail to make such representations and the Licensing Authority is aware of relevant grounds to make a representation, it may in these circumstances choose to act in its capacity as a Responsible Authority.
- 11.3 However, the Licensing Authority expects other Responsible Authorities to intervene where the basis for that intervention falls within the remit of that particular Responsible Authority. The Licensing Authority recognises that each Responsible Authority has equal standing under the 2003 Act and they may act independently without waiting for representations from any other Responsible Authority.
- 11.4 In cases where the Licensing Authority is also acting in its capacity as a Responsible Authority it will ensure that there is a separation of responsibilities within the Council to ensure procedural fairness and eliminate conflict of interests. Officers within the Enforcement Section have been delegated to act as the Responsible Authority for the Licensing Authority. Any Officer requesting a Review shall not be involved in administering the review application process. Indeed, a separate Enforcement Officer will receive and process these applications including preparing any report for the Licensing Committee. Communications between both Officers shall remain formal and separate throughout the process. Thus a separation will be achieved by allocating distinct functions to different Officers. Essentially, the Enforcement Officer advising the Licensing Sub Committee shall be different from the officer who is acting as the Responsible Authority.

12 Health as a Responsible Authority

- 12.1 In 2012 the Police and Social Responsibility Act 2011 introduced Public Health as a responsible authority under the Licensing Act 2003. While the protection of public health is not a discrete licensing objective, it can permeate each of the licensing objectives to contribute to reducing health harms associated with alcohol. In terms of a Public Health challenge, the misuse of alcohol remains a significant national and local concern. The following key messages outline the national picture in relation to alcohol impact and licensing:
- Alcohol is more readily available and accessible than ever before. It is a prominent commodity in the UK marketplace, is widely used in numerous social situations and for many it's associated with positive aspects of life. However, there are currently over 10 million people drinking at levels which increase their risk of health harm. Among those aged 15 to 49 in England, alcohol is now the leading risk factor for ill-health, early mortality and disability and the fifth leading risk factor for ill health across all age groups.
- Since 1980, sales of alcohol in England and Wales have increased by 42%, from roughly 400 million litres in the early 1980s, with a peak at 567 million litres in 2008, and a subsequent decline. This growth has been driven by increased consumption among women, a shift to higher strength products, and increasing affordability of alcohol, particularly through the 1980s and 1990s. Over this period, the way in which

alcohol is sold and consumed also changed. In 2016 there were 210,000 license premises in England and Wales, a 4% increase on 2010.

There has been a shift in drinking location such that most alcohol is now bought from shops and drunk at home. Although consumption has declined in recent years, levels of abstinence have also increased. Consequently, it is unclear how much of the decline is actually related to drinkers consuming less alcohol and how much to an increasing proportion of the population not drinking at all.

In recent years, many indicators of alcohol-related harm have increased. There are now over one million hospital admissions relating to alcohol each year, half of which occur in the lowest three socioeconomic deciles. Alcohol-related mortality has also increased, particularly for liver disease which has seen a 400% increase since 1970, and this trend is in stark contrast to much of Western Europe. In England, the average age at death of those dying from an alcohol-specific cause is 54.3 years. The average age of death from all causes is 77.6 years. More working years of life are lost in England as a result of alcohol-related deaths than from cancer of the lung, bronchus, trachea, colon, rectum, brain, pancreas, skin, ovary, kidney, stomach, bladder and prostate, combined.

The public health burden of alcohol is wide ranging, relating to health, social or economic harms. These can be tangible, direct costs (including costs to the health, criminal justice and welfare systems), or indirect costs (including the costs of lost productivity due to absenteeism, unemployment, decreased output or lost working years due to premature pension or death). Nationally, alcohol misuse is estimated to cost the NHS about £3.5 billion per year and society as a whole £21 billion annually.

Harms can also be intangible, including those assigned to pain and suffering, poor quality of life or the emotional distress caused by living with a heavy drinker. Crucially however, the financial burden which alcohol-related harm places on society is not reflected in its market price, with taxpayers picking up a larger amount of the overall cost compared to the individual drinkers.

Despite this burden of harm, some positive trends have emerged over this period, particularly indicators which relate to alcohol consumption among those aged less than 18 years, and there have been steady reductions in alcohol-related road traffic crashes.

In terms of support at a District level, the local Public Health team works across the North Yorkshire County covering the seven Local Authorities of Selby, Harrogate, Scarborough, Ryedale, Hambleton, Richmond and Craven.

As a responsible authority (RA), the public health team can:

- submit a representation against an application for a new or existing premises if it is considered to pose issues or potential harm and a priority for Public Health in that locality
- negotiate conditions with an applicant
- support or apply a review of a premises licence or club premises certificate where there are problems with one or more of the licensing objectives
- help develop and review a cumulative impact assessment (CIA)
- help to develop and review the SLP and have an important role in identifying and interpreting health data and evidence
- build relationships with other RAs and support their representations by providing them with public health evidence

North Yorkshire has a countywide alcohol strategy which recognises that we need to promote responsible safe drinking as the norm for those who use alcohol, while working together to reduce the harms of alcohol misuse. Alcohol can have a wide range of negative impacts on health if consumed above the recommended levels; this can have a range of consequences including hospital admissions and ultimately an increase in morbidity and mortality. The available data shows that for the population in Yorkshire and the Humber the main conditions for alcohol related admissions are hypertensive disease, mental disorders, cardiac arrhythmias and epilepsy.

The strategy acknowledges that alcohol is a complex social issue which forms part of our everyday social fabric, is a source of pleasure and enjoyment to many; but is also a potentially addictive substance which is promoted by powerful commercial forces, especially to young people. It identifies that in North Yorkshire the vast majority of people who drink alcohol, do so responsibly. However, around a quarter of all people who drink are estimated to be drinking at harmful or hazardous levels with approximately 200 people dying each year as a result. Alcohol misuse continues to be present in our communities, putting additional pressure on our emergency departments and police services. Selby District Council supports the North Yorkshire Alcohol Strategy and will, where possible, work in partnership for dealing with both actual and potential harms from alcohol.

In addition to North Yorkshire's alcohol strategy, the Director of Public Health Annual reports 2013-2018 all identify the need to prevent health and social harms caused by high levels of alcohol consumption as does the Joint Health and Wellbeing Strategy 2015 – 2020.

<https://www.nypartnerships.org.uk/sites/default/files/Partnership%20files/Health%20and%20wellbeing/Public%20health/Alcohol%20strategy.pdf>

<https://www.nypartnerships.org.uk/dphreport2018>

<https://www.nypartnerships.org.uk/jhws>

The Public Health Outcomes Framework (PHOF) can be used to identify both national trends in terms of alcohol related harm and local issues specific to Selby District, and track developments over time. This data can be particularly relevant to the protection of children from harm, and may also assist in the prevention of crime and disorder, public nuisance and to public safety. An interactive web tool makes the PHOF data available publicly which allows local authorities to assess progress in comparison to national averages and provide a means for benchmarking progress.

<https://fingertips.phe.org.uk/profile/public-health-outcomes-framework>

For a specific focus on alcohol harms, the Local Alcohol Profiles for England (LAPE) provides information for local government, health organisations, commissioners and other agencies to monitor the impact of alcohol on local communities, and to monitor the services and initiatives that have been put in place to prevent and reduce the harmful impact of alcohol.

The indicators are split into 7 domains; Mortality, Alcohol Related Conditions, Hospital Admissions, Other Impacts, Hospital Admissions by Age-Group, Treatment, Consumption and Availability and they are updated quarterly in February, May, August and November (provided new data are available).

Health data can be used to illustrate the extent to which alcohol related harm differs across the country, therefore enabling Selby to compare itself with other local authority areas.

The main findings for England:

- between 2015 to 2017 there were an estimated 58,200 new alcohol-related cancer registrations. This equates to approximately 19,400 new cancer cases each year
- the rate of new alcohol-related cancer has increased gradually between 2004 to 2006 and 2011 to 2013 for both males and females. However, since 2012 to 2014 there have been minor reductions in the incidence rate for both genders
- in 2017 to 2018 there were 164,857 premises across England licensed to sell alcohol
- the density of licensed premises largely mirrors population density, meaning London and the major cities have the greatest number of licensed premises per km²
- there is an ongoing downward trend in alcohol consumption among those aged under 16. However, by the age of 17, half of all girls and almost two thirds of boy's report drinking alcohol every week

- young White populations are much more likely to drink than those from a Black and Minority Ethnic group background.
- young people in the least deprived areas are more likely to drink and more likely to drink regularly at the age of 15
- hospital admissions for alcohol-specific conditions, particularly intoxication, are declining the under 18s
- girls are more likely to be admitted to hospital for alcohol-specific reasons than boys, and are admitted at younger ages
- the number of young people accessing specialist substance misuse services for alcohol problems is at its lowest level, following a peak in 2008-09. However, these young people have a range of related risk factors and vulnerabilities that should be addressed in tandem with their substance misuse
- there is some evidence that the alcohol-harm paradox as seen among adults is also present for young people living in the most deprived areas.
- there is a strong relationship between smoking and drinking, with current smokers much more likely to drink alcohol frequently than non-smokers

*The alcohol-harm paradox is the term used to describe the observation that deprived populations that apparently consume the same, or a lower level of alcohol, suffer greater alcohol-related harm than more affluent populations.

The main findings for Selby:

Mortality rates

The trend in alcohol-specific death varies between the North Yorkshire district areas. For males, Craven district has the highest (worst) rate of alcohol specific mortality in 2016-18 with a rate of 15.1 per 100,000 population and Harrogate district has the lowest rate of alcohol mortality with a rate of 8.4 per 100,000 population; the rate in Harrogate is significantly lower than England. As can be seen from the table below, Selby also sits below the England average with a rate of 9.0 per 100,000 but the difference is not statistically significant due to Selby having a wider confidence interval compared with Harrogate. *Alcohol-specific deaths only include health conditions where each death is a direct consequence of alcohol misuse, such as alcoholic liver disease.

Compared with benchmark: ■ Better ■ Similar ■ Worse ■ Not compared

Area	Recent Trend	Neighbour Rank	Count	Value	95% Lower CI	95% Upper CI
England	--	-	11,367	14.7	14.5	15.0
Yorkshire and the Humber region	--	-	1,296	17.0	16.1	17.9
North East Lincolnshire	--	-	53	23.1	17.3	30.2
Sheffield	--	-	148	20.6	17.4	24.2
Kingston upon Hull	--	-	71	20.6	16.0	26.0
Leeds	--	-	192	20.0	17.2	23.0
Kirklees	--	-	123	19.9	16.5	23.8
Wakefield	--	-	100	19.8	16.1	24.2
Calderdale	--	-	58	19.0	14.4	24.6
Barnsley	--	-	68	18.6	14.4	23.6
Bradford	--	-	123	18.5	15.3	22.1
Rotherham	--	-	60	15.8	12.0	20.4
Craven	--	-	13	15.1	7.8	26.2
Scarborough	--	-	26	14.6	9.5	21.6
Doncaster	--	-	67	14.6	11.3	18.6
York	--	-	38	14.3	10.1	19.6
North Lincolnshire	--	-	35	13.0	9.1	18.1
Hambleton	--	-	16	11.1	6.3	18.2
East Riding of Yorkshire	--	-	57	10.7	8.0	13.9
Selby	--	-	12	9.0	4.6	15.8
Harrogate	--	-	21	8.4	5.2	12.8
Richmondshire	--	-	9	*	-	-
Ryedale	--	-	6	*	-	-

For females, Selby has the highest (worst) rate of alcohol-specific mortality in 2016-18 in North Yorkshire, with a rate of 10.5 per 100,000 compared to Scarborough at 10.2 and Harrogate at 4.0. It is also considerably higher than both the England average of 7.0 per 100,000, although the difference is not statistically significant. In Selby, the rate for female alcohol-specific mortality is higher than that for males – in other districts rates for females are about half those of men.

Compared with benchmark: ■ Better ■ Similar ■ Worse ■ Not compared

Alcohol-specific mortality (Female) 2016 - 18					Directly standardised rate - per 100,000		
Area	Recent Trend	Neighbour Rank	Count	Value	95% Lower CI	95% Upper CI	
England	-	-	5,677	7.0	6.8	7.2	
Yorkshire and the Humber region	-	-	638	8.1	7.5	8.8	
Selby	-	-	15	10.5	5.9	17.4	
Sheffield	-	-	80	10.5	8.3	13.1	
Rotherham	-	-	41	10.5	7.5	14.3	
Scarborough	-	-	18	10.2	5.9	16.2	
Leeds	-	-	97	9.5	7.7	11.6	
North Lincolnshire	-	-	25	9.5	6.1	14.0	
Kirklees	-	-	59	9.4	7.1	12.1	
Kingston upon Hull	-	-	32	8.9	6.1	12.6	
Wakefield	-	-	45	8.8	6.4	11.7	
Calderdale	-	-	28	8.7	5.8	12.6	
North East Lincolnshire	-	-	21	8.6	5.3	13.2	
Doncaster	-	-	35	7.7	5.4	10.8	
Barnsley	-	-	25	7.2	4.6	10.7	
Bradford	-	-	51	7.1	5.3	9.4	
East Riding of Yorkshire	-	-	25	4.2	2.7	6.2	
Harrogate	-	-	11	4.0	2.0	7.1	
Craven	-	-	3	*	-	-	
Hambleton	-	-	6	*	-	-	
Richmondshire	-	-	8	*	-	-	
Ryedale	-	-	5	*	-	-	
York	-	-	8	*	-	-	

Hospital admissions

Overall, the rate of admission episodes for alcohol-specific conditions (Persons) in Selby District is lower than England at 493 per 100,000 population compared to 626 for England, however LAPE figures do highlight that Selby is seeing an increasing trend in terms of admission episodes for alcohol-specific conditions, particularly for males.

When we look at people admitted for alcohol-related conditions (Broad) (Persons), Selby District is lower than England (2,151 per 100,000 population compared to 2,367). As with the alcohol-specific conditions, Selby is also seeing an increasing trend, particularly in males. The manifestation of a wide range of health problems may point to more alcohol-related harm being due to prolonged use. It is important to also look these broader health conditions where alcohol may have had a role, including both physical and mental health.

When we specifically look at hospital admissions by age group, Selby District is higher than England in 2016-18 with a rate of 855 per 100,000 population compared to 679 for the over 65 age group (Narrow) (Female). Selby is also higher than other Districts in North Yorkshire, although there is no significant change in overall trend.

Compared with benchmark: ■ Better ■ Similar ■ Worse ■ Not compared

Admission episodes for alcohol-related conditions (Narrow) - Over 65s (Female) 2018/19 Directly standardised rate - per 100,000

Area	Recent Trend	Count	Value	95% Lower CI	95% Upper CI
England	↑	37,586	679	672	686
Yorkshire and the Humber region	→	3,976	720	697	742
Barnsley	→	237	935	819	1,063
Craven	→	74	908	712	1,140
Wakefield	→	304	867	772	970
Selby	→	82	855	680	1,063
Sheffield	→	429	848	769	932
Rotherham	→	229	822	719	936
Harrogate	→	163	807	687	943
Doncaster	→	246	775	681	878
North Lincolnshire	→	149	774	654	909
York	→	158	737	626	863
Bradford	→	312	719	641	804
Kingston upon Hull	→	146	696	587	820
Scarborough	→	110	690	567	832
Richmondshire	→	41	680	488	923
North East Lincolnshire	→	118	678	561	813
Calderdale	→	142	667	562	787
East Riding of Yorkshire	→	299	633	563	709
Kirklees	→	256	608	536	688
Leeds	→	382	558	503	617
Ryedale	→	39	502	357	687
Hambleton	→	61	481	367	619

Alcohol-related conditions

Admission episodes for alcohol-related unintentional injuries (Narrow) (Male) are higher in Selby than England at 241.7 per 100,000 population compared to 228.8 but slightly lower than Yorkshire and Humber at 244.7.

Alcohol liver disease (Broad) (Persons) in Selby sits significantly below the England average with a rate of 122.2 per 100,000 compared to 131.2. However, the overall trend is that this figure is increasing/getting worse.

Incidence rate of alcohol related cancer (Persons) for Selby is 40.13 per 100,000 population. This is worse than both the England and Yorkshire and Humber rates at 37.82 and 38.39 respectively, and significantly higher than other North Yorkshire district areas. Recent trend data is not available.

In terms of Alcohol related Road Traffic Accidents, Selby has the second highest rate in North Yorkshire of 35.6 per 100,000. Craven District is higher with a rate of 46.4 and Scarborough is the lowest at 13.3. Both Selby and Craven are significantly higher than the England average of 26.4.

For more information go to: <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

Reducing Impact:

Alcohol misuse can be a contributing factor in a wide variety of diseases. Early identification, harm minimisation, treatment and rehabilitation are all key to reducing misuse and the damage associated with alcohol in our communities. The LAPE figures highlight some areas of concern on which additional support could be focussed; specifically, females in terms of alcohol-specific mortality and the hospital admissions in the over 65s age group and males in terms of hospital admissions for alcohol-specific conditions.

North Yorkshire County Council Public Health currently commissions North Yorkshire Horizons to deliver substance misuse (drugs and alcohol) services for adults in North Yorkshire drinking at dependent levels. Horizons is a partnership of Humankind, Changing Lives and Spectrum CIC with the aim of helping as many people as possible to recover from and be free from drug and alcohol dependency. Horizons help to reduce the harm that is caused to individuals, families and communities by offering support throughout an individual's treatment and help to develop a Recovery Plan that's built around the person. <https://www.nyhorizons.org.uk/>

The Public Health team also have an alcohol awareness campaign called "Wake Up North Yorkshire" which is intended to encourage and inspire people to think about their drinking habits and enjoy alcohol safely. Wake Up features real stories from

North Yorkshire people about how and why they manage their alcohol intake. The campaign is based on research about drinking habits in North Yorkshire as well as the opinions of local people. It is specifically designed for people who are drinking at increasing risk levels which is over the Chief Medical Officers guidelines of 14 units/week but less than 35 units/week (for women) or 50 units/week for men. The website contains many helpful hints, tips and links to useful information.

<http://wakeupnorthyorks.co.uk/about-wake-up/>

Going forward it is important that we work together to further prevent:

- Sales to those who are intoxicated
- Non-compliance with any other alcohol licence condition
- Irresponsible drinks promotions and illegal imports of alcohol
- Alcohol related Road Traffic Accidents

And that we continue to work, invest and have a positive impact on:

- Influencing where and when alcohol is sold
- Enforcing laws on underage sales
- Ensuring licensed premises operate responsibly and collaborate to reduce alcohol-related crime

12.2 The local contact for this Responsible Authority is included in the list of Responsible Authorities at Appendix 3 of this Policy.

12.3 Health in North Yorkshire

- Increasing risk and higher risk drinking in North Yorkshire to be estimated at 25.7%, higher than the national average of 23.6%
- alcohol related hospital admissions are increasing year on year;
- nearly 200 people per annum die in the county as a result of alcohol.

12.4 There has also been a long-term increase in the proportion of alcohol purchased from off-license outlets and consumed at home rather than in pubs and bars. This change in drinking patterns is largely driven by low cost alcohol available from the off trade. The Licensing Authority has ensured that the policy recognises this shift in drinking patterns.

12.5 The Authority supports the North Yorkshire Alcohol Strategy and will, where possible, work in partnership for dealing with both actual and potential harms from alcohol.

13 Live Music Act

13.1 Due to the introduction of the Live Music Act 2012 the public performance of live amplified and unamplified music between the hours of 08:00 and 23:00 on premises licensed for the supply of alcohol on any day when alcohol is being supplied under the licence and the audience is no more than 500 persons is no longer a licensable activity. Any existing licence/certificate conditions relating to live music remain in place but are suspended between these hours. However, the Licensing Authority may impose new, or reinstate existing conditions, following a review of the premises licence or club premises certificate.

13.2 Throughout this Policy the Licensing Authority recognises that the definition of regulated entertainment is determined by central Government and may be subject to change.

- 13.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merit. Live music is a performance of live music in the presence of an audience that it is intended to entertain. Live music for example can include the playing of some recorded music and may be part of the performance of amplified live music. As there will inevitably be a degree of judgement as to whether a performance is live music or not organisers of events are encouraged to consult with the Licensing Authority if in doubt.

14 Minor Variations

- 14.1 Minor variations generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions. In all cases the Licensing Authority will consider whether the proposed variation would adversely impact on any of the four licensing objectives.
- 14.2 In considering applications the Licensing Authority will consult relevant Responsible Authorities if there is any doubt about the impact of the variation on the licensing objectives and take their views into account when reaching a decision.

15 Sexual Entertainment Venues (SEVs)

- 15.1 Where an operator seeks to provide activities that include striptease or any other kind of nudity or sexual entertainment (for example, lap dancing clubs or topless waitresses), an application will need to be submitted for a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. However, it is recognised that there is an exception that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly. Where this exemption is exercised and concerns are identified with a licensed premises this may lead to a review of the premises licence and the imposition of any relevant conditions.

16 Children

- 16.1 With regard to the Protection of Children from Harm licensing objective, the Licensing Authority and this Policy recognises The Director of Children and Young People's Services at North Yorkshire County Council as the Responsible Authority competent to act in relation to this licensing objective. The Licensing Authority will give considerable weight to representations on child protection matters.
- 16.2 The Licensing Authority shall not seek to limit the access of children to any licensed premises unless it is necessary for the prevention of physical, moral, or psychological harm. In all other cases it will be left to the discretion of the Licensee but the Licensing Authority shall expect that the licensee shall give full consideration of access by children at all times and ensure that there is a policy in place to promote this licensing objective.

The Guidance gives a range of alternatives which may be considered for limiting the access of children where that is appropriate for the prevention of harm to children.

Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;

- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.

- 16.3 Where there are concerns with regard to access of children the Licensing Authority will consult the Director of Children and Young People's Services. However, where the Licensing Authority's discretion is engaged it will judge the merits of each application before deciding whether or not to impose conditions limiting the access of children.
- 16.4 The following are examples of premises that are likely to raise concern and engage the Licensing Authority as a Responsible Authority to take action:
- Where entertainment or services of an adult or sexual nature are common thereby likely to undermine the licensing objectives;
 - Where relevant premises are known to allow unaccompanied children;
 - Where the applicant has described in the Operating Schedule that '*no adult or similar entertainment shall take place on the premises*' but intends to hold an event liable to compromise the protection of children from harm licensing objective;
 - Where there has been early indication and subsequent evidence of poor management of the premises leading to undermining of the licensing objectives;
 - Where the premises have a known association with drug taking or dealing;
 - Where the current staff have received convictions or cautions for serving alcohol to minors or where the premises has a reputation for underage drinking or failures in test purchasing;
 - Where there is a strong element of gambling on the premises;
 - Where there is likely to be underage events with the intention of selling or exposing alcohol for sale or where the intention is to permit adults to this event;
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 16.5 Examples of entertainment likely to cause concern are entertainment or services of an adult or sexual nature including topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or entertainment involving strong or offensive language.
- 16.6 Where there are events solely provided for children, for example an Under 18's disco in a public house or similar relevant premises, the Licensing Authority strongly advises that no alcohol is served at such events and for the management of the premises to ensure that measures are in place to prevent sales to under aged persons. In addition, it is recommended that measures should be in place to prevent alcohol being brought onto those premises and to prevent under aged persons

leaving and returning to the premises in order to consume alcohol in the vicinity of the premises.

- 16.7 In particular, the Licensing Authority will consider what conditions are offered in the Operating Schedule. The applicant in completing the Operating Schedule is required to describe the steps they intend to take to promote this Licensing Objective and highlight any adult entertainment or services, etc. that may give rise to concern in respect of children. However, where the applicant does not state the steps they intend to take to promote this Objective but does state that “*no adult or similar entertainment shall take place on the premises*”, the Licensing Authority shall consider that this restriction to be a condition on the Licence/certificate even though it may not state it on the Licence/Certificate itself.
- 16.8 The 2003 Act as amended by the Policing & Crime Act 2009 has introduced a number of mandatory conditions. One of these conditions provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with the recommendations given either by the British Board of Film Classification (“the BBFC”) or by the Licensing Authority itself. The Licensing Authority has a procedure in place for the approval of unclassified films that includes conditions relating to the admission of children. In adopting these procedures the Licensing Authority supports the BBFC Guidelines and shall not seek to duplicate the BBFC’s recommendations. The Film Authorisation Procedure is available from Council. Any changes to these procedures are not considered changes to this Policy and as such any amendment to these procedures will not necessitate a review of the Licensing Policy.

PART 4

17 Licences & Certificates – General

- 17.1 New applicants and existing licence/certificate holders are encouraged to take heed of the information contained within this Policy. In order to avoid potential representations which generally delay an application, the Licensing Authority strongly recommends that prior to submitting their application applicants consult all Responsible Authorities, in particular North Yorkshire Police and the Environmental Protection team. In some cases, it may be advisable to consult ‘other persons’ as defined in the 2003 Act, for example a Town or Parish Council or neighbouring properties.
- 17.2 The Premises Licence/Certificate application outlines the operating conditions and the Operating Schedule that will form the basis of conditions that will be attached to the Licence/Certificate. The Licensing Authority shall expect the applicant to have carefully considered the promotion of all four Licensing Objectives in their Operating Schedule.
- 17.3 The Licensing Authority recognises that large-scale events may attract large crowds and the risks to public safety, crime and disorder and public nuisance are likely to increase with these numbers. Event organisers are recommended to consult with Responsible Authorities and the Safety Advisory Group in good time to discuss the Operating Schedule and any potential issues well before an application is submitted.
- 17.4 Where a festival, carnival or similar event requiring a Premises Licence or Temporary Event Notice is due to take place, the event organiser and/or landowner are recommended to consult with Responsible Authorities and the Safety Advisory Group in good time to discuss any potential issues.

18 Immigration Matters

- 18.1 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.
- 18.2 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.
- 18.3 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.

The licensing authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the 2003 Act

Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act.

19 Deregulation of Entertainment

- 19.1 The Legislative Reform (Entertainment Licensing) Orders 2014 and Deregulation Act 2015 deregulated some of the licensable activities under the 2003 Act in addition to the deregulation created by the Live Music Act 2012.
- 19.2 Some of the activities which may no longer require authorisation are;
- Exhibitions of films where they are incidental to another activity which is exempt from licensing.
 - 'Not-for-profit' film exhibitions between 08:00 and 23:00 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.
 - A performance of amplified live music or playing of recorded music between 08:00 and 23:00 on any day in a church hall, 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.
 - A performance of amplified live music or playing of recorded music between 08:00 and 23:00 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.

20 Wholesale Sales of Alcohol

- 20.1 All sales of alcohol to members of the public, even in wholesale quantities, from any premises will require an authorisation. Any premises from which alcohol is supplied or sold will require either a premises licence, a club premises certificate or temporary event notice. There will need to be a designated premises supervisor for the premises if the authorisation is in the form of a premises licence.
- 20.2 Sales made to other traders for the purposes of their trade will not be a licensable activity. Similarly, sales made to holders of premises licences, club premises certificates or personal licences will not be a licensable activity if the sale is for the

purposes authorised by the premises licence or for the purposes of the qualifying club. Also exempt will be when alcohol is sold wholesale to premises users operating under a temporary event notice

21 Mail Order supply of alcohol

- 21.1 Where alcohol is sold to the public by mail order the premises or warehouse from which the alcohol is dispatch will require a licence.

22 Garages

- 22.1 With regard to the licensing of garages and/or filling stations Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are primarily used as a garage. The Licensing Authority must decide whether or not a premises is used primarily as a garage. The accepted approach is based on “intensity of use” to establish “primary use”. For this reason, the Licensing Authority will expect an applicant to provide comprehensive statistical information with their application on the intensity of use to establish primary use.
- 22.2 Where there is insufficient evidence to establish primary use (e.g. where there is a new build) the Licensing Authority shall decide whether to deal with any issues through enforcement action after the licence is granted or defer granting the licence until the primary use issue can be established to the Licensing Authority’s satisfaction. R (Murco Petroleum Limited) v Bristol City Council 2010 addresses the issue of Licensing Authority’s compelling applicants to answer questions and to supply relative turnover figures if requested to do so. The Licensing Authority’s role is not merely adjudicatory; it may also take a more inquisitorial stance.
- 22.3 In order to promote the four Licensing Objectives, the Licensing Authority may consider seeking Premises Licences for land or buildings under public ownership within the district. The Local Authority will seek to encourage and promote festivals, carnivals and similar events in the district to provide a more vibrant community.
- 22.4 In addition, the Licensing Authority encourages local Town and Parish Councils to seek Premises Licences for land or buildings under public ownership within the community.

23 Late Night Refreshment

- 23.1 It is recognised that the provision of late night refreshment forms an important part of the district’s late night economy. As such where late night refreshment is provided between the hours of 11pm and 5am applicants must demonstrate in their Operating Schedule how they will promote the four Licensing Objectives, particularly with regard to the Prevention of Crime and Disorder and the Public Nuisance Licensing Objectives.
- 23.2 Where an applicant wishes to sell alcohol either on or off the premises in such an establishment or provide an alcohol delivery service, the Licensing Authority recommends that the Operating Schedule sets out specific measures to ensure the prevention of Crime and Disorder and Public Nuisance in the vicinity of the premises. Existing premises that seek to provide an alcohol delivery service are expected to notify the Licensing Authority that they are operating such a service setting out specific measures they intend to take to promote the licensing objectives.
- 23.3 Where a delivery service is operated from these premises extra care must be taken by the operator with regard to compliance/breach of licensing hours. For example, a

pizza order must be capable of reaching the customer at the delivery address by no later than the end of the permitted hours.

- 23.4 The Licensing Authority recommends takeaways and late night refreshment houses have a responsible policy for regularly clearing litter from outside their premises whilst the premises are open and at the end of the working day. Such a policy could also include notices displayed advising customers to use the bins provided.

24 Mobile Premises

- 24.1 Where licensable activities take place in mobile vehicles, a Premises Licence will be required for the land upon which the vehicle operates. The application must specify the pitch from where trading is to take place. The premises licence will be in addition to any street trading licence or consent that may be required. Where a street trading licence or consent is in force it may have more onerous conditions than the premises licence in which case the licensee will be expected to abide by the more onerous conditions.
- 24.2 As this type of premises is likely to cause people to congregate, the Licensing Authority will expect applicants to demonstrate specific measures to prevent Crime and Disorder, prevent Public Nuisance and promote Public Safety.
- 24.3 In addition, the Licensing Authority shall expect the applicant to consider specific measures to ensure that litter from such premises is regularly disposed of.

25 Gaming Machines

- 25.1 Where licensed premises intend to provide more than two Category C or D gaming machines, the Licensing Authority will hold a licensing hearing to determine the application for an alcohol-licensed premises gaming machine permit.
- 25.2 Compliance within the Gambling Commission's Codes of Practice relating to gaming machines on licensed premises is mandatory.

PART 5

26 Personal Licences

- 26.1 Where a Premises Licence authorises the supply of alcohol, every supply of alcohol must be made or authorised by a Personal Licence Holder. Whilst this does not mean that the Personal Licence Holder must be present at every sale of alcohol or directly supervise each sale, authorisation should be meaningful and properly managed.
- 26.2 The Licensing Authority advises that it is good practice for the Personal Licence holder to give specific written and dated authorisation to individuals to demonstrate due diligence. Whilst the Designated Premises Supervisor ("the DPS") and Personal Licence Holder may authorise sales in their absence, they still remain responsible for those sales. Similarly, the Premises Licence Holder also remains responsible for ensuring that the licensing law and conditions are complied with at that premises.
- 26.3 Where a community premises applies for an exemption from the requirement to have a DPS, the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The applicant will be

required to set out how the premises is managed, its committee structure and how the supervision of alcohol sales are conducted. Copies of the Constitution and other management documents must be submitted. The management committee is strongly encouraged to notify the Licensing Authority if there are any key changes in the committee's composition as this committee will collectively be responsible for ensuring compliance with licence conditions and licensing law. Where management arrangements are unclear, the Licensing Authority may seek further details to confirm that the management board or committee is properly constituted and accountable. While overall responsibility lies with the management committee where premises are hired out, the hirer will be clearly identified as having responsibilities falling within their control. Community premises are encouraged to check with the Licensing Authority before making any application.

- 26.4 Where a Premises Licence is in force authorising the supply of alcohol, a DPS will need to be nominated. The main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified by Responsible Authorities as the individual who has day-to-day responsibility for running the business and who can therefore ensure that any problems are dealt with swiftly. As such the DPS will occupy a pivotal position. Experience has proved that in some cases the Premises Licence Holder has employed a DPS who is remote from the premises and therefore not involved in the day-to-day running of that premises. In these cases where there is no individual readily identifiable by Responsible Authorities, the Licensing Authority will therefore pay particular attention to those premises where the DPS is remote and not the person responsible for the daily running of the premises.
- 26.5 Whilst the Licensing Authority recognises that a DPS may supervise more than one premises, the DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises for whatever reason, the Licensing Authority recommends a responsible individual is nominated who can deal with matters in the absence of the DPS. In addition, the Licensing Authority recommends that a notice is displayed prominently indicating the name and position of that nominated person. Whenever alcohol is to be sold it is recommended that written and dated consent be given to that nominated person.
- 26.6 Applicants for Personal Licences with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions upon application. In such cases, the Licensing Authority will advise North Yorkshire Police and, where an objection is received on crime prevention grounds, a hearing will be held to determine whether or not a licence should be granted.
- 26.7 Where a Personal Licence holder appears before a magistrates' court for a relevant offence, the Licence holder must produce his licence to the court at the first hearing or provide the court with a valid reason why they are unable to produce that licence. The magistrates and/or the crown court will then decide on what action, if any, to take.
- 26.8 Where an applicant for a Personal Licence is convicted of a relevant offence as listed in the Licensing Act 2003, the applicant is required to advise the Licensing Authority as soon as is reasonably practicable so that the Licence can be amended.
- 26.9 Experience has indicated that a number of Personal Licence Holders have failed to produce their Personal Licence to the court in accordance with Section 128 of the 2003 Act. The Licensing Authority views this at best as negligent and at worst placing the public at risk as some of the offences have been serious. In view of this the

Licensing Authority will take appropriate action against those who continue to fail to notify the courts and provide notification of their change of address in accordance with their statutory duty.

- 26.10 All offences under the Licensing Act 2003 are considered summary offences that normally have to be prosecuted within 6 months of the offence. However, by virtue of Section 186(3) the time limit for the laying of information has been extended from 6 months to 12 months from the date of the offence.

PART 6

27 Temporary Event Notices

- 27.1 The Licensing Act 2003 provides for a light touch authorisation by way of a TEN under which any person (the premises user) may submit a notification to the Licensing Authority to conduct licensable activities on a temporary basis.
- 27.2 A TEN may be given for part of a building such as a single room within a village hall, a plot within a larger area of land or a discrete area within a marquee, as long as the Notice clearly describes the area where the event is to be held.
- 27.3 Although premises users are not required to be on the premises for the event, they will remain liable for any offences that may be committed at the premises whilst the TEN is in place.
- 27.4 As a TEN does not relieve the premises user from any requirements under other regulatory regimes, the Licensing Authority recommends the user contact the Planning Authority, Highways and any other relevant authority well in advance of the event to ensure any other permissions are in place.
- 27.5 It is strongly recommended to avoid the potential of police objections to contact the North Yorkshire Police Licensing Officer and the Environmental Protection Team prior to the submission of the TEN and outline any measures in place to promote the Crime and Disorder and Prevention of Public Nuisance Licensing Objectives.
- 27.6 For larger scale or outdoor events, the Licensing Authority encourages event organisers to seek advice from the Safety Advisory Group in advance of submitting their application. The group will be able to offer local advice on other legislative requirements, such as health and safety issues, road closures, the use of pyrotechnics, local byelaws, etc. along with the need to prevent anti-social behaviour.
- 27.7 The Licensing Authority accepts that there is now a provision for a late TEN to be submitted. These must be received no later than 5 working days (not including the date of receipt of the notice or the date of the event) prior to the event. If objections are received to a late TEN a Counter Notice will be issued and the event will not be allowed to take place.
- 27.8 Event organisers are advised to submit their TEN to The Police Licensing Officer, North Yorkshire Police Headquarters, The Licensing Section, Fulford Road, York, YO10 4BY In addition, event organisers are advised to submit their application to the Licensing Authority and the Environmental Protection Team on a weekday and in any event before 12 midday on a Friday in order to ensure a quick, efficient and timely response.
- 27.9 Temporary Event Organisers are advised to submit their TENS well before the date of the event and in any event, must submit their notifications to the Licensing Authority in accordance with the number of working days currently specified in Regulations.

When serving notices, organisers should serve the notice on the Licensing Authority, Police and Environmental Health at the same time. This then ensures that the Responsible Authorities have sufficient opportunity to consider the notice in line with the Prevention of Crime and Disorder and Prevention of Public Nuisance Licensing Objectives.

- 27.10 It is a legal requirement for all organisers to assess the Health and Safety and Fire Risk associated with their event and document any significant findings. If guidance is required it should be sought from an independent specialist. In any event, the Licensing Authority will notify the Fire Authority of all TENS submitted so that they can offer advice to event organisers if necessary. Members of the Safety Advisory Group will also be notified of all TENS for similar reasons. Organisers are recommended to give thought to the provision of first aid at such events. It should be noted that if the Fire Authority is of the opinion that the use of premises/venue involves, or will involve, a risk to relevant persons so serious, including anything affecting their escape from the premises in the event of fire, the Fire Authority may prohibit or restrict premises use without notice.
- 27.11 Event organisers are reminded of Police powers to close down events without notice, on the grounds of disorder, the likelihood of disorder, or public nuisance. The Licensing Authority, therefore, expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example, sales of alcohol to children or to drunken individuals. Event organisers are advised to contact the Licensing Authority for further advice.

PART 7

28 Club Premises Certificate

- 28.1 In order for a qualifying club to supply alcohol and provide other licensable activities on Club premises, a Club Premises Certificate is required. Qualifying conditions are specified in section 62 of the 2003 Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence to support the fact that the Club is non-profit making. Additional information is available from the Council and in Guidance Notes.
- 28.2 The Licensing Authority will require the Club to produce an Operating Schedule evidencing how it will promote the four Licensing Objectives. The Operating Schedule will form part of the Club Premises Certificate.
- 28.3 Where a Club intends to open its premises to the general public, the Licensing Authority recommends a Temporary Event Notice or Premises Licence. Whilst there is no definition of 'guest' within the Licensing Act 2003, the term may include a wide variety of people who are invited by the Club. The manner in which they are admitted as 'guests' would be for the Club to determine and set out in its Club Rules. Where the point is reached that a Club is providing commercial services to the public it will no longer be considered to be conducted in good faith and would therefore no longer meet General Condition 3 in Section 62 of the Licensing Act 2003. Where the Licensing Authority considers a club has ceased to operate in good faith, it will give the Club notice withdrawing their Club Premises Certificate. The Club shall be entitled to appeal this decision and where the appeal is not successful; the Club will be required to apply for a full Premises Licence.
- 28.4 The Licensing Authority will require the Club Secretary's contact details to be readily available in the event of an emergency.

PART 8

29 Operating Schedule

- 29.1 The Operating Schedule is a key part of the application form whereby applicants may volunteer appropriate conditions to demonstrate compliance of the licensing objectives by describing the steps they intend to take to promote these objectives. These volunteered conditions will then form conditions on the Premises Licence or Certificate. In completing an Operating Schedule, applicants are expected to have regard to this Policy.
- 29.2 The Licensing Authority encourages applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010. In addition, applicants are expected to include positive proposals in their Operating Schedule on how they will manage any potential risks. Where their operation is within a cumulative impact area, they will be expected to demonstrate how the operation of their premises will not add to the cumulative impact already being experienced in that area.
- 29.3 Premises Licence and Club Premises Certificate applicants may wish to refer to their Fire Safety and Health and Safety risk assessments that they will have conducted. Applicants are advised to seek the views of independent professional experts in relation to the preparation of these risk assessments. Where a maximum occupancy is set, applicants are advised to have an appropriate method in place to monitor the numbers of people entering and exiting the premises.
- 29.4 In completing their Operating Schedule the Licensing Authority suggest an applicant considers the following:

General

- Premises log book
- Management and staff training and awareness of duties under the Licensing Act
- Policies and procedures relating to e.g. age restricted sales, capacity, noise monitoring, dispersal, queuing, etc
- Safe capacities
- Evidence of competent management procedures

Prevention of Crime and Disorder

- Drugs policy
- CCTV
- Pub Watch and Radio links with other licensed premises
- Security Industry Authority Door supervisors and Approved Contractor Scheme
- Polycarbonate or shatterproof vessels
- An appropriate ratio of tables and chairs to customers
- Management of outside areas
- Use of 'spikeys' or similar anti-drink spiking device
- Calming atmosphere at close of business/event
- Safe capacities
- Queuing policy
- Stewards for events and event plan
- Provide policies and procedures on modern day slavery, human rights, ethical trading and whistleblowing

Public Safety

- Health and Safety and Fire Safety risk assessments and staff training
- Safeguarding measures
- Use of CCTV in and around the premises
- Safe capacities and monitoring procedures
- Provision of local taxi companies who can provide safe transportation home
- Procedures to control access to and egress from premises
- Patrolling of premises
- Glass clearance policy
- Control of ventilation
- Control of litter immediately outside the premises
- First aid trained staff
- Adequate external lighting
- Consideration of the safety of performers appearing at any premises
- Indoor sporting events: medical practitioner; use flame retardant material, proximity of public to the activity; water sports events – lifeguards
- Stewards for events and event plan; and regard to standards of the National Sporting Body
- Ensuring appropriate access for emergency services

Prevention of Public Nuisance

- Control of general noise, disturbance, light, odour, litter and anti-social behaviour
- Whilst regulated entertainment is taking place, management of noise disturbance
- Control of litter (e.g. cigarette ends, rubbish, etc), vomiting, urinating and anti-social behaviour in the vicinity of the premises
- Dispersal policy to ensure customers respect their neighbours
- Removal of persons causing disturbance
- Management of outside areas, e.g. pub gardens, smokers, etc.
- Control of deliveries in early hours
- Queuing policy
- Winding down period

Protection of Children from Harm

- Refusals book
- Consideration of access to premises where adult entertainment may take place
- Consideration to proximity of premises to schools and youth clubs
- Clarity on activities and times at which events take place to determine whether or not it is appropriate to allow access to children
- Challenge 21 policy
- tills prompts at retail outlets
- Measures to control access to hotel minibars in rooms occupied by children
- Operational measures to avoid proxy purchases
- How to prevent children from being exposed to alcohol sales at under age events, gambling, incidents of violence and disorder and drugs or drug taking
- Consideration of safeguarding issues
- Consideration of children as performers where relevant
- Supervision of children
- Under 18 event Code of Conduct, for example: searches, ticketed event, door supervisors, stewards monitoring event, set hours for event, restricted event, policy to ensure young people leave premises safely, etc.

29.5 These lists are not exhaustive and advice can be obtained from the relevant responsible authorities. However, applicants are reminded again to contact the

relevant Responsible Authorities to seek their expert advice before an application is submitted to the Licensing Authority.

- 29.6 Where an applicant is a vessel, the Licensing Authority strongly recommends advice be sought from the Maritime & Coastguard Agency prior to submitting the application form. This Agency will offer advice on the safety of passengers aboard the vessel.
- 29.7 Where a premises plans to hold a large event, the event organiser should contact the Safety Advisory Group in the first instance, which is co-ordinated by the Local Authority and made up of representatives from the Local Authority, emergency services and relevant bodies. This is a forum for discussing and advising on public safety at an event. They aim to help organisers with the planning, and management of the event and to encourage cooperation and coordination between the relevant agencies. Please contact: sag@selby.gov.uk

PART 9

30 Enforcement

- 30.1 With regard to enforcement action the Licensing Authority will take a stepped approach to enforcement in line with the Enforcement Policy.
- 30.2 The Licensing Authority will use a multi-agency approach to ensure the premises complies with the licensing laws and promotes the licensing objectives. This includes the sharing of relevant information about premises and licence holders and may include making copies of all written correspondence between the Licensing Authority and the licence holder available to Responsible Authorities
- 30.3 The Licensing Authority may seek to meet with the licence or certificate holder and/or DPS working closely with them and relevant Responsible Authorities in implementing a Premises Improvement Plan as an alternative to formal action where appropriate.
- 30.4 Where the premises does not comply with an agreed Improvement Plan and continues to breach the licensing laws and/or licence conditions, the Licensing Authority will consider further sanctions, either by way of a review, formal caution, prosecution or serving of a Closure Notice under the Anti-Social Behaviour Crime and Policing Act 2014. Should a magistrate issue a Closure Order the police or the Council may request a review of the licence. In any event, the Licensing Authority will have regard to the Regulators' Code and the Enforcement Concordat together with the Council's own Enforcement Policy.
- 30.5 However, where the premises continues to flout the law, act irresponsibly, or serious issues are identified firm action will be taken that may include immediate prosecution, particularly where the licensing objectives have been undermined.
- 30.6 Enforcement action will be:
- Targeted toward those premises presenting the highest risk;
 - Proportionate to the nature and seriousness of the risk those premises present;
 - Consistent, so that the Licensing Authority takes similar approaches in similar situations;
 - Transparent, so those who are subject to enforcement action know what to expect; and
 - Accountable so that the Licensing Authority and its officers take responsibility for their actions.

- 30.7 In order to ensure compliance with the law and licensing conditions, the Licensing Authority will carry out with North Yorkshire Police whenever possible unscheduled 'non routine' inspections. After each visit the DPS and licence or certificate holder will be notified of any concerns and be given an opportunity to rectify any issues. Where one off event take place, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are promoted.
- 30.8 In addition, the Licensing Authority will conduct checks to ensure that official notices for new applications, varied applications, reviews and minor variations are accurate and clearly displayed. Notices for reviews shall be displayed at or near the site of the premises, and where there are concerns these shall be regularly checked and recorded.
- 30.9 The licence/certificate holder is required to ensure that the Premises Licence/Club Premises Certificate, or certified copy of that licence or certificate, is kept at the premises and in the custody, or under the control of, either the licence/certificate holder or a person who works at the premises and whom the licence holder has nominated in writing to have custody of that licence. In addition, the 2003 Act requires that a summary, or certified copy, is prominently displayed at the premises together with a notice specifying the name of the person nominated to have custody of the licence. Experience has proved that a number of licensees/certificate holders are not aware of this legislative requirement. With regard to enforcement, where a premises does not display the licence summary or does not have the licence/certificate, or certified copy, on the premises, then the Licensing Authority will write to the licence/certificate holder giving them an initial warning prior to taking any legal action. Continued failure will result in further sanctions being taken as outlined above.
- 30.10 Any decision to instigate legal proceedings will take account of the criteria set down in the Code for Crown Prosecutors and Attorney General Guidelines.

31 Fees: Annual Licence Fees

- 31.1 The PRSR Act gives the Licensing Authority the power to suspend a licence or certificate if the holder fails to pay the annual licence fee promptly in accordance with the invoice. Where the licence/certificate holder fails to pay the annual fee when due the Licensing Authority will notify the licence/certificate holder in writing specifying the date on which the suspension takes effect. This date will be two working days after the day the Licensing Authority has given the licence/certificate holder such notice. The Licensing Authority will work with North Yorkshire Police and appropriate action will be taken when the premises continue trading whilst suspended.
- 31.2 Where the licence/certificate holder has paid the annual fee the Licensing Authority will lift the suspension and inform North Yorkshire Police accordingly.

PART 10

32 Licensing Committee

- 32.1 Decisions on all licensing matters shall be taken in accordance with an approved scheme of delegation. This is aimed at underlining the principles of timely, efficient and effective decision-making.
- 32.2 The Licensing Committee will consist of 10 Members. The Licensing Sub-Committee will conduct any Hearings required under the 2003 Act.

- 32.3 Applications for Premises Licences, Club Premises Certificates or Temporary Event Notices where relevant representations have been received and not withdrawn will be dealt with by a Licensing Sub Committee unless such representations are considered irrelevant, frivolous or vexatious or unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary.
- 32.4 The decision determined by the Licensing Sub-Committee shall be accompanied by clear and cogent reasons, having had due regard to the Human Rights Act 1998 and all other legislation.

PART 11

33 Administration, Exercise and Delegations of Functions

- 33.1 The 2003 Act provides that the functions of the Licensing Authority, including all its determinations, are to be carried out by its Licensing Committee with the exception of the preparation of this Policy. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee has delegated certain decision and functions and has established Sub Committees to deal with them.
- 33.2 Officers have delegated powers to deal with all the Licensing functions of the Licensing Authority save for those where the Act specifically reserves the powers only to the Licensing Committee or to the full Council.
- 33.3 The table at Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Licensing Sub Committees and authorised officers.
- 33.4 The Licensing Committee has approved its own rules relating to the procedure of hearings by the Licensing Sub Committee under the Licensing Act 2003.

34 The role of District Councillors

- 34.1 The Licensing Authority recognises that District Councillors play an important role in the local community. They may make representations in writing and speak at the hearing on behalf of any other person such as a local resident or business if specifically asked to do so. They can also make representations in their own right if they have concerns about premises.
- 34.2 Residents or businesses may wish to contact their local District Councillor in respect of a licence/certificate application. Details of how to contact District Councillors may be obtained from the Council's website. Where a resident or business seeks the assistance of a District Councillor it is helpful if they can send them any evidence that a premises is causing a problem in the area. It is also helpful if a resident or business that makes a representation on an application to send a copy of their representation to the relevant District Councillor. This then helps them to gain an understanding of local feelings.
- 34.3 District Councillors may attend hearings of licensing sub committees considering applications and speak on behalf of local residents and businesses, but only if:
- They have made a personal representation;
 - They have made a representation on behalf of local residents or business as

- ‘community advocates’
 - They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.
- 34.4 District Councillors may however attend a hearing as an observer or as part of training for the Licensing Committee.
- 34.5 District Councillors wish to be kept informed of licensing related matters within Selby District, such as applications and reviews. The 2003 Act does not prevent Licensing Authorities from providing this information to Councillors, for instance by way of regular updates, as long as it is done in a neutral way that could not be seen as “soliciting” representations. Elected members will be signposted to the Councils Website where all current application/review notices can be viewed.

PART 12

35 Appeals against Licensing Authority decisions

- 35.1 Following a hearing of an application by the Licensing Authority, the applicant or any objector has the right to appeal against that decision to York Magistrates’ Court within 21 days. In hearing an Appeal against the Licensing Authority’s decision, the court will have regard to this Policy and the Guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.
- 35.2 Where an appeal has been lodged against a decision of the Licensing Authority, the Licensing Authority will in all cases be the respondent to the appeal and may call as witnesses any other person or Responsible Authorities who made representations against the application if it so chooses. In addition, and provided the court considers it appropriate, the Licensing Authority may also call as witnesses any individual or body it considers may assist in their response to an Appeal.

PART 13

36 Complaints against licensed premises

- 36.1 Where the Licensing Authority receives complaints against a licensed premises, complainants are advised in the first instance, whenever possible, to raise their complaint directly with the licensee in order to resolve the matter. The Licensing Authority, however, recognises that it is not always possible or practical for the public to raise complaints directly with the licensed premises. In such circumstances complaints in the first instance should be addressed to: The Enforcement Team, Selby District Council, Civic Centre, Doncaster Road, Selby, YO8 9FT; or email the Council at info@selby.gov.uk.
- 36.2 Complaints will be dealt with in a timely and efficient manner.
- 36.3 It is expected that all noise-related complaints are initially raised with the Council’s Environmental Health Team and complaints regarding unlicensed activities and operating outside the permitted hours are raised with the Licensing Authority or Police Licensing Officer.
- 36.4 On receipt of a licensing complaint, a relevant Officer will investigate the circumstances, discussing the complaint with the DPS of the licensed premises, the

licence/certificate holder, any relevant Responsible Authority and the complainant. Where it is a valid complaint, the Licensing Authority shall endeavour to seek a resolution through informal means prior to taking any formal sanction, dependant on the nature of the complaint.

- 36.5 The Lead Officer of Licensing or Enforcement is responsible for considering complaints in the context of this Policy and will determine whether or not it is a relevant complaint. This officer will authorise suitably qualified officers to discharge duties as appropriate to their seniority, professional qualifications and/or experience.
- 36.6 Where there is a serious complaint, then the Lead Officer of Enforcement shall ensure that it is investigated, and enforcement action taken where necessary. The Licensing Authority shall act in accordance with the Enforcement Policy and in accordance with the Regulators' Code and the Enforcement Concordat.
- 36.7 With regard to whether or not a complaint/representation is relevant, the Licensing Manager in conjunction with the Solicitor to the Council shall decide on whether it is vexatious, frivolous, repetitive or not relevant (that is, in line with one or more of the four Licensing Objectives) and there is no right of appeal against this decision. Aggrieved objectors should take their own legal advice. The exclusion of a complaint/representation on the grounds that it is repetitious does not however apply to Responsible Authorities. Responsible Authorities may make more than one request for a review of a Premises Licence/Certificate within the 12-month period or other reasonable interval agreed by the Licensing Authority. Where the decision is made that a complaint is vexatious, frivolous, repetitious or irrelevant, the complainant will be informed of this in writing with full reasons being given for the decision.

37 Other Relevant Legislation, Information and Guidance Legislation

- **Health and Safety at Work Act 1974 and associated legislation**
- **Human Rights Act 1998** – Selby District Council has a duty under the European Convention of Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operator their business without undue interference (Article 1 of the first protocol).
- **Equality Act 2010** – licensees should make themselves familiar with this legislation as it covers matters relating to unlawful discrimination, for example disability, sex, race and age.
- **Crime and Disorder Act 1998 Section 17** – this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states
 - “Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies 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; and
 - the misuse of drugs, alcohol, and other substances in its area; and
 - re-offending in its area.”
- This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the

specific licensing objective of the prevention of crime and disorder fulfils the requirements under this Act.

- **Violent Crime Reduction Act 2006** – Part 1 of this Act amends the Licensing Act 2003 and includes measures to tackle alcohol-related violence and disorder.
- **Policing and Crime Act 2009** – Part 3 of this Act amends the Licensing Act 2003 and includes measures to tackle alcohol misuse.
- **Police, Reform and Social Responsibility Act 2011** – Part 2 of the Act amends the Licensing Act 2003.
- **Anti-social Behaviour, Crime and Policing Act 2014** – Section 59 of this Act gives local authorities powers to make a Public Space Protection Orders. Orders can include Alcohol Restriction Zones (ARZ). In areas where an ARZ is in place it is an offence for a person who is consuming alcohol to not cease and/or surrender the alcohol when requested to do so by a police officer or other authorised person.
- **Policing and Crime Act 2017** – Part 7 of this Act amends the Licensing Act 2003.
- **Environmental Protection Act 1990** – this covers a wide range of types of pollution including noise.
- **Regulators' Code under the Legislative and Regulatory Reform Act 2006** – for consideration by all parties.
- **The Clean Neighbourhoods and Environment Act 2005** – this provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11.00pm – 7.00am.
- **Anti-Social Behaviour Act 2003** – Section 40 and 41 of this Act provides that if the noise from a licensed premises is causing a public nuisance, an authorised environmental health officer will have the power to issue a closure order effective for up to 24 hours. This compliments the police powers under Part 8 of the Licensing Act 2003 to close licensed premises for temporary periods.
- **Health Act 2006 (Workplace Smoking Ban)** – the ban on smoking in all enclosed work places and public places came into force on the 1 July 2007. The ban includes smoking in pubs, restaurants and members clubs where bar or other staff are employed.
- **The Regulatory Reform (Fire Safety) Order 2005** – North Yorkshire Fire and Rescue Service enforce fire safety legislation. Further information of the legal requirements can be found on their website: <http://www.northyorksfire.gov.uk/>
- **Data Protection Act 2018** – applicants should have regard to the provisions of this Act in relation to their premises and in particular to the Information Commissioners Code of Practice on CCTV.
- **Coronavirus Act 2020** – Act of Parliament that grants the Government emergency powers to handle the COVID-19 pandemic.
- **The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020** - made in response to the serious and imminent threat to public health resulting from COVID- 19 (SARS-CoV-2) in England.

- **The Modern Slavery Act 2015**
- A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- A reference to a statute or statutory provision shall include all subordinate legislation made from time to time under that statute or statutory provision.

Information and Guidance Documents

- Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Section 182 Guidance, Pool Conditions Supporting Guidance and Guidance on Persistently Selling Alcohol to Children - <https://www.gov.uk/>
- Alcohol Strategy - <https://www.gov.uk/government/publications/alcohol-strategy>
- Health, Safety and Welfare Music and Other Events - <https://www.thepurpleguide.co.uk/>
- Running a Safety Event - <http://www.hse.gov.uk/event-safety/running.htm>
- Risk Assessments - <http://www.hse.gov.uk/risk/controlling-risks.htm>
- Controlling Noise – <https://www.york.gov.uk/NoisePollution>
- Reducing litter - <https://www.gov.uk/government/publications/reducing-litter-caused-by-food-on-the-go-a-voluntary-code-of-practice-for-local-partnerships>

Appendix 1 – DELEGATION OF FUNCTIONS

Matters to be dealt with	<i>Council</i>	Sub Committee	Officer
Licensing Policy approval	All cases		
Application for a Personal Licence		If Police objection	If no Police objection
Application for a Premises Licence or Club Premises Certificate		If relevant representation made	If no relevant representation made
Application for a Provisional Statement		If relevant representation made	If no relevant representation made
Application to vary Premises Licence or Club Premises Certificate		If relevant representation made	If no relevant representation made
Application to vary DPS		If Police objection	All other cases
Request to be removed as DPS			All cases
Application for transfer of premises licence		If Police objection	All other cases
Applications for interim authorities		If Police objection	All other cases

Matters to be dealt with	<i>Council</i>	Sub Committee	Officer
Application to review licence or Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, repetitious, frivolous, vexatious or repetitious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a TEN		All cases	
Imposition of existing conditions on a standard TEN (s.106A of the 2003 Act)		All cases	
Determination of application to vary licence at community premises to include alternative licence condition		If police objection	All other cases
Decision on whether to consult other Responsible Authorities on minor variation application			All cases
Determination of minor variation application			All cases

Matters to be dealt with	<i>Council</i>	Sub Committee	Officer
Acting as a Responsible Authority on behalf of the Licensing Authority			All cases
Suspension of a licence or Club Premises Certificate for non-payment of annual fee			All cases
Specify the date on which suspension takes effect (min. 2 working days)			All cases
Decision to introduce, vary or end a late night levy	All cases		
Other decisions relating to administration and design of levy	All cases		
Decision to introduce, vary or revoke an Early Morning Restriction Order	All cases		

Appendix 2 - LICENSING ACT 2003 GLOSSARY

<p><i>Authorised Persons/Officers</i></p> <p><i>Child</i></p>	<p>Officers empowered by the 2003 Act to carry out inspection and enforcement roles. This group includes:</p> <ul style="list-style-type: none"> • Officers of the Licensing Authority • Fire Authority Inspectors • Inspectors locally responsible for the enforcement of the Health and Safety at Work, etc. Act 1974; and • Environmental Health Officers • Trading Standards Officers <p>North Yorkshire Police are separately empowered and not included in the above list.</p> <p>Any person who is under the age of 16 years.</p>
<p><i>CIP</i></p>	<p>Cumulative Impact Policy</p>
<p><i>Club Premises Certificate (CPC)</i></p>	<p>A Licence to supply alcohol to members of a Qualifying Club and sell it to members and their guests on the premises without the need for any member or employee to hold a Personal Licence.</p>
<p>Conditions:</p> <p>Proposed Condition</p> <p>Imposed Condition</p> <p>Mandatory Condition</p> <p><i>Cumulative Impact</i></p> <p>Cumulative Impact Assessment (CIA)</p>	<p>Conditions proposed by the applicant in the Operating Schedule.</p> <p>Conditions imposed by the Licensing Authority after a licensing hearing</p> <p>Conditions laid down by the Licensing Act 2003 as amended</p> <p>Where there is a potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.</p> <p>This may be published to help 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.</p>
<p><i>Designated Premises Supervisor (DPS)</i></p>	<p>A specified individual holding a Personal Licence, who is responsible for the day to day running of the business and whose name will appear on the Premises Licence.</p>
<p>DCMS</p> <p>Frivolous Representation</p> <p><i>Late-Night Refreshment</i></p>	<p>Department of Culture Media & Sports, now known as Department of Culture, Olympics, Media & Sport.</p> <p>Representation or objection that is categorised by its lack of seriousness.</p> <p>The supply of hot food and drink between the hours of 11pm and 5am for consumption on or off the premises.</p>

<i>Licence Holder</i>	Licence holder is defined as the Premises Licence Holder or Club Premises Certificate Holder.
<i>Licensable Activities</i>	<ul style="list-style-type: none"> • The sale of alcohol by retail • The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club • The provision of regulated entertainment • The provision of late-night refreshment
<i>Licensing Objectives</i>	<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Public Safety • Prevention of Public Nuisance • Protection of Children from Harm
<i>Licensing Qualification</i>	Qualification obtained from for example the British Institute of Innkeeping and a requirement for a Personal Licence.
<i>Occupancy Levels</i>	Safe occupancy limits for a premises or venue is determined by the size of the premises or venue combined with ensuring that escape routes are adequate for the people, and numbers of people, who are likely to use them. This prevents overcrowding which can lead to crime, disorder and concerns over public safety.
<i>'Other Persons'</i>	Defined as any individual, body or business affected by the operation of a licensed premises, regardless of their geographic proximity to the premises.
<i>Operating Schedule</i>	<p>This forms part of the completed application form for a Premises Licence and must promote the 4 Licensing Objectives. It must include:</p> <ul style="list-style-type: none"> • The relevant licensable activities • The times during which the applicant proposes that the relevant licensable activities are to take place • Any other times during which the applicant proposes that the premises are to be open to the public • Where the applicant wishes the licence to have effect for a limited period, that period • Where the relevant licensable activities include the sale by retail of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor • Whether the relevant licensable activities include the supply of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both • The steps which the applicant proposed to take to promote the 4 Licensing Objectives.
<i>Personal Licence</i>	A Licence to authorise individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for the carrying on of that activity. Valid for 10 years.

<i>Prejudicial Interest (Members)</i>	An interest that a member of the public would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.
<i>Premises Improvement Plan</i>	An agreed action plan with timeframes agreed between the licence holder and the Responsible Authority.
<i>Premises Licence</i>	A Licence in respect of any premises, such as land or buildings within the community that are to be used for one or more licensable activities. Valid for an indefinite period unless reviewed or revoked.
<i>Proprietary Clubs</i>	Clubs run commercially by individuals, partnerships or business for the purpose of profit.
<i>Provisional Statement</i>	A statement where premises are being constructed or extended or substantially altered that the Licensing Authority would be provisionally minded to grant a Licence on completion of the works.
<i>Proxy Purchases</i>	Illegal purchasing of alcohol on behalf of a person under the age of 18.
<i>Qualifying Club</i>	Where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members. Examples of Qualifying Clubs are: <ul style="list-style-type: none"> • Conservative, Labour and Liberal Clubs • Royal British Legion • Ex-Servicemen's Club • Working Men's Club • Social and Sports Clubs
<i>Regulated Entertainment</i>	Entertainment that is defined by statute.
<i>Relevant licensed premises</i>	Premises that are authorised to supply alcohol for consumption on the premises by a premises licence or CPC.
<i>Relevant Offences</i>	As set out in Schedule 4 to the Licensing Act 2003.
<i>Relevant Representations</i>	Representations, or objections, are relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives.

<i>Responsible Authorities</i>	<p>This group can make relevant representations and includes public bodies such as:</p> <ul style="list-style-type: none"> • Relevant Licensing Authority • North Yorkshire Police (Chief Officer of Police) • Children and Young People’s Service • North Yorkshire Fire & Rescue Authority • North Yorkshire Trading Standards • The Local Enforcement Agency for the Health and Safety at Work, etc. Act 1974 • The Local Authority Environmental Health Service • North York Moors Planning Authority/Local Authority Planning Service • each local authority’s Director of Public Health (DPH) in England⁴ and Local Health Boards (in Wales); • Home Office Immigration Enforcement (on behalf of the Secretary of State). • Maritime and Coastguard Agency (if applicable)
<i>Safety Advisory Group</i>	Safety Advisory Group – a group of officers from the Council’s Enforcement team, Highways, Police, Fire, Ambulance, Health and Safety, Emergency Planning formed to offer advice to applicants on carrying out events either under a TEN or a restricted Premises Licence
<i>Temporary Events Notice (TEN)</i>	A Notice served on the Licensing Authority for the temporary carrying on of the sale of alcohol, provision of regulated entertainment or late-night refreshment at a premises not authorised by a Premises Licence or Club Premises Certificate. This Notice is subject to certain limitations as laid down by the Licensing Act 2003.
<i>TEN – 10 working days’ notice</i>	10 working days <u>exclusive</u> of the day on which the event is to start <u>and</u> exclusive of the day on which the Notice is given to the Licensing Authority.
<i>Types of Authorisation</i>	<ul style="list-style-type: none"> • Premises Licence • Club Premises Certificate • Personal Licence • Provisional Statement • Temporary Events Notice
<i>Vexatious Representation</i>	A representation may be considered vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.
<i>Vicinity</i>	A term which has been removed from the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011. Previously, the Licensing Authority in making their initial decision on the question of vicinity had to consider whether the individual’s residence or business is likely to be directly affected by disorder and disturbance occurring on those premises.

Appendix 3 – RESPONSIBLE AUTHORITY CONTACT LIST

In accordance with the s182 Guidance this policy lists all the relevant contact points where members of the public may obtain general advice. The Licensing Authority in particular recommends that all applicants seek advice from the Responsible Authorities below prior to submitting applications.

Responsible Authority	Contact Details
Police	North Yorkshire Police Headquarters The Licensing Section Fulford Road York YO10 4BY Email: nyplicensing@northyorkshire.pnn.police.uk
Environmental Health	Environmental Control Selby District Council Civic Centre Doncaster Road Selby YO8 9FT Email: ehdutyofficer@selby.gov.uk
Planning Department	Planning Selby District Council Civic Centre Doncaster Road Selby YO8 9FT Email: planningenforcement@selby.gov.uk
Fire Authority	North Yorkshire Fire and Rescue Authority Chief Fire Officer Fire Brigade Headquarters Crosby Road Northallerton North Yorkshire DL6 1AB Email: Electronicconsultation@northyorksfire.gov.uk
Health & Safety	N/A
Trading Standards	North Yorkshire Trading Standards Licensing Unit 4/5 Thornfield Business Park Standard Way Northallerton North Yorkshire DL6 2XQ Email: trading_standards@northyorks.gov.uk
Social Services	Social Services (North Yorkshire County Council)(Children) North Yorkshire County Council County Hall Northallerton North Yorkshire DL6 2XQ Email: social.care@northyorks.gov.uk

Public Health	Public Health Dr Lincoln Sargeant Director of Public Health North Yorkshire County Council County Hall Northallerton North Yorkshire DL7 8AD Email: nypublichealth@northyorks.gov.uk
Licensing Authority	Licensing Enforcement Team Selby District Council Doncaster Road Selby YO8 9FT Email; Enforcementteam@selby.gov.uk
Home Office Only for Section.17, 42,47,34 & 52 applications	Home Office's Secretary of State Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY Email; Alcohol@homeoffice.gsi.gov.uk

This list may from time to time be subject to change and applicants and existing licence holders are recommended to contact the Licensing Authority for an up to date list.