



# **Statement of Licensing Policy**

## **Licensing Act 2003**

With effect from 21 May 2025

### **Version Control**

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## **General policy**

### **North Yorkshire Council**

1. North Yorkshire Council serves a diverse and dispersed population across 3,103 square miles stretching from Scarborough on the North Sea coast to Bentham in the west and from the edge of Teesside to south of the M62. Ninety eight percent of the county is either sparsely (13%) or super-sparsely (85%) populated with just over a third of the population living in these areas.
2. North Yorkshire Council is a licensing authority under the Licensing Act 2003. All references to "the licensing authority" refer to North Yorkshire Council.

### **Policy objectives**

3. In accordance with section 4 of the Licensing Act 2003, the licensing authority must carry out its functions with a view to promoting the statutory licensing objectives.
4. However, the legislation also supports a number of other key aims and purposes. The licensing authority has identified the following objectives to be achieved by this policy:
  - to protect the public from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - to exercise powers where appropriate to effectively manage the night-time economy and take action against those premises that are causing problems;
  - to provide regulatory support to satisfy the needs of local communities;
  - to recognise the important role which licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - to encourage greater community involvement in licensing decisions and to give local residents the opportunity to have their say regarding licensing decisions that may affect them; and
  - to encourage the development of social inclusion through activities appropriate to the character of the neighbourhood.

### **Formulation of policy**

5. In accordance with section 5 of the Licensing Act 2003, the licensing authority must determine and publish a statement of its licensing policy every five years.
6. This document sets out the policy that the licensing authority will apply when making decisions about new applications and licences currently in force.
7. In formulating this policy, the council has had regard to advice contained in the Home Office Guidance issued under section 182 of the Licensing Act 2003.
8. Any guidance contained within this policy is to be treated as a guide only and final interpretation of the law will ultimately rest with the courts.
9. Any obligation in this policy not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

10. Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.
11. The policy will be applied in the majority of cases when considering licence applications, but the licensing authority will consider each application on its individual merits and may, at times, exercise its discretion to depart from the general policy. Where the licensing authority deviates from the policy, the reasons for doing so shall be recorded.
12. Nothing in this statement of licensing policy shall:
  - prevent any person from making an application for authorisation or giving a notice under the Act;
  - prevent any person from making representation in respect of an application of a type where the Act provides for them to do so;
  - prevent any person from making an application for the review of a premises licence; or
  - restrict or fetter the licensing authority's discretion to consider and determine applications, or to initiate legal proceedings or other enforcement action, based upon the individual circumstances and merits of a particular case.

## **Scope of policy**

13. The licensing authority is responsible for a range of authorisations under the Licensing Act 2003 including:
  - personal licences;
  - premises licences;
  - club premises certificates; and
  - temporary event notices

## **Policy considerations**

14. In accordance with section 22(2) of the Legislative and Regulatory Reform Act 2006, the Regulators' Code<sup>1</sup> has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.
15. The council aims to reduce regulatory burdens and supporting compliant business growth by ensuring that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.
16. In formulating this policy, the council has had regard to the provisions of the Human Rights Act 1998 in that everyone has the right to respect for their home and private life and that every person is entitled to the peaceful enjoyment of their possessions.

## **Consultation and partnership working**

17. In preparing this policy, the council has consulted with the following stakeholders:
  - North Yorkshire Police
  - North Yorkshire Fire & Rescue Service
  - The Director of Public Health

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<sup>1</sup> [Regulators' Code](#) - Better Regulation Delivery Office – April 2014

- North Yorkshire Council's Environmental Health Service
- North Yorkshire Council's Development Control Service
- North Yorkshire Council's Building Control Partnership
- North Yorkshire Council's Children and Young People's Service
- North Yorkshire Council's Trading Standards Service
- North Yorkshire Safeguarding Children's Partnership
- Disability Action Groups
- Licence holders

## **Personal data**

18. The council will hold personal data (about applicants, licensees, complainants etc) in connection with its licensing function.
19. The council will comply with its obligations under data protection legislation.
20. The council's aim is to minimise the unnecessary disclosure of personal data.
21. Personal data will only be obtained, kept or used as authorised by statute.
22. Personal data may be shared where it is necessary for compliance with a legal obligation.
23. Personal data is information that relates to an identified or identifiable individual. It includes information relating to persons who can be identified indirectly from that information in combination with other information.

## **Equality and diversity**

24. The council's policies and procedures will be applied fairly to all irrespective of age, disability, gender reassignment, sex, race, religion or belief, sexual orientation, marriage and civil partnership and pregnancy and maternity. This will apply to applicants, licence holders, customers and complainants.
25. The council recognises that it has a duty to have regard to the requirements of the Equality Act 2010 in relation to the need to eliminate unlawful discrimination and promote equality for people with protected characteristics.

## **Evaluation and review**

26. The implications and effectiveness of this policy will be regularly monitored.
27. This policy will be reviewed where appropriate (and, in any case at least once every five years) to assess whether any amendments are required taking into account changing circumstances affecting the area, or any relevant changes in national policy.
28. Minor and inconsequential amendments may be made to the policy from time-to-time by a senior officer to reflect legislative changes or to correct any inaccuracies.

## **Licensing objectives**

30. The licensing authority will work in partnership with responsible authorities, local businesses and local residents towards the promotion of the licensing objectives.
31. The licensing objectives are:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
32. Each objective is of equal importance and the promotion of the four objectives is a paramount consideration at all times.

## **Prevention of crime and disorder**

33. Subject to the limitations of the relevant legislation, the licensing authority must exercise its functions with a view to preventing:
  - crime and disorder (including anti-social and other behaviour adversely affecting the local environment);
  - the misuse of drugs, alcohol and other substances;
  - re-offending; and
  - serious violence<sup>2</sup>.
34. The licensing authority will ensure that adequate measures are taken to reduce the risk of crime and disorder associated with licensable activities. In doing so, the licensing authority will rely on the police as its main source of advice on crime and disorder.
35. Appropriate measures will depend on the type, size and location of the premises and the activities that are proposed to be carried out, but they may include:
  - effective methods of communication between licensees and/or police;
  - effective and responsible management of premises;
  - training and supervision of staff;
  - the use of CCTV systems where appropriate;
  - policies and practices relating to the prevention of underage drinking (e.g. ID schemes, refusal logs, signage etc);
  - drugs policies;
  - policies relating to the use of glass and bottles (e.g. using toughened glass, prohibiting the removal of glasses from the premises); and
  - effective record keeping (e.g. staff training records, incident logs).
36. Any conditions attached to premises licences and club premises certificates should be targeted on deterrence and preventing crime and disorder.
37. Applicants, interested parties and any relevant authorities may have regard to local crime data available via [www.police.uk/pu/your-area/north-yorkshire-police](http://www.police.uk/pu/your-area/north-yorkshire-police) when making and considering applications.

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<sup>2</sup> [Section 17 of the Crime and Disorder Act 1998](#)

38. The licensing authority will work closely with the police and licence holders to monitor and investigate incidents of crime and disorder associated with licensable activities.
39. The licensing authority will remain conscious of the need to enhance public safety by ensuring there is better preparedness for, and protection from, terrorist attacks. The Terrorism (Protection of Premises) Bill, also known as Martyn's Law, was introduced to Parliament on 12 September 2024 and is currently undergoing Parliamentary scrutiny. The licensing authority will ensure that any obligations resulting from new legislation in this regard are satisfied. Advice and guidance to help businesses and communities understand protective security and to improve their response to the risk of terrorism is available via: <https://www.protectuk.police.uk/>
40. Adequate prevention of crime and disorder may include taking measures to prevent incidents of spiking. According to data from the National Police Chiefs' Council, bars and nightclubs are the most common location for spiking incidents<sup>3</sup>. Such incidents may involve:
  - putting alcohol into someone's drink without their knowledge or permission;
  - putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission;
  - injecting another person with prescription or illegal drugs without their knowledge or permission;
  - putting prescription or illegal drugs into another person's food without their knowledge or permission; or
  - putting prescription or illegal drugs into someone's cigarette or vape without their knowledge or permission

Applicants, licence holders and staff are encouraged to undergo spiking awareness training to ensure that any such measures are adequate.

41. The Serious Violence Duty requires the Council and other local services to work together to share information and target interventions to prevent and reduce serious violence. As part of its duty, the licensing authority will take appropriate measures to prevent sexual harassment, misconduct and broader violence against women and girls while applying specific focus on safety during late night hours.
42. In accordance with section 1 of the Modern Slavery Act 2015, no person shall be held in slavery or servitude, or be required to perform forced or compulsory labour. Any offences of this nature would undermine the crime and disorder objective. Applicants and licence holders are encouraged to take all reasonable precautions to ensure that they are not hosts to modern slavery by allowing victims and their traffickers to use their licensed establishment as a place to meet. Employers must also comply with any obligations relating to minimum wage and child employment.
43. The sale and supply of illicit goods from licensed premises would undermine the crime and disorder objective and therefore any such activities on licensed venues may provide grounds for review and/or the imposition of additional controls.

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<sup>3</sup> [Home Office Spiking Factsheet](#)

## Public safety

44. The public safety objective concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as vulnerability through intoxication, unconsciousness or alcohol poisoning.
45. The licensing authority will ensure that adequate measures are taken by licensees to promote public safety. Appropriate measures will depend on the type, size and location of the premises and the activities that are proposed to be carried out but they may include:
  - suitable and sufficient risk assessments
  - fire safety measures;
  - effective and responsible management of premises;
  - access for emergency services such as ambulances;
  - good communication with local authorities and emergency services;
  - ensuring the presence of trained first aiders and appropriate first aid kits;
  - ensuring the safety of people when leaving the premises;
  - appropriate and frequent waste disposal;
  - policies relating to the use of glass and bottles (e.g. using toughened glass, prohibiting the removal of glasses from the premises);
  - ensuring appropriate attendance limits; and
  - considering the use of effective CCTV in and around the premises.
46. Applicants and responsible authorities are also encouraged to consider engaging in national and local schemes that promote public safety, such as:
  - Pubwatch;
  - promoting the 'Ask for Angela' scheme;
  - Welfare And Vulnerability Engagement (WAVE) training (available on request from North Yorkshire Police via [NYPLicensing@northyorkshire.police.uk](mailto:NYPLicensing@northyorkshire.police.uk));
  - Spiking awareness training;
  - participating in any local initiative tackling violence against women and girls;
  - registering with Community Messenger to receive updates on policing matters relevant to the local community and nighttime economy (register via <https://www.northyorkshirecommunitymessaging.co.uk>);
  - engaging with police operations (which may also include partners) intended to tackle alcohol related issues, such as violence, antisocial behaviour, street drinking and thefts;
  - engaging with local and national campaigns such as 'the 'Walk Away Campaign', and any crime reduction initiatives supported by the police to keep people safe;
  - engaging with Unite's Get Me Home Safely campaign, as staff working in licensed premises often finish work late at night and/or in the early hours of the morning; and
  - in the case of large-scale events, engaging with the Safety Advisory Group.
47. Applicants and licence holders are expected to take all reasonable precautions to promote the safety and wellbeing of their customers.
48. The licensing authority will not impose conditions on a premises licence or club premises certificate which relate to cleanliness or hygiene.

49. The licensing authority will not duplicate obligations placed upon licence holders under the Health and Safety at Work Act 1974 or the Regulatory Reform (Fire Safety) Order 2005.

### **The prevention of public nuisance**

50. Public nuisance is not narrowly defined in the 2003 Act and it therefore retains its broad common law meaning. It may include matters relating to noise, vibration, light, litter, offensive odours and anti-social behaviour.
51. Applicants and licence holders are encouraged to consider all possible sources of nuisance and to implement appropriate measures for the promotion of this objective.
52. The absolute prevention of all nuisances will not always be possible. A degree of noise, for example, is inevitable with most forms of regulated entertainment. However, applicants and licence holders will be expected to ensure that adequate measures are taken to prevent disproportionate and unreasonable levels of nuisance by:
  - controlling the levels of noise emanating from the premises;
  - controlling light pollution;
  - controlling the dispersal of customers;
  - managing the disposal of waste; and
  - dealing with any litter problems created as a result of licensable activities.

### **The protection of children from harm**

53. This objective includes the protection of children from moral, psychological and physical harm associated with, for example:
  - alcohol consumption;
  - violence;
  - exposure to strong language and sexual expletives; and
  - sexual exploitation.
54. Children should not be prevented from attending responsibly-run, family-oriented licensed premises (e.g. restaurants, theatres, supermarkets, community premises etc), particularly when accompanied by a suitable adult.
55. The licensing authority will ensure that adequate measures are taken to protect children from harm when on the premises. Appropriate measures will depend on the type, size and location of the premises and the activities that are proposed to be carried out. If it is appropriate to do so, the licensing authority may, for example, consider restricting the access of children to certain premises where:
  - adult entertainment is provided;
  - one or more members of the current management have been convicted for serving alcohol to minors;
  - the premises has a reputation for allowing underage drinking;
  - there is a known association with drug taking or dealing; or
  - the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

56. Any such restrictions will only be imposed where it is appropriate for the promotion of the licensing objectives. The restrictions may relate to:
  - the hours during which children may be present;
  - the presence of children under certain ages when particular specified activities are taking place;
  - the parts of the premises to which children may have access; and
  - access by children without an accompanying adult.
57. High-profile cases across the UK have highlighted potential links between victims of child sexual exploitation and licensed premises. Licence holders and applicants should therefore be aware of the potential for premises to be used by persons who are exploiting children.
58. Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual<sup>4</sup>.
59. The licensing authority expects licence holders and applicants to be aware of the possibility of child sexual exploitation taking place in or around licensed premises. Suitable protective measures should be implemented to assist in the detection and reporting of incidents. These may include:
  - child sexual exploitation awareness training;
  - written management procedures for identifying and reporting suspicious behaviour to police; and
  - frequent monitoring of all areas of the premises.

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<sup>4</sup> [HM Government - Working Together to Safeguard Children 2023](#)

## Licensable activities

60. It is a criminal offence under section 136 of the 2003 Act to carry on a licensable activity otherwise than in accordance with a licence or other authorisation under the 2003 Act. The maximum fine for this offence is unlimited.
61. Licensable activities include:
  - the sale by retail of alcohol;
  - the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
  - the provision of regulated entertainment; and
  - the provision of late night refreshment.

## The sale or supply of alcohol

62. Alcohol sales include the sale by retail of alcohol<sup>5</sup> for premises licences and the supply of alcohol by or on behalf of a club to a member of the club.
63. The sale or supply of alcohol which is of a strength not exceeding 0.5 per cent ABV (alcohol by volume) at the time of the sale or supply in question is not a licensable activity<sup>5</sup>.
64. Alcohol may be sold:
  - for consumption on the premises;
  - for consumption off the premises; or
  - for consumption both on and off the premises.
65. The place where the alcohol is ordered may be different to the place where the alcohol is appropriated to the contract (i.e. where it is specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. In these instances, a licence will be required at the location where the alcohol is stored.
66. Every supply of alcohol under a premises licence must be made or authorised by a person who holds a personal licence<sup>6</sup>. The only exception is for a community premises which has successfully applied to remove this requirement (see paragraph 126)
67. Every premises licence that authorises the sale of alcohol must also specify a designated premises supervisor (DPS) and the DPS must hold a valid personal licence. The DPS will normally be the person with day-to-day responsibility for running the premises, but they are not required to be present at all times when licensed premises are used for the sale of alcohol.
68. It is not generally permissible to sell alcohol on a moving vehicle. However, the licensing authority will consider applications for the sale of alcohol from a parked or stationary vehicle.

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<sup>5</sup> [Section 191\(1\) of the Licensing Act 2003](#)

<sup>6</sup> [Section 19\(3\) of the Licensing Act 2003](#)

69. The sale or supply of alcohol is prohibited from motorway service areas and from premises which are used primarily for the retailing of petrol or derv; or for the sale or maintenance of motor vehicles<sup>7</sup>. No licence granted in respect of any such premises will authorise the sale of alcohol.

## Regulated entertainment

70. The provision of regulated entertainment includes:

- Performances of plays;
- Exhibitions of films;
- Indoor sporting events;
- Boxing and wrestling entertainment events;
- Performances of live music;
- Playing of recorded music;
- Performances of dance; and
- Entertainment which is similar to music or dance.

71. The above activities are generally licensable if they:

- take place in the presence of a public audience; or
- are held in private but are the subject of a charge made with a view to profit.

72. The following entertainment activities are not licensable for the purposes of the Act:

- activities which involve participation as acts of worship in a religious context<sup>8</sup>;
- activities in places of public religious worship<sup>9</sup>;
- activities that involve teaching students to perform music or to dance;
- the demonstration of a product;
- Morris dancing<sup>10</sup>;
- music that is incidental to some other non-licensable activity<sup>11</sup>;
- an exhibition of moving pictures if it is incidental to some other activity<sup>12</sup>;
- a spontaneous performance of music, singing or dancing;
- activities taking place at a garden fete that is not being promoted or held for purposes of private gain<sup>13</sup>;
- films for advertisement, information, education or in museums or art galleries;
- live television or radio broadcasts<sup>14</sup>;
- activities on moving vehicles (i.e. when the vehicle is not permanently or temporarily parked)<sup>15</sup>;
- stand-up comedy;

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<sup>7</sup> [Section 176 of the Licensing Act 2003](#)

<sup>8</sup> [Paragraph 9\(a\) of Schedule 1 to the Licensing Act 2003](#)

<sup>9</sup> [Paragraph 9\(b\) of Schedule 1 to the Licensing Act 2003](#)

<sup>10</sup> [Paragraph 11 of Schedule 1 to the Licensing Act 2003](#)

<sup>11</sup> [Paragraph 7 of Schedule 1 to the Licensing Act 2003](#)

<sup>12</sup> [Paragraph 7 of Schedule 1 to the Licensing Act 2003](#) as amended by [article 3 of the Legislative Reform \(Entertainment Licensing\) Order 2014](#)

<sup>13</sup> [Paragraph 10 of Schedule 1 to the Licensing Act 2003](#)

<sup>14</sup> [Paragraph 8 of Schedule 1 to the Licensing Act 2003](#)

<sup>15</sup> [Paragraph 12 of Schedule 1 to the Licensing Act 2003](#)

- entertainment facilities (e.g. dance floors)<sup>16</sup>;
- the performance of a play between the hours of 8am and 11pm in the presence of an audience of no more than 500 people<sup>17</sup>;
- a performance of dance between the hours of 8am and 11pm in the presence of an audience of no more than 500 people<sup>18</sup>;
- not-for-profit film exhibitions held in community premises between the hours of 8am and 11pm in the presence of an audience of no more than 500 people<sup>19</sup>;
- indoor sporting events between the hours of 8am and 11pm in the presence of an audience of no more than 1,000 people<sup>20</sup>;
- Greco-Roman wrestling or freestyle wrestling between the hours of 8am and 11pm in the presence of an audience of no more than 1,000 people<sup>21</sup>;
- a performance of unamplified live music between the hours of 8am and 11pm<sup>22</sup>;
- a performance of amplified live music between the hours of 8am and 11pm in the presence of an audience of no more than 500 people in any workplace<sup>23</sup>;
- music between the hours of 8am and 11pm in the presence of an audience of no more than 500 people on premises authorised to sell alcohol for consumption on those premises<sup>24</sup>;
- music between the hours of 8am and 11pm in the presence of an audience of no more than 500 people on community premises<sup>25</sup>.

## **Late night refreshment**

73. The provision of late night refreshment involves the supply of hot food or drink between 11pm and 5am<sup>26</sup>.
74. The supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a takeaway is handed to a customer over the counter or via home delivery.

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<sup>16</sup> Requirement repealed by virtue of [the Live Music Act 2012](#)

<sup>17</sup> [Paragraph 2 of Schedule 1 to the Licensing Act 2003](#) as inserted by [article 2 of the Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)

<sup>18</sup> [Paragraph 2 of Schedule 1 to the Licensing Act 2003](#) as inserted by [article 2 of the Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)

<sup>19</sup> [Paragraph 6A of Schedule 1 to the Licensing Act 2003](#) as inserted by [section 76 of the Deregulation Act 2015](#)

<sup>20</sup> [Paragraph 2 of Schedule 1 to the Licensing Act 2003](#) as inserted by [article 2 of the Licensing Act 2003 \(Descriptions of Entertainment\) \(Amendment\) Order 2013](#)

<sup>21</sup> [Paragraph 12E of Schedule 1 to the Licensing Act 2003](#) as inserted by [article 3 of the Legislative Reform \(Entertainment Licensing\) Order 2014](#)

<sup>22</sup> [Paragraph 12C of Schedule 1 to the Licensing Act 2003](#) as inserted by [section 3 of the Live Music Act 2012](#) and subsequently amended by [article 3 of the Legislative Reform \(Entertainment Licensing\) Order 2014](#)

<sup>23</sup> [Paragraph 12B of Schedule 1 to the Licensing Act 2003](#) as inserted by [section 3 of the Live Music Act 2012](#) and subsequently amended by [article 3 of the Legislative Reform \(Entertainment Licensing\) Order 2014](#)

<sup>24</sup> [Paragraph 12A of Schedule 1 to the Licensing Act 2003](#) as inserted by [article 3 of the Legislative Reform \(Entertainment Licensing\) Order 2014](#)

<sup>25</sup> [Paragraph 12ZB of Schedule 1 to the Licensing Act 2003](#) as inserted by [article 3 of the Legislative Reform \(Entertainment Licensing\) Order 2014](#)

<sup>26</sup> [Paragraph 1 of Schedule 2 to the Licensing Act 2003](#)

75. The supply of hot drink by a vending machine is not a licensable activity provided the public has access to and can operate the machine without any involvement of the staff. However, this exemption does not apply to hot food<sup>27</sup>.
76. Supplies of hot food or hot drink from 11pm are exempt from the provisions of the 2003 Act if there is no public admission to the premises involved and they are supplies to:
  - a member of a recognised club supplied by the club<sup>28</sup>;
  - persons staying overnight in a hotel, guest house, lodging house, hostel, a caravan or camping site or any other premises whose main purpose is providing overnight accommodation<sup>29</sup>;
  - an employee supplied by a particular employer (e.g. a staff canteen) <sup>30</sup>;
  - a person who is engaged in a particular profession or who follows a particular vocation (e.g. a tradesman carrying out work at particular premises) <sup>31</sup>;
  - a guest of any of the above<sup>32</sup>.

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<sup>27</sup> [Paragraph 5 of Schedule 2 to the Licensing Act 2003](#)

<sup>28</sup> [Paragraph 3\(2\)\(a\) of Schedule 2 to the Licensing Act 2003](#)

<sup>29</sup> [Paragraph 3\(2\)\(b\) of Schedule 2 to the Licensing Act 2003](#)

<sup>30</sup> [Paragraph 3\(2\)\(c\) of Schedule 2 to the Licensing Act 2003](#)

<sup>31</sup> [Paragraph 3\(2\)\(d\) of Schedule 2 to the Licensing Act 2003](#)

<sup>32</sup> [Paragraph 3\(2\)\(e\) of Schedule 2 to the Licensing Act 2003](#)

## Personal licences

77. A personal licence is an authorisation held by an individual which permits the sale of alcohol in conjunction with a premises licence.

### Application for the grant of a personal licence<sup>33</sup>

78. An application for a personal licence will only be processed if:

- the applicant is aged 18 years or over;
- the applicant is ordinarily resident in North Yorkshire at the time of the application (unless he/she is not ordinarily resident in England or Wales);
- the application is accompanied by a licensing qualification accredited by the Secretary of State - details of licensing qualifications accredited by the Secretary of State may be viewed at:
- [www.gov.uk/government/publications/accredited-personal-licence-qualification-providers](http://www.gov.uk/government/publications/accredited-personal-licence-qualification-providers)
- the application is accompanied by a basic criminal record check obtained via [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record) (the certificate must have been issued no more than one month before the application date);
- the applicant has demonstrated their right to work in the UK;
- the applicant has produced two passport-size photographs:
  - taken against a light background so that the applicant's features are distinguishable and contrast against the background;
  - 45 millimetres by 35 millimetres;
  - Endorsed on the reverse as a true likeness of the applicant by a professional (guidance on who can sign the photos can be found here: [www.gov.uk/countersigning-passport-applications](http://www.gov.uk/countersigning-passport-applications));
- the appropriate fee has been paid to the licensing authority; and
- the applicant has not forfeited a personal licence in the five years preceding the date of the application.

### Right to work in the UK – personal licences

79. Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected.

80. In order for the licensing authority to be satisfied that an applicant has the right to work in the UK, applicants must submit a copy of one of the documents listed in Annex C to show that the applicant has permission to be in the UK and to undertake work in connection with a licensable activity.

81. Applicants should provide photocopies or scanned copies of the documents. Original documents should not be sent to the licensing authority.

82. If an applicant has restrictions on the length of time that they may work in the UK, a personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.

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<sup>33</sup> [Section 117 of the Licensing Act 2003](http://www.legislation.gov.uk/2003/117/contents.html)

83. All applicants will be treated in the same way. Assumptions will not be made about a person's right to work in the UK or their immigration status on the basis of their nationality, ethnic origin, accent, the colour of their skin, or the length of time they have been resident in the UK.

### **Determination of a personal licence<sup>34</sup>**

84. An application for a personal licence will be granted without the need for a hearing provided:
  - the applicant has no unspent convictions for a relevant offence or a foreign offence; or
  - the police have not objected to the grant of the application on crime prevention grounds.
85. Where an applicant has been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty, the licensing authority will consult with the police.
86. The chief officer of police may submit an objection notice to the licensing authority within 14 days if he is satisfied that granting the licence would undermine the crime prevention objective. In this scenario, the applicant will be invited to a hearing of the Statutory Licensing Sub-Committee.
87. The Statutory Licensing Sub-Committee may decide to grant the licence if it is satisfied that it will not undermine the crime prevention objective. Alternatively, the Sub-Committee may refuse the application in the interests of crime prevention.

### **Duration of a personal licence<sup>35</sup>**

88. Personal licences remain valid unless surrendered, suspended, revoked or declared forfeit by the courts.
89. The requirement to renew a personal licence was removed from the Licensing Act 2003 by the Deregulation Act 2015. While personal licences issued before the 2015 Act have expiry dates, these dates no longer have any effect.
90. Once granted, the licensing authority which issued the licence remains the relevant licensing authority, even though the individual may move out of the area or take employment elsewhere.

### **Changes whilst personal licence in force**

91. The holder of a personal licence must notify the licensing authority of any changes to their name or address<sup>36</sup>.
92. The holder of a personal licence charged with a relevant offence must produce the licence to the court before the case is first heard in court<sup>37</sup>.

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<sup>34</sup> [Section 120 of the Licensing Act 2003](#)

<sup>35</sup> [Section 115 of the Licensing Act 2003](#) as amended by [section 69 of the Deregulation Act 2015](#)

<sup>36</sup> [Section 127 of the Licensing Act 2003](#)

<sup>37</sup> [Section 128 of the Licensing Act 2003](#)

## **Convictions during the period of a personal licence**

93. Where the holder of a personal licence is convicted of a relevant offence, the court may forfeit the personal licence or suspend it for up to 6 months<sup>38</sup>.
94. The court is under a duty to notify the relevant licensing authority of the conviction and of any decision to order that the personal licence is suspended or declared forfeit<sup>39</sup>.
95. On receipt of such a notification, the licensing authority will request that the licence be returned, and the licence holder must comply within 14 days. The licensing authority will record the details of the conviction and endorse them on the licence, together with any period of suspension<sup>40</sup>. If the licence is declared forfeit, it will be retained by the licensing authority.

## **Power to revoke or suspend a personal licence<sup>41</sup>**

96. The licensing authority may revoke a personal licence or suspend it for a period of up to six months where the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty.
97. The licensing authority may not take action before the appeal period has passed or, where an appeal is lodged, until the appeal is disposed of.
98. If the licensing authority is considering revoking or suspending a personal licence, it will invite the licence holder to make representations within 28 days. An authorised officer will consider any representations along with any other relevant information.
99. The licensing authority is not required to hold a hearing to consider the representations. However, any decision to revoke or suspend a personal licence will be made by the Statutory Licensing Sub-Committee.
100. If the authorised officer does not intend to take formal action against the licence, the licensing authority must invite representations from the police about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer of police may make representations within 14 days and any representations must be taken into account by the licensing authority in deciding whether to suspend or revoke the licence.
101. In the event that representations are received from the police, the matter will be referred to the Statutory Licensing Sub-Committee for a decision as to whether or not the licence should be suspended or revoked.
102. Irrespective of the outcome, the licensing authority will notify the licence holder and the chief officer of police of the decision made.
103. If the decision is to revoke or suspend the licence, the decision will not take effect until the end of the appeal period (21 days) or, if the decision is appealed against, until the appeal is disposed of.

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<sup>38</sup> [Section 129 of the Licensing Act 2003](#)

<sup>39</sup> [Section 131 of the Licensing Act 2003](#)

<sup>40</sup> [Section 134 of the Licensing Act 2003](#)

<sup>41</sup> [Section 132A of the Licensing Act 2003](#)

## Appeals - personal licences

104. If an application for a personal licence is refused, the applicant will be entitled to appeal to the Magistrates' Court against the decision<sup>42</sup>. Similarly, if the application is granted despite a police objection notice being lodged, the chief officer of police will be entitled to appeal against the licensing authority's determination.
105. A personal licence holder will be entitled to appeal to the Magistrates' Court against any decision to revoke or suspend their licence<sup>43</sup>.

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<sup>42</sup> [Paragraph 17 of Schedule 5 to the Licensing Act 2003](#)

<sup>43</sup> [Paragraph 17 of Schedule 5 to the Licensing Act 2003](#)

## Premises licences

106. A premises licence authorises the use of any premises (any vehicle, vessel or moveable structure or any place or a part of any premises) for licensable activities.
107. Railway vehicles and aircraft engaged on journeys are exempted from the requirement to have an authorisation to carry on licensable activities (although a Magistrates' Court can make an order to prohibit the sale of alcohol on a railway vehicle if this is appropriate to prevent disorder). Stationary aircraft and railway carriages used as restaurants and bars are subject to the provisions of the 2003 Act.

### Application for the grant of a premises licence<sup>44</sup>

108. An application for a premises licence may be made by anyone who carries on or proposes to carry on a business involving licensable activities on premises situated wholly or mainly in North Yorkshire.
109. An applicant for a premises licence must be:
  - one or more individuals aged 18 years or over;
  - a business;
  - a partnership;
  - a person exercising a statutory function (for example, a local authority);
  - a person exercising any function by virtue of the Royal prerogative (for example, a body exercising functions by virtue of a royal charter);
  - a recognised club;
  - a charity;
  - an educational institution;
  - a health body in the public and private sector; or
  - the police
110. An application for the grant of a premises licence must be accompanied by:
  - the requisite fee;
  - an operating schedule;
  - a plan of the premises;
  - proof of the applicant's right to work in the UK; and
  - a form of consent from the individual who is to be specified in the licence as the designated premises supervisor (only if the application involves the supply of alcohol).
111. When developing an operating schedule, applicants are expected to describe the steps that they intend to take to promote the licensing objectives.
112. An application for the grant of a premises licence must be advertised:
  - in a local publication on at least one occasion within 10 working days of the application date; and
  - on the premises for a period of 28 days

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<sup>44</sup> [Section 17 of the Licensing Act 2003](#)

### **Variation of a premises licence<sup>45</sup>**

113. The holder of a premises licence may apply for a variation of the licence. An application for a variation of a premises licence must be accompanied by:

- the requisite fee;
- an operating schedule;
- the existing premises licence; and
- if the variation relates to any structural alterations, a plan of the premises.

114. An application for the variation of a premises licence must be advertised:

- in a local publication on at least one occasion within 10 working days of the application date; and
- on the premises for a period of 28 days.

### **Minor variation of a premises licence<sup>46</sup>**

115. The Licensing Act 2003 allows for a simplified procedure for varying a licence where the changes cannot have an adverse effect on the licensing objectives.

116. An application for a minor variation of a premises licence must be accompanied by:

- the requisite fee;
- the existing premises licence; and
- if the variation relates to any structural alterations, a plan of the premises.

117. An application for a minor variation of a premises licence must be advertised on the premises for a period of 10 working days.

118. The minor variation process cannot be used to:

- vary substantially the premises to which it relates;
- add the supply of alcohol as an activity authorised by the licence; or
- increase the amount of time on any day during which alcohol may be sold.

119. Changes to the structure of the premises will not generally fall within the definition of a minor variation if it increases the capacity for drinking on the premises, or if it impedes the effective operation of a noise reduction measure such as an acoustic lobby.

### **Variation to specify an individual as DPS<sup>47</sup>**

120. A premises licence may be varied to specify an individual as designated premises supervisor.

121. An application to specify an individual as designated premises supervisor must be accompanied by:

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<sup>45</sup> [Section 34 of the Licensing Act 2003](#)

<sup>46</sup> [Section 41A of the Licensing Act 2003](#)

<sup>47</sup> [Section 37 of the Licensing Act 2003](#)

- the requisite fee;
- the existing premises licence; and
- a form of consent from the individual who is to be specified as the designated premises supervisor.

122. The police may object to the appointment of a new designated premises supervisor where, in exceptional circumstances, they believe that it would undermine the prevention of crime and disorder objective.

### **Transfer of a premises licence<sup>48</sup>**

123. Any person who may apply for the grant of a premises licence (see paragraph 109) may apply for a premises licence to be transferred to them.

124. The police may object to the transfer of a premises licence where, in exceptional circumstances, they believe that the transfer would undermine the prevention of crime and disorder objective.

125. An application for the transfer of a premises licence must be accompanied by:

- the requisite fee;
- the existing premises licence;
- proof of the applicant's right to work in the UK (see paragraph 151); and
- a form of consent from the existing premises licence holder.

### **Community premises – alternate mandatory condition**

126. Where the management committee of community premises makes an application for the grant of a premises licence authorising the supply of alcohol, the application may include a request to disapply the mandatory conditions in sections 19(2) and 19(3) of the Act concerning the supervision of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence<sup>49</sup>.

127. In cases where the mandatory conditions have already been imposed on a community premises licence, the holder of the licence may submit an application to disapply the mandatory conditions in sections 19(2) and 19(3) of the Act concerning the supervision of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence<sup>50</sup>.

128. An application for the mandatory conditions to be disapplied must be accompanied by:

- the requisite fee;
- the existing premises licence; and
- details of the proposed arrangements to supervise alcohol sales.

### **Interim authority notice<sup>51</sup>**

<sup>48</sup> [Section 42 of the Licensing Act 2003](#)

<sup>49</sup> [Section 25A of the Licensing Act 2003](#) as inserted by [article 3 of the Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &c.\) Order 2009](#)

<sup>50</sup> [Section 41D of the Licensing Act 2003](#) as inserted by [article 4 of the Legislative Reform \(Supervision of Alcohol Sales in Church and Village Halls &c.\) Order 2009](#)

<sup>51</sup> [Section 47 of the Licensing Act 2003](#)

129. Where a premises licence lapses due to the death, incapacity or insolvency of the licence holder, but no application for transfer has been received to reinstate the licence under section 50 of the Act, a person who has an interest in the premises may, during the initial 28-day period, give notice to the licensing authority in respect of the licence. A similar notice must also be given to the chief officer of police within this period.
130. Where an interim authority notice is given, the premises licence is reinstated for a maximum period of three months from the day the notice was given to the licensing authority to allow for applications to transfer the licence.

### **Provisional statements<sup>52</sup>**

131. Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.
132. A business or an individual (aged 18 or over) with an interest in any particular premises may therefore apply for a “provisional statement”.
133. An application for a provisional statement must be accompanied by:
  - the requisite fee;
  - a statement made by or on behalf of the applicant including particulars of the premises to which the application relates and of the licensable activities for which the premises are to be used; and
  - plans of the work being or about to be done at the premises.
134. An application for a provisional statement must be advertised:
  - in a local publication on at least one occasion within 10 working days of the application date; and
  - on the premises for a period of 28 days.
135. When a person applies for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded where:
  - the application for a licence is in the same form as the licence described in the provisional statement;
  - the work in the schedule of works has been satisfactorily completed;
  - given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same (or substantially the same) representations about the application then but failed to do so without reasonable excuse; and
  - there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made.

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<sup>52</sup> [Section 29 of the Licensing Act 2003](#)

## **Changes during the period of a premises licence<sup>53</sup>**

136. The holder of a premises licence must notify the licensing authority of any changes to their name or address or that of the designated premises supervisor.

## **Review of a premises licence<sup>54</sup>**

137. A responsible authority or any other person may apply for a review of a premises licence in the event of any perceived failure to promote one or more of the licensing objectives.

138. Reviews allow the licensing authority, if necessary, to modify the licence conditions, remove the designated premises supervisor or to suspend or revoke all or part of the licence.

139. If a review application has been made by a person other than a responsible authority (e.g. a local resident, residents' association, local business or trade association), the licensing authority must consider whether the complaint being made is frivolous, vexatious or repetitious.

- a) A review may be regarded as frivolous where the concerns are minor and no remedial steps would be warranted or proportionate.
- b) A review may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.
- c) A review may be considered to be repetitious if it is identical or substantially similar to:
  - a ground for review specified in an earlier application for review made in relation to the same premises licence; or
  - representations considered by the licensing authority when the premises licence was granted.

140. The licensing authority is expected to prevent review applications made merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. Accordingly, a review application in relation to a particular premises would not generally be permitted within a 12-month period on similar grounds unless the licensing authority is satisfied that there are exceptional circumstances.

141. In borderline cases, the benefit of the doubt about any aspect of a review application should be given to the applicant. The subsequent hearing would then provide an opportunity for the person applicant to amplify and clarify the grounds for review. Any person who is aggrieved by a rejection of their review application may lodge a complaint through the council's corporate complaints procedure or they may seek to challenge the authority's decision by way of judicial review.

142. Although the licensing authority may act in its capacity as a responsible authority to apply for a review of a premises licence, it will not normally do so on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review in their own right if they have grounds to do so.

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<sup>53</sup> [Section 33 of the Licensing Act 2003](#)

<sup>54</sup> [Section 51 of the Licensing Act 2003](#)

143. Where the licensing authority does act as a responsible authority and applies for a review, it will make provision for an appropriate separation of responsibilities in order to ensure procedural fairness and eliminate conflicts of interest.

### **Plans of premises**

144. Premises plans are not required to be submitted in any particular scale, but they must be in a format which is “clear and legible in all material respects<sup>55</sup>” (i.e. they must be accessible and provide sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application).

145. There is no requirement for plans to be professionally drawn as long as they clearly show all of the prescribed information (see Annex A).

### **Premises operating schedule**

146. In completing an operating schedule, applicants must describe the steps that are appropriate for the promotion of the licensing objectives having had regard to this policy. Applicants are expected to include positive proposals in their application on how they will manage any potential risks.

147. While applicants are not required to seek the views of responsible authorities before formally submitting an application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application.

### **Submitting premises licence applications**

148. Applications may be submitted by post or by any suitable electronic means (including via email).

149. If an applicant submits any part of their application by post, the applicant will be responsible for sending copies to each of the appropriate responsible authorities. However, if an application is submitted online or via email, the licensing authority will be responsible for copying it to responsible authorities.

150. If information is missing or incorrect, the licensing authority may ‘hold’ the application until the applicant has supplied all of the required information. This effectively resets the time period for determining an application and may be done any number of times until the application form is complete.

### **Right to work in the UK – premises licences**

151. Individuals and partnerships (which are not limited liability partnerships) applying for a premises licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected.

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<sup>55</sup> [Regulation 23 of the Licensing Act 2003 \(Premises licences and club premises certificates\)](#)  
[Regulations 2005](#) as amended by [regulation 5 of the Licensing Act 2003 \(Premises licences and club premises certificates\) \(Amendment\) \(Electronic Applications etc\) Regulations 2009](#)

152. In order for the licensing authority to be satisfied that an applicant has the right to work in the UK, applicants must submit a copy of one of the documents listed in Annex C to show that the applicant has permission to be in the UK and to undertake work in connection with a licensable activity.
153. Applicants should provide photocopies or scanned copies of the documents. Original documents should not be sent to the licensing authority.
154. If an applicant has restrictions on the length of time they may work in the UK, a premises licence may still be issued, but the licence will cease to have effect when the right to work lapses.
155. All applicants will be treated in the same way. Assumptions will not be made about a person's right to work in the UK or their immigration status on the basis of their nationality, ethnic origin, accent, the colour of their skin, or the length of time they have been resident in the UK.

### **Determining uncontested premises licence applications**

156. In the absence of any representations in respect of any duly made application, a licence will be granted as applied for, subject only to any mandatory conditions and those conditions which form part of the operating schedule.

### **Representations – premises licences**

157. Responsible authorities and any other persons may make relevant representations in respect of applications for the grant or variation of a premises licence. In these cases, the application will be referred to the Statutory Licensing Sub-Committee for determination.
158. Representations must be made in writing and may be amplified at the subsequent hearing. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
159. Any representations must relate to the likely adverse effect that granting the application would have on the licensing objectives. Representations about the commercial damage caused by competition from new licensed premises would not be considered relevant. Similarly, matters of morality, public health (as opposed to public safety) and commercial demand are not relevant matters for the licensing authority to consider in discharging its licensing functions.
160. If a representation has been made by a person other than a responsible authority (e.g. a local resident, residents' association, local business or trade association), the licensing authority must consider whether the complaint being made is frivolous or vexatious.
  - a) A representation may be regarded as frivolous where the concerns are minor and no remedial steps would be warranted or proportionate.
  - b) A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.
161. In borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making representation. The subsequent hearing would then

provide an opportunity for the person applicant to amplify and clarify the grounds for objection. Any person who is aggrieved by a rejection of their representation may lodge a complaint through the council's corporate complaints procedure or they may seek to challenge the authority's decision by way of judicial review.

162. The licensing authority will accept all reasonable and proportionate representations made by responsible authorities unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. It remains incumbent on the responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing<sup>56</sup>.

### **Hearings – premises licences**

163. The licensing authority must hold a hearing within a prescribed period where relevant representations are made.
164. Notices will be sent to each party informing them of the date so that they may attend if they wish to give evidence at the hearing.

### **Duration of premises licences<sup>57</sup>**

165. Unless it has been granted only for a limited period, a premises licence will remain valid until:
  - it is suspended;
  - it is surrendered;
  - it is revoked;
  - it lapses where the holder of the licence:
    - dies;
    - lacks capacity to hold a licence within the meaning of the Mental Capacity Act 2005;
    - becomes insolvent;
    - is dissolved;
    - ceases to be entitled to work in the United Kingdom; or
    - if it is a club, ceases to be a recognised club.

### **Premises licence appeals**

166. Any party aggrieved by a decision of the licensing authority can appeal to the Magistrates' Court.

### **Premises licence conditions**

167. Conditions on premises licences will fall into one of three categories as follows:
  - Mandatory conditions;
  - Conditions consistent with the applicant's operating schedule; and
  - Conditions imposed by the Statutory Licensing Sub-Committee.

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<sup>56</sup> 9.12 of the [Home Office Guidance](#) issued under section 182 of the Licensing Act 2003 (December 2023)

<sup>57</sup> [Section 26 of the Licensing Act 2003](#)

168. Mandatory conditions are attached to all premises licence, where appropriate, to ensure that:

- No supply of alcohol is made under a premises licence at a time when there is no designated premises supervisor in respect of the premises licence<sup>58</sup>;
- No supply of alcohol is made under a premises licence at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended<sup>59</sup>;
- Every supply of alcohol under the premises licence is made or authorised by a person who holds a personal licence<sup>60</sup>;
- The admission of children to the exhibition of any film is restricted in accordance with any recommendation by the film classification body or the licensing authority<sup>61</sup>;
- Any individual carrying out a security activity in accordance with a licence condition is authorised under the Private Security Industry Act 2001<sup>62</sup>;
- An age verification policy is adopted and implemented in relation to the sale or supply of alcohol<sup>63</sup>;
- The age verification policy requires individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or an ultraviolet feature<sup>64</sup>;
- No alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price<sup>65</sup>;
- Staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises<sup>66</sup>;
- No alcohol is dispensed directly into the mouth of a customer (except when an individual is unable to drink without assistance due to a disability). For example, drinking games such as the 'dentist's chair' are prohibited<sup>67</sup>;
- Free potable water is provided on request to customers where it is reasonably available<sup>68</sup>;
- The following drinks (if sold on the premises) are available in the following measures:
  - beer or cider - half pint
  - gin, rum, vodka or whisky - 25ml or 35ml
  - still wine in a glass - 125ml<sup>69</sup>.

169. The mandatory conditions are prescribed in legislation and are subject to periodic change. The licensing authority will not necessarily replace licences following every change, but the changes will be reflected when any other amendments are made by the licence holder.

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<sup>58</sup> [Section 19\(2\)\(a\) of the Licensing Act 2003](#)

<sup>59</sup> [Section 19\(2\)\(b\) of the Licensing Act 2003](#)

<sup>60</sup> [Section 19\(3\) of the Licensing Act 2003](#)

<sup>61</sup> [Section 20 of the Licensing Act 2003](#)

<sup>62</sup> [Section 21 of the Licensing Act 2003](#)

<sup>63</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>64</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>65</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2014](#)

<sup>66</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>67</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>68</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>69</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

170. Licence holders should be aware that mandatory conditions will apply to their licence, even if they are not printed upon it, and as such are encouraged to periodically check for updates to the current conditions.
171. Proposals put forward by an applicant to promote the licensing objectives may, at the discretion of the licensing authority, be imposed on a licence in the form of clear and enforceable conditions. Any such conditions must be consistent with the applicant's operating schedule. Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule.
172. The Statutory Licensing Sub-Committee may impose additional conditions upon receipt of relevant representations if it is satisfied as a result of a hearing (unless all parties agree that a hearing is not necessary) that it is appropriate in order to promote one or more of the four licensing objectives.
173. The licensing authority will be alive to the indirect costs that can arise as a result of conditions being imposed on premises licences. Conditions may be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. In any case, licensing authorities have a general responsibility to avoid imposing unnecessary regulatory burdens on businesses<sup>70</sup>.

### **Planning permission and premises licences**

174. Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency.
175. The planning and licensing regimes involve consideration of different (albeit related) matters. The Statutory Licensing Sub-Committee is not bound by decisions made by the Planning Committee and vice versa.
176. There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time.
177. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

### **Cumulative impact of licensed premises**

178. "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. It should not, however, be confused with any question of 'need' which relates to the commercial demand for a particular type of premises. The issue of 'need' is a matter for market forces to influence and for the planning authority to regulate. It is not a matter for the licensing authority to consider in discharging its licensing functions or formulating its statement of licensing policy.
179. The licensing authority recognises that, in accordance with the statutory guidance, it may adopt a special policy in response to a cumulative impact issue in a defined area. Consideration of such a policy may be prompted by submissions from responsible

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<sup>70</sup> [Regulators' Code](#) - Better Regulation Delivery Office – April 2014

authorities or other persons, evidenced appropriately and linked to one or more of the licensing objectives.

180. The licensing authority will not seek to introduce quotas of licensed premises, nor will it seek to impose general limitations on trading hours in particular areas. Instead, consideration will be given to the individual characteristics of the premises concerned within a given area.

## Club premises certificates

181. A club premises certificate authorises a club to carry out qualifying club activities such as the supply of alcohol and the provision of regulated entertainment.
182. A qualifying club may choose to apply for a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.
183. The 2003 Act does not prevent visitors to a qualifying club being supplied with alcohol as long as they are 'guests' of any member of the club and nothing in the Act prevents the admission of such people as guests without prior notice. However, a club acting in good faith will only allow access by bona fide guests. The licensing authority is of the opinion that a person should not be regarded as a guest if he/she has had no previous acquaintance with a member.

## Qualifying clubs

184. In order to be a qualifying club, a club must meet the following qualifying conditions<sup>71</sup>:
  - nobody can be admitted as a member without an interval of at least two days after their nomination or application for membership;
  - a person who is admitted as a member other than by prior nomination or application must wait at least two days before enjoying the privileges of membership;
  - the club is established and conducted in good faith as a club (see paragraph 185);
  - the club has at least 25 members; and
  - no alcohol is supplied, or intended to be supplied, on the club premises except by or on behalf of the club.
185. In determining whether a club is established and conducted in good faith, the licensing authority will consider<sup>72</sup>:
  - any arrangements restricting the club's freedom of purchase of alcohol;
  - how money or property belonging to the club is used;
  - giving members information about the club's finances;
  - the club's accounts; and
  - the nature of its premises.
186. The holder of a club premises certificate is entitled to certain benefits including:
  - the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;
  - the authority to provide late night refreshment to members of the club without requiring additional authorisation;
  - more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public;
  - exemption from police powers of instant closure on grounds of disorder and noise nuisance (except when being used under the authority of a temporary event notice

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<sup>71</sup> [Section 62 of the Licensing Act 2003](#)

<sup>72</sup> [Section 63 of the Licensing Act 2003](#)

or premises licence) because they operate under their codes of discipline and rules; and

- exemption from orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected.

### **Application for the grant of a club premises certificate<sup>73</sup>**

187. An application for the grant of a club premises certificate must be accompanied by:

- the requisite fee;
- a declaration relating to the qualifying criteria;
- an operating schedule;
- a plan of the club premises; and
- a copy of the club rules.

188. An application for the grant of a club premises certificate must be advertised:

- in a local publication on at least one occasion within 10 working days of the application date; and
- on the premises for a period of 28 days.

### **Variation of a club premises certificate<sup>74</sup>**

189. The holder of a club premises certificate may apply for a variation of the club premises certificate. An application for a variation of a club premises certificate must be accompanied by:

- the requisite fee;
- the existing club premises certificate;
- an operating schedule; and
- if the variation relates to any structural alterations, a plan of the club premises.

190. An application for the variation of a club premises certificate must be advertised:

- in a local publication on at least one occasion within 10 working days of the application date; and
- on the premises for a period of 28 days (see Annex B for more information).

### **Minor variation of a club premises certificate<sup>75</sup>**

191. The Licensing Act 2003 allows for a simplified procedure for varying a club premises certificate where the changes cannot have an adverse effect on the licensing objectives.

192. An application for a minor variation of a club premises certificate must be accompanied by:

- the requisite fee;
- the existing a club premises certificate; and
- if the variation relates to any structural alterations, a plan of the club premises.

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<sup>73</sup> [Section 71 of the Licensing Act 2003](#)

<sup>74</sup> [Section 84 of the Licensing Act 2003](#)

<sup>75</sup> [Section 86A of the Licensing Act 2003](#)

193. An application for a minor variation of a club premises certificate must be advertised on the premises for a period of 10 working days.

194. The minor variation process cannot be used to:

- vary substantially the premises to which it relates;
- add the supply of alcohol as an activity authorised by the certificate; or
- increase the amount of time on any day during which alcohol may be supplied.

195. Changes to the structure of the club premises will not generally fall within the definition of a minor variation if it increases the capacity for drinking on the premises, or if it impedes the effective operation of a noise reduction measure such as an acoustic lobby.

### **Changes during period of a club premises certificate**

196. A club must notify the licensing authority of any change in the club's name, registered address or its club rules<sup>76</sup>.

### **Review of a club premises certificate<sup>77</sup>**

197. A responsible authority or any other person may apply for a review of a club premises certificate in the event of any perceived failure to promote one or more of the licensing objectives.

198. Reviews allow the licensing authority, if necessary, to modify the certificate conditions or to suspend or withdraw all or part of the certificate.

199. If a review application has been made by a person other than a responsible authority (e.g. a local resident, residents' association, local business or trade association), the licensing authority must consider whether the complaint being made is frivolous, vexatious or repetitious.

- a) A review may be regarded as frivolous where the concerns are minor and no remedial steps would be warranted or proportionate.
- b) A review may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.
- c) A review may be considered to be repetitious if it is identical or substantially similar to:
  - a ground for review specified in an earlier application for review made in relation to the same club premises certificate; or
  - representations considered by the licensing authority when the club premises certificate was granted.

200. The licensing authority is expected to prevent review applications made merely as a further means of challenging the grant of the certificate following the failure of representations to persuade the licensing authority on an earlier occasion. Accordingly, a review application in relation to a particular club would not generally be permitted within a 12-month period on similar grounds unless the licensing authority is satisfied that there are exceptional circumstances.

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<sup>76</sup> [Sections 82 and 83 of the Licensing Act 2003](#)

<sup>77</sup> [Section 87 of the Licensing Act 2003](#)

201. In borderline cases, the benefit of the doubt about any aspect of a review application should be given to the applicant. The subsequent hearing would then provide an opportunity for the person applicant to amplify and clarify the grounds for review. Any person who is aggrieved by a rejection of their review application may lodge a complaint through the council's corporate complaints procedure or they may seek to challenge the authority's decision by way of judicial review.
202. Although the licensing authority may act in its capacity as a responsible authority to apply for a review of a club premises certificate, it will not normally do so on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review in their own right if they have grounds to do so.
203. Where the licensing authority does act as a responsible authority and applies for a review, it will make provision for an appropriate separation of responsibilities in order to ensure procedural fairness and eliminate conflicts of interest.

### **Plans of club premises**

204. Premises plans are not required to be submitted in any particular scale, but they must be in a format which is "clear and legible in all material respects"<sup>78</sup> (i.e. they must be accessible and provide sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application).
205. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information (see Annex A).

### **Club premises operating schedule**

206. In completing an operating schedule, applicants must describe the steps that are appropriate for the promotion of the licensing objectives having had regard to this policy. Applicants are expected to include positive proposals in their application on how they will manage any potential risks.
207. While applicants are not required to seek the views of responsible authorities before formally submitting an application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application.

### **Submitting club premises certificate applications**

208. Applications may be submitted by post or by any suitable electronic means (including via email).
209. If an applicant submits any part of their application by post, the applicant will be responsible for sending copies to each of the appropriate responsible authorities. However, if an application is submitted online or via email, the licensing authority will be responsible for copying it to responsible authorities.

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<sup>78</sup> [Regulation 23 of the Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#) as amended by [regulation 5 of the Licensing Act 2003 \(Premises licences and club premises certificates\) \(Amendment\) \(Electronic Applications etc\) Regulations 2009](#)

210. If information is missing or incorrect, the licensing authority may ‘hold’ the application until the applicant has supplied all of the required information. This effectively resets the time period for determining an application and may be done any number of times until the application form is complete.

## **Determining uncontested club premises certificate applications**

211. In the absence of any representations in respect of any duly made application, a club premises certificate will be granted as applied for, subject only to any mandatory conditions and those conditions which form part of the operating schedule.

## **Representations – club premises certificates**

212. Responsible authorities and any other persons may make relevant representations in respect of applications for the grant or variation of a club premises certificate. In these cases, the application will be referred to the Statutory Licensing Sub-Committee for determination.

213. Representations must be made in writing and may be amplified at the subsequent hearing. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.

214. Any representations must relate to the likely adverse effect that granting the application would have on the licensing objectives. Representations about the commercial damage caused by competition would not be considered relevant. Similarly, matters of morality, public health (as opposed to public safety) and commercial demand are not relevant matters for the licensing authority to consider in discharging its licensing functions.

215. If a representation has been made by a person other than a responsible authority (e.g. a local resident, residents’ association, local business or trade association), the licensing authority must consider whether the complaint being made is frivolous or vexatious.

- a) A representation may be regarded as frivolous where the concerns are minor and no remedial steps would be warranted or proportionate.
- b) A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.

216. In borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making representation. The subsequent hearing would then provide an opportunity for the person applicant to amplify and clarify the grounds for objection. Any person who is aggrieved by a rejection of their representation may lodge a complaint through the council’s corporate complaints procedure or they may seek to challenge the authority’s decision by way of judicial review.

217. The licensing authority will accept all reasonable and proportionate representations made by responsible authorities unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. It remains incumbent on the responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing<sup>79</sup>.

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<sup>79</sup> 9.12 of the [Home Office Guidance](#) issued under section 182 of the Licensing Act 2003 (December 2023)

## **Hearings – club premises certificates**

218. The licensing authority must hold a hearing within a prescribed period where relevant representations are made.

219. Notices will be sent to each party informing them of the date so that they may attend if they wish to give evidence at the hearing.

## **Duration of club premises certificates<sup>80</sup>**

220. A club premises certificate will remain valid unless:

- it is suspended;
- it is surrendered; or
- it is withdrawn by the licensing authority.

## **Club premises certificate appeals**

221. Any party aggrieved by a decision of the licensing authority can appeal to the Magistrates' Court.

## **Club premises certificate conditions**

222. Conditions on club premises certificates will fall into one of three categories as follows:

- Mandatory conditions;
- Conditions consistent with the applicant's operating schedule; and
- Conditions imposed by the Statutory Licensing Sub-Committee.

223. Mandatory conditions are attached to all club premises certificates, where appropriate, to ensure that:

- The admission of children to the exhibition of any film is restricted in accordance with any recommendation by the film classification body or the licensing authority<sup>81</sup>;
- An age verification policy is adopted and implemented in relation to the sale or supply of alcohol<sup>82</sup>;
- The age verification policy requires individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or an ultraviolet feature<sup>83</sup>;
- No alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price<sup>84</sup>;
- Staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises<sup>85</sup>;

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<sup>80</sup> [Section 80 of the Licensing Act 2003](#)

<sup>81</sup> [Section 74 of the Licensing Act 2003](#)

<sup>82</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>83</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>84</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2014](#)

<sup>85</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

- No alcohol is dispensed directly into the mouth of a customer (except when an individual is unable to drink without assistance due to a disability). For example, drinking games such as the 'dentist's chair' are prohibited<sup>86</sup>;
- Free potable water is provided on request to customers where it is reasonably available<sup>87</sup>;
- Any alcohol supplied for consumption off the premises are made to a member of the club in person and may only be removed from the premises in a sealed container<sup>88</sup>, and
- The following drinks (if sold on the premises) are available in the following measures:
  - beer or cider - half pint
  - gin, rum, vodka or whisky - 25ml or 35ml
  - still wine in a glass - 125ml<sup>89</sup>.

224. The mandatory conditions are prescribed in legislation and are subject to periodic change. The licensing authority will not necessarily replace certificates following every change, but the changes will be reflected when any other amendments are made by the club.

225. Clubs should be aware that mandatory conditions will apply to their certificate, even if they are not printed upon it, and as such are encouraged to periodically check for updates to the current conditions.

226. Proposals put forward by an applicant to promote the licensing objectives may, at the discretion of the licensing authority, be imposed on a certificate in the form of clear and enforceable conditions. Any such conditions must be consistent with the applicant's operating schedule. Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule.

227. The Statutory Licensing Sub-Committee may impose additional conditions upon receipt of relevant representations if it is satisfied as a result of a hearing (unless all parties agree that a hearing is not necessary) that it is appropriate in order to promote one or more of the four licensing objectives.

228. The licensing authority will be alive to the indirect costs that can arise as a result of conditions being imposed on club premises certificates. Conditions may be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. In any case, licensing authorities have a general responsibility to avoid imposing unnecessary regulatory burdens on businesses<sup>90</sup>.

## **Planning permission and club premises certificates**

229. Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency.

230. The planning and licensing regimes involve consideration of different (albeit related) matters. The Statutory Licensing Sub-Committee is not bound by decisions made by the Planning Committee and vice versa.

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<sup>86</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>87</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>88</sup> [Section 73 of the Licensing Act 2003](#)

<sup>89</sup> [Schedule to the Licensing Act 2003 \(Mandatory Licensing Conditions\) Order 2010](#)

<sup>90</sup> [Regulators' Code](#) - Better Regulation Delivery Office – April 2014

231. There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of club premises. Where these hours are different to the hours shown on the club premises certificate, the applicant must observe the earlier closing time.
232. Clubs operating in breach of their planning permission would be liable to prosecution under planning law.

#### **Withdrawal of a club premises certificate**

233. Section 90 of the 2003 Act enables the licensing authority to issue a notice to a club withdrawing its certificate where it appears that it has ceased to meet the qualifying conditions. There is a right of appeal against such a decision.

## Temporary Event Notices

234. Temporary Event Notices (TENs) allow licensable activities to take place at events involving no more than 499 people at any one time.
235. The proposed premises user may notify the licensing authority of an event and, provided certain requirements have been complied with, the activities will be authorised.
236. Where the relevant licensable activities include the supply of alcohol, all such supplies must be made by, or under the authority of, the premises user<sup>91</sup>.
237. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

### Criteria

238. Any individual aged 18 or over may give a limited number of TENs per calendar year to authorise the carrying on of licensable activities from any premises.
239. A TEN must be accompanied by the requisite fee.
240. A standard TEN must be given to the Licensing Authority no later than 10 working days before the day on which the event is to start.
241. A late TEN must be given to the licensing authority no later than five working days before the day on which the event is to start.
242. Unless it is sent electronically, a copy of the TEN must also be sent to North Yorkshire Police and North Yorkshire Council's Environmental Health Service at least 10 working days before the event (or five working days in the case of a late TEN).
243. The following limitations are also imposed on the use of TENs:
  - the maximum number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
  - the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people (note: late TENs count towards the total number of permitted TENs);
  - the maximum number of times a TEN may be given for any particular premises is 15 times in a calendar year;
  - the maximum duration of an event authorised by a TEN is 168 hours;
  - the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
  - the maximum number of people attending at any one time is 499; and
  - the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

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<sup>91</sup> [Section 100\(6\) of the Licensing Act 2003](#)

## Working days

244. A “day” means a period of 24 hours beginning at midnight<sup>92</sup>.

245. A “working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday<sup>93</sup>.

246. The expression “five (or ten) working days before the day on which the event begins” should be interpreted in accordance with the legal principle that fractions of a day are to be disregarded. This is necessary to ensure that time periods specified in legislation do not end up being shorter than the period specified by Parliament. Accordingly, there must be at least five (or ten) full working days prior to the first day of the event for the notice to be valid.

## Objections

247. Provided the criteria set out above are met, only North Yorkshire Police and the council’s Environmental Health Service may object to an event being authorised by a TEN.

248. Should the licensing authority receive an objection notice to a late TEN it is required to serve a counter notice no later than 24 hours before the event and the event will not then be permitted<sup>94</sup>.

## Hearings

249. Where an objection notice is received in respect of a standard TEN, the licensing authority must hold a hearing to consider any potential adverse effects on the licensing objectives<sup>95</sup>.

250. The licensing authority must decide whether it is appropriate for the promotion of the licensing objectives to issue a counter-notice, which has the effect of cancelling the authorisation to carry on licensable activities.

251. Where the authority has decided not to issue a counter-notice, the licensing authority may resolve to give effect to conditions from a premises licence or club premises certificate if it considers this appropriate for the promotion of the licensing objectives<sup>96</sup>.

252. Any conditions brought forward will be replicated in the same form as used on the licence or certificate and will be imposed only if they address issues raised within objection notices given to the authority. The authority will not utilise this power to condition or restrict aspects of the event which are not referenced within an objection notice or supplementary representations.

253. If the licensing authority is of the opinion that an event should not proceed, it will issue a counter-notice. The power to impose conditions will not be utilised to impose conditions

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<sup>92</sup> [Section 107\(13\)\(c\) of the Licensing Act 2003](#)

<sup>93</sup> [Section 193 of the Licensing Act 2003](#)

<sup>94</sup> Section 104A of the Licensing Act 2003 as inserted by [section 114 of the Police Reform and Social Responsibility Act 2011](#)

<sup>95</sup> [Section 105 of the Licensing Act 2003](#)

<sup>96</sup> Section 106A of the Licensing Act 2003 as inserted by [section 113 of the Police Reform and Social Responsibility Act 2011](#)

which are inconsistent with the proposed event, or which are impossible for the premises user to comply with.

254. The licensing authority has no other power to impose conditions on temporary event notices. Undertakings agreed between a premises user and a responsible authority to resolve objections to a TEN are unenforceable and are therefore discouraged.

## Film classifications

255. Where a premises licence or club premises certificate authorises the exhibition of a film, it must include a mandatory condition requiring the admission of children to be restricted in accordance with recommendations given either by the British Board of Film Classification (as designated under section 4 of the Video Recordings Act 1984) or by the licensing authority itself<sup>97</sup>.
256. The British Board of Film Classification (BBFC) is responsible for the national classification and censorship of films screened in the UK.
257. BBFC classifications for film exhibitions in cinemas are not legally binding in their own right but become so by virtue of the above mandatory condition.
258. Accordingly, it is an offence to admit children or young people to film exhibitions in breach of the applicable admission recommendation.
259. The council is responsible for making recommendations in relation to the admission of children to the screenings of any unclassified films.
260. In the case of a screening within North Yorkshire, any recommendations made by North Yorkshire Council's licensing authority would override any other certificate issued by the BBFC. The licensing authority's recommendations will not apply to an exhibition of the film in any other council area.

## Council principles

261. The vast majority of mainstream theatrical releases screened in UK cinemas are classified in accordance with BBFC guidelines. The licensing authority will therefore generally follow the same guidelines when it issues an admission recommendation for a previously unclassified film. It should be noted, however, that the council is not under any obligation to follow the BBFC guidelines.
262. Unless the specific circumstances of a case justify making an exception, a recommendation in keeping with one of the BBFC's 'standard certificates' (e.g. U, PG, 12A, 15, 18) will be issued as audiences will be familiar with this particular classification scheme. Where the licensing authority departs from the BBFC's standard certifications, the reasons for doing so will be recorded.
263. The licensing authority must undertake its functions with a view to promoting the licensing objectives. In the case of film classifications, the licensing authority will pay particular regard to the protection of children from moral, psychological and physical harm. This includes wider harms such as exposure to strong language and sexual expletives<sup>98</sup>.
264. The licensing authority's primary focus in regard to film classifications will be on the protection of children from harm. On that basis, requests for an 18 certification will not normally be refused as the licensing authority recognises the principle that adults are generally free to choose their own entertainment.

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<sup>97</sup> [Section 20 of the Licensing Act 2003](#)

<sup>98</sup> Paragraph 2.28 of the [Home Office Guidance](#) issued under section 182 of the Licensing Act 2003 (December 2023)

## **Procedure**

265. Applications should be made in writing along with the film in a format approved by the licensing authority.
266. The application should be submitted at least 28 days before the proposed screening.
267. An authorised officer will view the entire film and assess it against the BBFC guidelines and any relevant guidance associated with the Licensing Act 2003.
268. The licensing authority will formally advise the applicant of any recommendation(s) restricting the admission of children to the film(s).

## **Applicant's obligations**

269. Applicants must ensure that all material complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 and any other relevant legislation.
270. Applicants must ensure that the material has not been created through the commission of a criminal offence.
271. Applicants will be responsible for any relevant third-party consents, copyright, intellectual property rights and data protection obligations relating to the film.

## **Enforcement**

272. This policy sets out the standards and guidance that will be applied by the licensing authority when discharging its functions under the Licensing Act 2003.

273. Well-directed compliance and enforcement action taken by the licensing authority benefits not only the public but also responsible licence holders engaged in licensable activities.

274. The policy applies to enforcement and regulation affecting businesses and members of the public.

275. The Regulators' Code<sup>99</sup> has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.

276. The council aims to reduce regulatory burdens and support compliant business growth by ensuring that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

## **Enforcement objectives**

277. The aim of the licensing authority is to undertake its regulatory and enforcement role in a fair, open and consistent manner. In doing this it will act in accordance with the guidance and standards set out in this policy.

278. In particular, the licensing authority will:

- Consult with parties subject to regulation and enforcement by the licensing authority about the standards it sets in undertaking this role;
- Work with individuals and businesses to assist them in complying with their legal duties and obligations;
- Ensure its staff are appropriately trained and apply the policy professionally and consistently;
- Make information about the policy widely available to the public and businesses within North Yorkshire;
- Monitor compliance with the policy and review it from time to time in consultation with parties subject to its application; and
- Comply with the various requirements and standards of external legislation, guidance, corporate policy and good practice.

## **Guiding principles**

279. In undertaking its regulatory and enforcement role, the licensing authority will have regard to the following guiding principles:-

- Any decision regarding enforcement action will be impartial and objective, and will not be affected by race, gender, sexual orientation or religious beliefs of any alleged offender, complainant or witness.

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<sup>99</sup> [Regulators' Code](#) - Better Regulation Delivery Office – April 2014

- The licensing authority believes the vast majority of individuals and businesses wish to comply with the legal requirements placed upon them and should be assisted in doing so.
- In dealing with any enforcement situation, the licensing authority's actions will be proportionate to the scale, seriousness and intentionality of any non-compliance.
- There will be consistency of enforcement whilst recognising individual circumstances which may modify the appropriate action to be taken in each case.
- Except in the most serious cases, or where advice/warnings have not been heeded, adequate opportunity will be given to rectify non-compliance before formal legal action is commenced.
- Prosecution is seen as a final means of securing compliance with the appropriate standards, and not as an end in itself.
- Prosecution will normally only be considered where it is in the public interest to do so and in serious or blatant cases, or where other approaches have failed.
- Regard shall be had to the relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action (including the Human Rights Act 1998 and the Code for Crown Prosecutors).
- Regard shall be had to the council's equal opportunities and customer care policies.

## **Service standards**

280. The licensing authority will always endeavour to meet the highest standards of service in undertaking its regulatory and enforcement function. The following specific level of service standards will be applied:

- Matters relating to enforcement and regulation will be dealt with promptly, with enquiries and complaints receiving a first response within three working days.
- Except in the case of necessary and approved covert investigations, officers will announce themselves on arrival at premises and show identification unless they are already well known to the person.
- Officers will provide their name and a contact telephone number to those persons or businesses with whom they are in contact concerning a regulatory or enforcement matter.
- Requests for service relating to enforcement or regulatory matters will normally only be dealt with if the name and address of the complainant is given. Any such identification will be treated in confidence but may need to be disclosed should formal legal proceedings be taken against the person or business to which the complaint relates. Anonymous complaints may, however, be investigated if they relate to protection of children or other vulnerable groups, or matters relating to serious safety issues etc or where the issue complained of can be determined by the Enforcement Officers themselves without further involvement of the complainant.
- Officers will be professional, courteous and helpful in their conduct of regulatory or enforcement matters, and wherever possible will seek to work with individuals and businesses towards compliance.
- Officers will endeavour to provide advice in a clear and simple manner and where any corrective or remedial work is necessary, an explanation will be given as to why it is necessary, and over what timescale it is required.
- Officers will generally seek an informal resolution to cases of non-compliance except where immediate formal enforcement action is required.
  - Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.

## **Enforcement activities**

281. Enforcement activities will fall into the following broad areas:

- Undertaking routine inspections of licensed premises;
- Undertaking proactive inspections, sometimes with other agencies;
- Responding to requests for service, complaints or information provided by the public, businesses and others;
- Offering general and specific advice to applicants, licensees and the public about the requirements of the licensing regime; and
- Taking action and, where necessary, imposing sanctions in response to breaches or the requirements of the licensing regime.

282. Records of enforcement action will be kept.

283. Where there is known to be involvement of any other enforcement agency or any case involves joint enforcement arrangements, the licensing authority will consult with that other agency prior to taking any enforcement action.

## **Advice and warnings**

284. Officers may provide advice (verbally or in writing) as a means of securing good conduct by licence holders. Such an approach may be appropriate where no formal action is necessary and there is a high expectation of future compliance.

285. Written warnings may be issued in instances where, again, no formal enforcement action is necessary, and the consequences of any non-compliance does not pose a significant risk to public safety.

286. Any communication in this regard will evidence the licensee's knowledge of a certain issue and may be referred to in future if patterns of conduct emerge.

## **Prosecution**

287. The decision to prosecute is a serious matter and will require consultation with the relevant senior officers. Prosecution will be considered where the law is blatantly or repeatedly disregarded, legitimate instructions of the licensing authority are not followed, the public is put at serious risk and/or a significant public interest purpose would be served.

## **Appeals**

288. Appeals against decisions of the council may be made to the Magistrates' Court where appropriate.

289. Any notifications of formal enforcement action will include written information about how to appeal. This will explain how, where and within what time period an appeal may be brought and on what grounds. It will also confirm, where appropriate, that the enforcement action is suspended pending the outcome of any appeal.

## **Complaints about licence holders**

290. Members of the public may make complaints to the licensing authority about licence holders or about the impact of licensable activities. Complaints can be made by post or email to North Yorkshire Council or online via the council's website.

291. The licensing authority will adhere to the following procedure:

- ascertain the facts regarding the complaint and decide if action is required;
- register the complaint and refer it to an investigating officer;
- contact the complainant within 5 working days;
- investigate the complaint;
- make a decision; and
- inform all parties of that decision

292. Licence holders and premises users who are the subject of a complaint will be informed of the nature of the complaint and, if necessary, given sufficient notice to attend any interview.

293. The outcome of the investigation will be implemented in accordance with this policy.

294. If there is evidence relating to alleged criminal offences outside the scope of the licensing regime (e.g. threats of violence, assault etc), this will be referred to North Yorkshire Police.

## **Complaints about the service**

295. Any dissatisfaction with the actions of an officer of the council will be dealt with under the council's corporate complaints procedure, copies of which are available from the council's website.

## Annex A - Premises plans

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005/42 as amended by Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) (Electronic Applications etc) Regulations 2009/3159

An application for a premises licence or a club premises certificate shall be accompanied by a plan of the premises to which the application relates and shall comply with the following:

The information contained in the plan must be clear and legible in all material respects<sup>100</sup>.

The plan must show—

- the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- the location of points of access to and egress from the premises;
- the location of any further escape routes from the premises;
- in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- the location of a kitchen, if any, on the premises.

In the interests of clarity, applicants are further advised to include:

- a legend, or key, to illustrate by the use of any symbols identifying the above matters;
- the name and address of the premises along with the date of the drawings;
- a red line to define the total extent of the proposed licensed area;
- a separate location plan to identify the premises in relation to its immediate surroundings.

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<sup>100</sup> [Regulation 23 of the Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#) as amended by [regulation 5 of the Licensing Act 2003 \(Premises licences and club premises certificates\) \(Amendment\) \(Electronic Applications etc\) Regulations 2009](#)

## **Annex B - Advertisement of applications**

Where an application is made to North Yorkshire Council for the grant or variation of a premises licence or club premises certificate, the applicant is required to advertise their application by:

- publishing a notice in a local newspaper circulating in the vicinity of the premises; and
- displaying at least one notice prominently at or on the premises to which the application relates where it can be conveniently read from outside the premises.

### **Newspaper notice**

The notice must be published on at least one occasion during the period of 10 working days starting on the day after the application was given to the council.

### **Premises notice**

- The notice(s) must be displayed for not less than 28 consecutive days starting on the day after the application was given to the council.
- The notice(s) must be of a size equal to or larger than A4.
- The notice(s) must be pale blue in colour.
- The notice(s) must be printed legibly in black ink or typed in black in a font of a size equal to or larger than 16.

Note: where the premises covers more than 50 square metres, copies of the said notice must be displayed at intervals of 50 metres along any external perimeter abutting a highway.

### **What must the notices say?**

The notice must include:

- A statement of the licensable activities which it is proposed to be carried on or, in the case of a variation application, a brief description of the proposed variation.
- The name of the applicant or club.
- The postal address of the premises or if no postal address exists, sufficient information to identify the location.
- A statement to confirm that the application may be inspected at the relevant office of North Yorkshire Council.
- A statement to confirm that representations must be made in writing to the council no later than 28 days from the day after the application is submitted.
- A statement to confirm that it is an offence knowingly or recklessly to make a false statement in connection with an application and a person guilty of such an offence is liable on summary conviction to a fine of any amount.

### **Minor variations**

An application for a minor variation to a premises licence or club premises certificate is subject to a simplified process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular. However, they must display a white notice (to distinguish it from the blue notice used for full variations and new applications) complying with the above requirements for a period of ten working days starting on the day after the application was given to the council.

## **Annex C - Documents which demonstrate right to work in the UK**

### **List A - acceptable documents to establish a continuous statutory excuse**

- A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- A birth or adoption certificate (short or long) issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

### **List B - acceptable documents to establish a time-limited statutory excuse**

- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay

in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

- A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
- An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

## Annex D - Conditions on a premises licence or club premises certificate

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. Any such conditions must:

- be appropriate for the promotion of the licensing objectives;
- be precise and enforceable;
- be unambiguous and clear in what they intend to achieve;
- not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- be tailored to the individual type, location and characteristics of the premises and events concerned;
- not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- not replicate offences set out in the 2003 Act or other legislation;
- be proportionate, justifiable and be capable of being met;
- not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- be written in a prescriptive format.

Where no representations are made in respect of an application, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This will be undertaken as a simple administrative process by officers who may replicate some of the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions.

Such conditions may come directly from the applicant's operating schedule or from subsequent modifications by agreement with responsible authorities. The licensing authority may not hold hearings for uncontested applications, but conditions can only be imposed if they would be appropriate for the promotion of the licensing objectives. There is no obligation to impose a condition to give effect to the operating schedule if that condition is not appropriate for the promotion of the licensing objectives<sup>101</sup>. Furthermore, the licensing authority has a general responsibility to avoid imposing unnecessary regulatory burdens on businesses<sup>102</sup>.

In order to achieve proportionality, the licensing authority will ensure that any conditions imposed are no more onerous than what is required to adequately promote the licensing objectives and, where possible, the licensing authority will consider whether the desired outcomes could be achieved by less burdensome means. Any indirect costs that may arise as a result of any conditions imposed will be considered in this regard.

Where conditions have been agreed between applicants and responsible authorities that, in the opinion of an authorised licensing officer, do not accord with the principles in this annex, the licensing authority will liaise with the responsible authority to ensure that all relevant factors have been considered. Any decision to impose conditions must remain the responsibility of the licensing authority but the matter will be referred to a hearing in the event of representations being made and not withdrawn.

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<sup>101</sup> [R \(on the application of Bristol Council\) v Bristol Magistrates' Court \[2009\] EWHC 625 \(Admin\)](#)

<sup>102</sup> [Regulators' Code](#) - Better Regulation Delivery Office – April 2014

This guidance sets out the circumstances under which the licensing authority will consider imposing conditions with a view to promoting the licensing objectives. This is a non-exhaustive list and therefore any other conditions may be imposed where appropriate in accordance with the above principles.

Whilst some of the example conditions in this guidance may assist in promoting the licensing objectives, successful delivery will ultimately come down to the competence of the licence holder, the designated premises supervisor and the overall management of each premises.

## **Door supervisors**

The licensing authority recognises that not all licensed premises require door supervision to operate in a safe and responsible manner. However, applicants and licence holders are encouraged to consider the value of making arrangements for door supervision where appropriate with a view to:

- keeping out individuals excluded by court bans or by the licence holder;
- searching those suspected of carrying illegal drugs, or carrying offensive weapons;
- assisting in the implementing of the premises' age verification policy; and
- ensuring that customers entering and vacating the premises do not undermine the licensing objectives.

Where there are specific concerns that premises will attract disorder (e.g. due to any history of incidents, the nature of the proposed activities or the proposed hours of operation), it may be appropriate to impose conditions to require door supervisors to be engaged.

It is acknowledged that the recruitment of appropriately qualified and accredited staff may take some time and may involve significant costs. The licensing authority will therefore give due consideration to these matters when imposing conditions of this nature. The following is an example of an appropriate condition that may be imposed where such a need has been identified (the number of door supervisors and the hours during which their presence is required may vary):

***A minimum of two door supervisors shall be on duty for the maintenance of safety and good order from 10pm each day and must remain on duty until the premises are closed and all customers have vacated.***

***A record shall be made of all door supervisors' SIA registration number and the dates and times when they are on duty. Records shall be retained for a minimum period of one year from the date of each respective entry and made available to an authorised officer or the police on request.***

***Door supervisors shall display their SIA badge on their person at all times when on duty.***

## CCTV (closed-circuit television)

Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need<sup>103</sup>.

Where there is good reason to suppose that disorder may take place, the presence of CCTV cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime. Reasons may include the proposed hours of operation, the location and layout of the premises, any history of crime and disorder or any other relevant factors. It is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified.

Anyone who installs CCTV must comply with the relevant data protection laws and that will usually involve:

- conducting a data protection impact assessment;
- registering with the Information Commissioner's Office (ICO);
- paying a data protection fee to the ICO;
- being aware of the rights of individuals to request data;
- responding to requests for data;
- being aware of responsibilities relating to storage and disclosure; and
- displaying notices.

The cost of compliance will be a consideration for the licensing authority when imposing conditions of this nature.

The following is an example of an appropriate condition where a pressing need for CCTV has been identified:

***A digital colour CCTV system will be installed to provide comprehensive coverage of public areas on the premises.***

***The CCTV system will be maintained, working and recording at all times when licensable activities are being carried out.***

***The recordings should be capable of providing clear images to be produced in court or any other such hearings.***

***Copies of the recordings will be retained for a minimum period of 31 days subject to data protection requirements.***

***Copies of the recordings will display the correct time and date of the recording.***

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<sup>103</sup> [Home Office Surveillance Camera Code of Practice – November 2021](#)

## Staff training

Licensable activities carried out by individuals with inadequate training may raise concerns relating to disorder, nuisance, child protection and public safety.

Individuals with responsibility for the management of licensed premises are generally expected to ensure that staff are appropriately trained. Any failure to do so may raise concerns in relation to the authorisation, which is always subject to review in the event of a failure to adequately promote the licensing objectives.

Where there are specific concerns relating to the proposed activities, the location and layout of the premises, the history of management or any other relevant factors, it may be appropriate to mitigate any such risks and promote compliance by imposing licence conditions in this regard. The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***A documented training programme shall be provided to all staff involved in providing licensable activities in respect of:***

- the licensing objectives;***
- the retail sale of alcohol (including the age verification policy);***
- the operation of the CCTV system (where applicable);***
- any permitted licensable activities (including the hours of operation); and***
- any conditions attached to the premises licence.***

***Records of any such training shall be retained for a minimum period of one year from the date of each respective entry and made available to an authorised officer or the police on request.***

## The use of glassware

The use of glassware in licensed premises is common and often poses little or no harm. However, traditional glassware and bottles may be used as weapons or result in accidents and can cause very serious injuries. Applicants and licence holders may therefore wish to consider using polycarbonate bottles and drinking vessels as an alternative where possible.

Where specific crime or public safety concerns have been raised about glassware or bottles being used as weapons on licensed premises, it may be appropriate to impose licence conditions to require the adoption of a safer alternative. The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***No alcohol shall be supplied, whether open or sealed, in a glass container. No customers carrying glass containers shall be admitted to the premises at any time.***

## Incident register

On occasions, the provision of licensable activities may lead to incidents or complaints of crime and disorder. It is generally considered good practice to retain records of any such incidents or complaints, and any refusals to sell alcohol, in order to monitor patterns and to evidence any action taken to further promote the licensing objectives.

Depending on the proposed activities, the location and layout of the premises, the history of any incidents or complaints, and any other relevant factors, it may be appropriate with a view to preventing repeat occurrences to impose licence conditions relating to incident registers. The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***A record of any incidents, complaints and refusals of sale shall be made and maintained on the premises. Such matters include:***

- any crimes reported to the venue;***
- any incidents of disorder;***
- any complaints of crime or disorder; and***
- any refusal of alcohol sales.***

***Records shall be retained for a minimum period of one year from the date of each respective entry and made available to an authorised officer or the police on request.***

## Challenge 25 Scheme

The licensing authority recognises that the majority of licensed premises operate responsibly and undertake due diligence to verify the age of any customers attempting to purchase alcohol. All premises licensed to sell or supply alcohol are subject to mandatory conditions requiring the adoption and application of a suitable age verification policy.

Applicants and licence holders are encouraged to adopt the Challenge 25 Scheme to ensure that staff are being extra vigilant by not only requiring identification from any individuals who appear to be under the age of 18 years but also those who appear to be under the age of 25 years. Such an approach demonstrates due diligence and a clear commitment to the promotion of the child protection objective.

Where concerns persist over the sale of alcohol to minors, it may be appropriate to impose a condition requiring the adoption of a Challenge 25 Scheme in the interests of child protection.

The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***The premises shall operate the Challenge 25 policy for the sale of alcohol. The only acceptable proof of age identification shall be a current passport, photocard driving licence, identification carrying the PASS logo or any other effective identification technology (e.g. thumb print or pupil recognition).***

## **Off-sales in open containers**

The removal of open containers from licensed premises may, in some instances, raise concerns relating to crime and disorder, public nuisance and public safety.

The licensing authority acknowledges that the sale of alcohol for consumption off the premises is a legitimate and important part of the business for many venues. The licensing authority also recognises that licensed premises are managed, monitored and appropriately conditioned to mitigate any risks associated with licensable activities.

Depending on the proposed activities, the location and layout of the premises, the history of any incidents or complaints, and any other relevant factors, it may be appropriate to prevent the sale of alcohol for consumption off the premises in open containers. This may be appropriate to prevent the consumption of alcohol in surrounding streets, to prevent containers being discarded in public spaces and to prevent the use of any glasses or bottles as offensive weapons.

The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***No alcohol shall be sold for consumption off the premises except in a sealed container. For the purposes of this condition, “the premises” relates to the licensed premises identified by the plans attached to Annex 4 of the licence, any area covered by a pavement licence relating to the premises or any other clearly delineated external area of the premises.***

## **First aid**

Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act.

Where there are specific concerns relating to proposed events or activities, or where there is a history of reported injuries, it may be appropriate to impose conditions relating to the provision of first aid.

The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***An adequate and appropriate supply of first aid equipment and materials shall be kept available on the premises at all times when licensable activities are taking place.***

***At least one suitably trained first-aider shall be on duty at all times when licensable activities are taking place.***

## **Noise limiting devices**

The provision of live and recorded music does not generally require authorisation between the hours of 8am and 11pm in the presence of an audience of no more than 500 people on premises authorised to sell alcohol for consumption on those premises (including any external areas). However, depending on the location and layout of the premises, or any history of complaints, the provision of musical entertainment may give rise to concerns of noise nuisance. In these instances, it may be appropriate to impose conditions restricting the volume of any amplification music.

The cost of compliance will be a consideration for the licensing authority when imposing conditions of this nature and the views of the Environmental Health Service will be of significant value when determining any limits.

The following is an example of an appropriate condition where such a need has been identified:

***The premises must be fitted with a suitable noise-limiting device approved by North Yorkshire Council's Environmental Health Service. The noise-limiting device shall be used at all times when amplified music is provided.***

## **Closing doors and windows**

Applicants and licence holders are generally expected to take reasonable steps to control the levels of noise emanating from premises. The escape of noise can, to some extent, be controlled by closing doors and windows and therefore it is good practice for doors and windows to be kept closed when noise-generating activities are taking place.

Where concerns have been raised in relation to noise, it may be appropriate to impose conditions requiring doors and windows to be kept closed after a particular time, or when regulated entertainment is being provided (though conditions of this nature would only have effect in instances where the entertainment activity itself is licensable).

The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***Except for access and egress, all external doors and windows shall be kept closed at all times when regulated entertainment is being provided.***

## **Outdoor entertainment**

The provision of live and recorded music does not generally require authorisation between the hours of 8am and 11pm in the presence of an audience of no more than 500 people on premises authorised to sell alcohol for consumption on those premises (including any external areas).

However, depending on the location and layout of the premises, or any history of complaints, the provision of outdoor entertainment may give rise to concerns of noise nuisance. In these instances, it may be appropriate to impose conditions prohibiting late-night music in any external areas of the premises.

The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***No live or recorded music may be provided in any external area of the premises between 11pm and 8am on any day.***

### **Disposal of bottles**

Applicants and licence holders are generally expected to minimise any disturbance from the disposal of waste.

Where concerns have been raised in relation to noise, it may be appropriate to impose conditions restricting the hours during which it would be acceptable to place refuse in outdoor receptacles.

The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***No refuse, including bottles, shall be placed into receptacles outside the premises on any day between the hours of 11pm and 7am.***

### **Leave quietly notices**

The licensing authority recognises that individuals are personally responsible for their own behaviour beyond the immediate area surrounding licensed premises.

However, where there are legitimate concerns of noise nuisance from customers vacating licensed premises (e.g. due to the nature of the activities, the hours of operation or a history of complaints), it may be appropriate for conditions to be imposed requiring the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area.

The following is an example of an appropriate condition that may be imposed where such a need has been identified:

***A clear and legible notice shall be prominently displayed at each exit of the premises requesting patrons to respect the needs of local residents and to leave the area quietly.***

## **Access by children**

Conditions relating to the access of children where alcohol is sold will be carefully considered where appropriate to protect them from harm. This may be particularly relevant in circumstances where:

- adult entertainment is provided;
- one or more members of the current management have been convicted for serving alcohol to minors;
- the premises or the management team have a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17-year-olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

Conditions, where they are appropriate, may include one or more (or any combination) of the following examples:

***No person under the age of 18 years shall be permitted on the premises unless accompanied by an adult.***

***No person under the age of 18 years shall be permitted on the premises during the provision of relevant (adult) entertainment.***

***No person under the age of 18 years shall be permitted on the premises after 9pm.***

***No person under the age of 18 years shall be permitted on any part of the premises used exclusively or primarily for the sale of alcohol for consumption on the premises.***

***Prominent signage shall be displayed at all entrances to the premises informing patrons of the restrictions on children accessing the premises.***