



## Statement of Licensing Policy

Policy Period	5 Years
Approved by Licensing Committee	23 <sup>rd</sup> March 2016
Period of Consultation	3 Months March to June 2016
Adoption by Council	2nd August 2016

## **Foreword**

**‘The Council's vision is for Craven to be a prosperous place with strong, vibrant and diverse communities.’**

This Statement of Licensing Policy is intended to aid applicants, residents, local businesses, the Responsible Authorities, Licensing Authority and any other persons in to understanding the licensing process in Craven.

When reading this policy it is important to remember that it relates to a wide range of activities and not just consumption of alcohol, for example theatres, cinemas, late night hot food takeaways and diverse cultural entertainments.

This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing functions.

The document is not a full and authoritative statement of the Law or statutory guidance and does not constitute professional or legal advice.

The Licensing Authority welcomes comments and observations on this Statement of Licensing Policy.

## 1 Scope

- 1.1 Craven District Council (the **Council**) is also the Licensing Authority as defined under the Licensing Act 2003 (the **Act**). The Licensing Authority is responsible for the administration and issuing of Premises Licenses, Club Premises Certificates, Temporary Event Notices, Provisional Statements and Personal Licenses in the District of Craven.
- 1.2 The Act requires a Licensing Authority to prepare and publish a Statement of Licensing Policy (the **Policy**) that sets out the principles the Licensing Authority will apply to promote the four Licensing Objectives when making decisions on any application under the Act.
- 1.3 This Policy was prepared in accordance with the provisions of the Act having had due regard to the Guidance issued under S182 of the Act (the **Guidance**). Where revisions are made to the Guidance there may be a period of time when this Policy is inconsistent with the Guidance. In these circumstances the Licensing Authority shall have regard, and give appropriate weight, to the revised Guidance in conjunction with this Policy.
- 1.4 This Statement of Licensing Policy commences on [2<sup>nd</sup> August 2016] and continues for a five year period. During the five year period the Policy will be kept under review and the authority will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.
- 1.5 When administering licensing matters the Licensing Authority will have regard to and promote the four Licensing Objectives set out the Act.
- 1.6 The four **Licensing Objectives** are the:
- Prevention of **Crime and Disorder**
  - Prevention of **Public Nuisance**
  - **Public Safety**
  - Protection of **Children from Harm**
- 1.7 The Licensing Authority gives equal weight to each of these objectives.
- 1.8 The purpose of the licensing regime is to regulate the carrying on of **licensable activities** on licensed premises, at qualifying clubs and under temporary event notices. The licensable activities as defined by the Act 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** which includes
  - Film exhibitions
  - Performance of a play
  - Indoor sporting events
  - A boxing or wrestling entertainment
  - Live music performance
  - Playing of recorded music
  - Dance performances
  - The provision of late night refreshment.

**1.9** There are a number of exemptions to the above, and details are contained in the legislation.

## **2 Policy Aims**

- 2.1** The Licensing Authority seeks to encourage a wide choice of high quality and responsibly managed entertainment and cultural venues which provide a diverse range of licensed activities, community interaction and a variety of places for retail and refreshment; ensuring at all times the safety and amenity of residential communities, business communities and visitors.
- 2.2** Craven District has a residential population of approximately 54,000. Commercial operators have a legitimate expectation to contribute to and provide a vibrant and sustainable night time economy. Residents have a right to protection against any adverse effect arising from these activities.
- 2.3** The Licensing Authority recognises that the entertainment and hospitality sectors are significant contributors to the local economy and attract tourists and visitors.
- 2.4** It is important to note that all the expectations within this Policy may not be appropriate for all sizes and types of premises.
- 2.5** The Policy intends to shape the future of licensing, entertainment and related social activities within the district and has been adopted after consultation. (See **Appendix 1** for details of consultees.)

## **3 Links to Council Plan and Priorities**

The Council's overarching vision is:-  
 'For Craven to be an increasingly prosperous place with strong and vibrant communities that celebrate their unique rural and urban settings, and where all residents enjoy a good quality of life.'

The priorities for 2016/19 are:-

- Enterprising Craven – facilitating economic growth across Craven
- Resilient Communities – creating sustainable communities across Craven
- Financial Sustainability – ensuring a self-sustainable Council

#### 4 General Policy

- 4.1 Each application considered on its own merits;** This Policy shall not undermine the right for any individual to make an application and to have any such application considered on its individual merits. Similarly the Policy shall not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act. Each application will be treated on its own merits.
- 4.2** The Licensing Authority may depart from this Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the four Licensing Objectives.
- 4.3 Balancing interests;** The Licensing Authority recognises the rights of businesses to operate their premises without unnecessary restraint. However, this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.
- 4.4 Focus;** The Act is not the primary mechanism for the general control of nuisance and anti-social behavior by individuals once they are away from the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. The primary focus will be on the impact of the activities taking place at the licensed premises and their effect on people living, working or visiting the area concerned.
- 4.5 Representations;** The Licensing Authority will consider all valid representations; however, greater weight may be attributed to representations from those persons immediately affected by the premises and its operation.
- 4.6** Representations about licensing applications can be made by Responsible Authorities or any other person. Further information about making a representation can be found at **Appendix 2**
- 4.7 Planning Permission;** It is important to note that licensing and planning are separate systems of regulatory control. Licensing Committees are not bound by decisions made by the Planning Committee and vice versa.
- 4.8** The use of premises for the sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must be lawful under planning legislation. Planning permission is usually required for the establishment of a new premises or change of use of premises.
- 4.9** The Licensing Authority expects applicants to have obtained the

appropriate consents or licenses prior to operation. Where premises have not obtained such consents or licenses, they will be liable for enforcement action under the appropriate legislation. There may be circumstances when as a condition of planning permission; a terminal hour is set for the use of commercial premises. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their Planning Permission may be liable to enforcement action by the Planning Authority. Licensing applications therefore will not be a re-run of the planning application process and licensing decisions will not cut across decisions taken by the Planning.

- 4.10 Conditions;** The Licensing Authority is unable to impose conditions on applications where no relevant representations have been made.
- 4.11** Where relevant representations have been made, the Authority shall aim to facilitate negotiations or mediation between the applicant, Responsible Authorities and any "Other Person", as defined under the Act. If this proves unsuccessful the Authority will convene a hearing. This may result in the grant or refusal of the application or the imposition of conditions.
- 4.12** Where conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premise concerned.
- 4.13** Any conditions imposed shall be precise and enforceable, clear in what they intend to achieve, shall not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation, shall be justifiable and capable of being met and shall focus on matters which are within the control of the individual licence holders.
- 4.14 Good practice;** The Licensing Authority may recommend actions as good practice. Applicants are asked to give these recommendations serious consideration as adoption of best practices may be considered in the investigation of complaints, if they arise, in connection with the premises in the future.
- 4.15 Safety Advisory Group;** If you are organising an event you may be asked to provide information to or attend a meeting of the Craven Safety Advisory Group. The Licensing Authority expects applicants and licence holders to cooperate with the Safety Advisory Group.
- 4.16 Expectations of Designated Premise Supervisor;** Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.
- 4.17** The Licensing Authority would expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.

**5.1** In determining applications, reviews and enforcement under the Act the Licensing Authority shall take the following into consideration:

- promotion of the four Licensing Objectives;
- representations or complaints and evidence or supporting documentation provided;
- the Guidance; and
- this Policy.

## **6 Human Rights Act**

**6.1** The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the Licensing Authority will have due regard to the Convention. The Licensing Authority will interpret the Act in a manner consistent with the Human Rights Act 1998.

**6.2** The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the Licensing Authority which affects another's rights must be no more onerous than is necessary in a democratic society.

## **7 Licensing Committee & Licensing and Appeals Sub Committee**

**7.1** Decisions on all licensing matters shall be taken in accordance with the Council's scheme of delegation. This is aimed at underlining the principles of timely, efficient and effective decision-making.

**7.2** The Licensing Committee is made up of 12 Members. A Licensing and Appeals Sub-Committee will normally consist of 3 members from the Licensing Committee.

**7.3** Applications for Premises Licences, Club Premises Certificates or Temporary Event Notices, where valid relevant representations have been received, will be heard by a Licensing and Appeals Sub Committee unless the Licensing Authority, the applicant and everyone who has made a representation agree that a hearing is not necessary.

## **8 The Role of District Councillors**

**8.1** District Councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of any other person such as a local resident or business if specifically asked to do so. They can also make representations in their own right if they have concerns about a premise.

**8.2** District Councillors may attend hearings of licensing sub committees considering applications and speak on behalf of local residents and businesses, but only if:

- they have made a personal representation; or
- they have made a representation on behalf of local residents or business as 'community advocates; or
- they have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.

## 9 Responsible Authorities

- 9.1** Responsible Authorities are in the Act. A list of Responsible Authorities is at **Appendix 3**.
- 9.2** Where the Licensing Authority is also acting in its capacity as a Responsible Authority it will ensure that there is a separation of responsibilities within the Council to ensure procedural fairness and eliminate conflict of interests.

## 10 Anti-Social Behaviour

- 10.1** The Council aims to provide an environment that all people living, working and visiting the District feel safe in and can equally enjoy. License Holders are expected to assist the appropriate authorities in ensuring anti- social behaviour and disturbances are kept to a minimum. The Licensing Authority will endeavour to ensure that the licensing function meets its responsibility under Section 17, Crime and Disorder Act 1998
- 10.2** Alcohol misuse is a strong contributory factor in a wide range of offences, including public order offences. Often anti-social in nature, these can involve
- drug or substance misuse and dealing;
  - street drinking;
  - drunken behaviour;
  - criminal damage and vandalism;
  - disorderly groups of people;
  - hooliganism, loutish, rowdy (fighting, shouting, swearing), threatening and abusive behaviour;
  - urinating/ vomiting in public;
  - dropping of litter.
- 10.3** Procedures to prevent anti-social issues are expected to be included within the Operating Schedule (**Appendix 4**) and examples include:
- use of SIA staff and the wearing of high visibility clothing - provides re- assurance to both premises users and general public;
  - policy on refusal of individuals or disorderly groups to a premise;
  - prevention of serving customers who are drunk, or of proxy sales by people attempting to purchase on their behalf;
  - use of non- glass drinking vessels and bottles for premises who are open beyond mid night, premises who have outside

drinking areas, or during special, higher risk occasions e.g. screening of high profile football matches.

- 10.4** The Act is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from a licensed premise.

## **11 Nuisance and Environment**

- 11.1** The Licensing Authority will consider the following steps the applicant has taken or proposes to take with regard to a licence application:

- to prevent noise and vibration nuisance arising from regulated entertainment e.g. installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices, closure of doors and windows etc.;
- to prevent disturbance by patrons or staff entering or leaving the premises e.g. displaying prominent notices asking customers to leave quietly and not to slam vehicle doors, use of the internal PA system to make announcements to the same effect or instructing door supervisors to ask customers to leave the area quietly;
- to prevent disturbance e.g. reduce volume of music or playing of quieter, more soothing music as part of the wind down period towards the end of trading session;
- to prevent queuing or to minimise noise or disorder caused by queuing e.g. supervision of queues by door supervisors to keep noise to a minimum, no drinking should be allowed whilst queuing;
- to prevent any impact of refuse or littering on the surrounding area e.g. use of flyers- only giving flyers to persons who are interested in the material, flyers should not be placed indiscriminately on vehicles, and provision for refuse by late night refreshment take away premises.

- 11.2** The Licensing Authority would expect to see such issues addressed within the Operating Schedule as appropriate for the size and nature of the premises.

- 11.3** The Licensing Authority will consider routes used by customers when leaving specific premises and the likely impact on residents. People under the influence of alcohol are statistically more likely to be involved in criminal behaviour, including violence and damage to property. However, the Act is not the primary mechanism for the general control of noise by individuals once they are away from a licensed premise.

## **12 Children**

- 12.1** The protection of children from harm is one of the four licensing objectives. The Council also has responsibilities under safeguarding legislation and guidelines.

- 12.2** The Authority shall not normally impose conditions requiring or prohibiting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. However,

specific circumstances may mean that such a condition, including the prohibition of children at any time on the premises, is appropriate.

**12.3** Where alcohol is sold, including off sales, reference should be made in the operating schedule to plans for the control of underage drinkers.

**12.4** Where there are events solely provided for children, for example an “Under 18’s Disco” in a licensed premises, the Authority strongly advises that no alcohol is served at such events. In such cases, the management of the premises must ensure that measures are in place to prevent sales to underage persons.

## **13 Health**

**13.1** In North Yorkshire,

- around 1 in 7 adults abstain from alcohol;
- around 25% of the population who drink are estimated to be drinking at a harmful or hazardous level;
- alcohol related hospital admissions are increasing year on year;
- nearly 200 people per annum die in the county as a result of alcohol. Evidence from the North Yorkshire Alcohol Strategy

**13.2** Alcohol is associated with crime, including domestic violence and sexual crime, and features in anti-social behaviour in particular with over a quarter of incidents associated with alcohol in some areas of North Yorkshire.

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

## **14 Early Morning Restriction Orders (EMRO)**

**14.1** An EMRO can restrict the sale or supply of alcohol between the hours of midnight and 0600 hours to promote the licensing objectives e.g. to tackle high levels of alcohol-related crime and disorder, serious public nuisance and alcohol related anti-social behaviour which is not specifically attributable to specific premises.

**14.2** The decision to implement an EMRO must be evidence based and take into account the potential burden that would be imposed on premises licence/certificate holders.

**14.3** There are currently no EMROs in the Craven District.

## **15 Late Night Levy**

**15.1** A Late Night Levy is a discretionary power allowing Councils to collect an additional annual fee from all licensed premises in the District that are authorised to sell alcohol between the hours of midnight and 0600 hours as a means of raising a contribution towards the costs of policing the night time economy.

**15.2** The decision to introduce, vary or cease the levy will be made in consultation with the Police and Crime Commissioner and North

Yorkshire Police.

**15.3** The decision to implement a Late Night Levy must be evidence based appropriate to promote the licensing objectives and take into account the potential burden that would be imposed on premises licence/certificate holders.

**15.4** There is currently no late night levy in Craven district.

## **16 Cumulative Impact**

**16.1** “**Need**” refers to the commercial demand for particular licensed premises such as a pub, club or hotel. This is a ‘market forces’ matter and is not of concern to the Licensing Authority. ‘**Cumulative Impact**’ means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.

**16.2** The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses.

**16.3** The Licensing Authority, having regard to the evidence available, considers that currently there is no particular part of the District where there is a cumulative impact of licensed premises on any of the licensing objectives. If the public or a Responsible Authority (in particular the Police) provide relevant evidence through a representation in the future that support the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.

**16.4** The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

## **17 Controlled Drugs**

**17.1** It is recognised that the use and sale of controlled drugs can be associated with some licensed premises.

**17.2** Documented cases of injury and death demonstrate the need for the control of controlled drugs in licensed premises. Drugs alter the way people behave which is why their distribution and possession is controlled by law. Controlled drugs are manufactured and supplied illegally and often vary in quality and strength, resulting in people taking them being at a significant increased risk. Controlled drugs usually involve or attract criminal involvement.

**17.3** Many premises already have good drug control procedures in place

and have assisted the Police in the detection of related crime. Licence holders must co-operate with any Police operation involving the control of drugs. SIA door staff and external CCTV can help stop drug dealers from passing on drugs during the queuing process.

- 17.4 The Authority will expect licence holders to take all reasonable steps to prevent the entry of drugs into licensed premises and take appropriate steps to prevent drugs changing hands within the premises.
- 17.5 The Authority expects licence holders to have undertaken training in drug related matters through a recognised provider and be able to demonstrate implementation of the principles contained in the “Safer Clubbing” guide issued by the Drug Prevention Advisory Service in partnership with the London Drugs Policy Forum.
- 17.6 In some case a written drugs policy will need to be produced for a premises. The policy where requested should be submitted to the Licensing Authority for approval.

## 18 Legal Highs

- 18.1 There is currently an increasing trend in the use of legal highs within the UK population. Symptoms arising from the use of certain “legal highs” mirror those associated with drinking excessive amounts of alcohol.
- 18.2 The Council will work with the appropriate agencies to reduce the problems associated with people supplying or using “legal highs

## 19 Live Music Act 2012

- 19.1 Under the Live Music Act 2012 the public performance of live amplified and unamplified music between the hours of 0800 hours and 2300 hours is no longer a licensable activity. This applies to premises authorised by a premises licence or club premises certificate, for the sale or supply of alcohol for consumption on a premises.
- 19.2 In some cases, certain workplace locations, including schools, colleges, village and church halls may be excluded from the requirements to hold a premises licence or TEN but further advice should be sought from the Council’s Licensing Department.
- 19.3 Any existing licence/certificate conditions relating to live music remain in place but are suspended between these hours
- 19.4 The Authority may impose new, or reinstate existing conditions, following a **Review** of the premises licence or club premises certificate.

## 20 Licences and Certificates

- 20.1 Full details on how to apply for each type licence can be found at [www.cravendc.gov.uk](http://www.cravendc.gov.uk).

### Personal Licenses

- 20.2 Providing an applicant has an approved qualification and does not

have certain specified criminal convictions an application will normally be granted.

- 20.3 The Police may make objections on the grounds of a relevant or foreign offence. If an objection is received a hearing must be held.
- 20.4 At any subsequent hearing the Licensing Authority will consider carefully whether the grant of the licence will compromise the crime prevention objective. Factors to be taken into account will include the seriousness and relevance of the conviction(s), the period that elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will only grant the application if it is satisfied that it will not undermine this Licensing Objective.
- 20.5 In cases where a hearing is required applicants may wish to consider providing character or work references or other supporting evidence prior to the hearing.

### **Premises Licenses**

- 20.6 New applicants are required to consider this Policy when making an application. To limit the number of representations (objections), which generally will delay an application, the Licensing Authority strongly recommends that prior to submitting an application, applicants informally consult all Responsible Authorities.
- 20.7 A Premises Licence application includes the **Operating Schedule** that will form the basis of conditions that will be attached to the Licence. The Licensing Authority expects applicants to have carefully considered the promotion of all four Licensing Objectives in the Operating Schedule. Applications that do not adequately address the Licensing Objectives are likely to attract representations which may lead to an application being refused. Further information on Operating Schedules can be found below.
- 20.8 Large-scale events may attract large crowds and the risks to public safety, crime and disorder and public nuisance are likely to increase with these numbers. Event organisers are recommended to consult with Responsible Authorities and the Safety Advisory Group in good time to discuss the Operating Schedule and any potential issues before an application is submitted.
- 20.9 Premises Licence applicants are advised to seek the views of professional experts in relation to the preparation of Fire Safety and Health and Safety risk assessments.
- 20.10 Applicants are reminded that this Policy is not exhaustive and additional advice can be obtained from the relevant Responsible Authorities or professional advisors.
- 20.11 Where an application is for a vessel, the Authority strongly recommends advice be sought from the Maritime & Coastguard Agency prior to submitting the application form. This Agency will offer advice on the safety of passengers aboard the vessel.
- 20.12 Existing premises licence holders are encouraged to consider how this Policy applies to their premises. This Policy will be taken into account

in the case of an application to vary a premises licence/certificate, review and in making a decision to take enforcement action.

## **Club Premises Certificate**

- 20.13** In order for a qualifying club to supply alcohol and provide other licensable activities on Club premises, a Club Premises Certificate is required. Qualifying conditions are specified in the Act and the Licensing Authority must be satisfied that these conditions have been met; this includes evidence to show the Club is non-profit making. Additional information in the Guidance.
- 20.14** An Application must be supported by an Operating Schedule.
- 20.15** Where a Club intends to open its premises to the general public a Temporary Event Notice or Premises Licence will be required.
- 20.16** Where the point is reached that a Club is providing commercial services to the public it will no longer be considered meet the definition of a Qualifying Club. In such cases the Licensing Authority will give notice withdrawing the Club Premises Certificate. The Club will be entitled to appeal this decision and where the appeal is not successful and wishes to continue to carry out licensable activities a Premises Licence will be required.

## **21 Operating Schedule**

- 21.1** Applicants must address the licensing objectives in their Operating Schedule.
- 21.2** Conditions volunteered in the Operating Schedule should be:
- targeted on the deterrence and prevention of crime and disorder;
  - appropriate for the promotion of the licensing objectives;
  - proportionate and enforceable;
  - relevant, clear and concise;
  - not duplicate other legislation.
- 21.3** The Operating Schedule should reflect the size and nature of the premises, the opening hours, the location of the premises and the Licensable Activities applied for. A non-exhaustive list of matters that applicants may wish to consider is set out at Appendix 4.
- 21.4** In addition to the applicable matters in Appendix 4 the Licensing Authority expects the following to be addressed in the Operating Schedule;
- where appropriate and normally at town/ city centre premises where alcohol is sold, and late night take-aways, that CCTV be installed, both internally and externally of the premise. North Yorkshire Police, Licensing are able to give advice on the installation of CCTV in licensed premises;
  - procedures for risk assessing sale of alcohol promotions and events such as “happy hours” for the potential to cause crime and disorder, and plans for minimising any such risks;
  - whether a “vertical drinking” concept is to be adopted and appropriate

controls to be in place to reflect the nature of high volume, high capacity method of trading. Controls may include capacity limits and increased use of SIA door staff;

- the provision of non-alcoholic or low alcoholic drinks especially for designated vehicle drivers;
- where appropriate, measures to prevent the use or supply of illegal drugs, searching of customers for offensive weapons and drugs on entering premises; where appropriate, use of SIA door supervisors particularly in urban areas with alcohol sales taking place later than 2300 hours;
  
- steps taken to prevent under-age drinking in licensed premises or proxy sales i.e. the supply of alcohol intended to be consumed by underage persons off the premises;
- steps taken to identify customers who may be “drunk” upon arrival at the premises and refusal of entry e.g. use of alcolow equipment;
- “drinking up time” and how customers are managed after sale of alcohol ceases;
- where available, town centre premises would normally join the “RadioLink” scheme, or any other approved recognised scheme,
- arrangements if a designated premises supervisor is not present at a premise. The person (s) responsible for authorising the sale of alcohol should be issued with a written authority from the Designated Premises Supervisor which would need to be available to the Police or an Authorised Officer for inspection. The Authority will sometimes regard it as appropriate for a Personal Licence holder to be on the premises at all times when alcohol is sold, particularly after 2300 hours.

**21.5** The Licensing Authority expects the Operating Schedule to demonstrate how it is intended that the premises will be “good neighbours” both to residents and other venues and businesses.

**21.6** Where a maximum occupancy is set, by either the Fire Safety or Health and Safety risk assessment applicants should demonstrate in the Operating Schedule that they have an appropriate method in place to monitor the numbers of people entering and exiting the premises.

**21.7** The Licensing Authority when preparing the license/certificate will not simply replicate the wording from an applicant’s Operating Schedule but will interpret conditions in accordance with the application as a whole.

## **22 Temporary Event Notices (TEN)**

**22.1** A TEN is a notification to the licensing authority that an individual intends to carry on licensable activities on a temporary basis.

**22.2** A TEN may be given for part of a building such as a single room within a village hall, a plot within a larger area of land or a discrete area within a marquee. The TEN must clearly describe the area where the event is to be held.

**22.3** For the purpose of a TEN, a temporary event is a relatively small-

scale event attracting fewer than 500 people. The event must last no more than 168 hours and can be held either outdoors or indoors. There are also limits on the number of TENs that can be given each year for the same premises and by the same person.

- 22.4** A TEN can only be given by a person over the age of 18 years old.
- 22.5** There are two types of TENs:
- a **Standard TEN**, which is given no later than 10 working days before the event to which it relates
  - a **Late TEN**, which is given not before 9 and not later than 5 working days before the event.
- 22.6** If you have a personal licence, you can give 50 TENs (made up of standard and late TENs) a year; if you don't have a personal licence you can only give 5 (made up of standard and late TENs). If you have a personal licence, you can give 10 late TENs a year; if you don't have a personal licence you can only give 2 late TENs. There must be at least 24 hours between temporary events organised by the same person.
- 22.7** The Police and Environmental Health can object to a TEN.
- 22.8** To minimise the risk of a Police objection it is strongly recommended to contact the North Yorkshire Police Licensing Officer and Environmental Protection prior to the submission of the TEN to outline any measures in place to promote the Crime and Disorder and Prevention of Public Nuisance Licensing Objectives.
- 22.9** Where a TEN is sought as part of a large scale or outdoor event, the Authority encourages event organisers to seek advice from the Safety Advisory Group in advance of submitting their application. The group will be able to offer local guidance on other legislative requirements, such as health and safety issues, road closures, the use of pyrotechnics, local byelaws, along with the need to prevent anti-social behaviour.
- 22.10** If objections are received to a Standard TEN a hearing will take place to decide whether a Counter Notice will be issued to stop the event taking place.
- 22.11** If objections are received in relation to a Late TEN no hearing will be held and the Licensing Authority will serve a Counter Notice.
- 22.12** Any person wishing to give a TEN is advised to check the current regulations including timescales at the time the TEN is to be given.

## **23 Licensing Hours**

- 23.1** The Licensing Authority will consider each application on its own merit and shall not seek to impose predetermined licensed hours. Where there are no objections, to the hours applied for the Licensing Authority will have no discretion but to grant the hours requested.
- 23.2** The Licensing Authority recognises that in some circumstances flexible licensing hours for the sale of alcohol may help to ensure that concentrations of customers leaving premises are avoided.

- 23.3 Any activity involving public entertainment, eating or drinking on a premise has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. The impact of noise generated by these activities, especially customers departing late at night, are intrusive when ambient noise levels are much lower.
- 23.4 Much of the Craven is very sensitive to the impact of licensed activities due to the fact that it is predominantly residential/rural in character or close to other noise sensitive premises e.g. hotels, bed and breakfasts and other such premises.
- 23.5 It is important that transport facilities are available to move customers away without delay to minimise disorder and disturbance. Transport is a relevant consideration in licensed hours.
- 23.6 The Licensing Authority will strike a fair balance between the needs of a licence holder and the risk of disturbance to local residents and businesses. The Licensing Authority may restrict the hours of operation, as a result of either receiving representations on application, or as a result of a review.

## **24 Late Night Refreshment**

- 24.1 The provision of late night refreshment forms an important part of the District's late night economy. Where late night refreshment is provided between the hours of 2300 hours and 0500 hours applicants must demonstrate in the Operating Schedule how they will promote the four Licensing Objectives, particularly with regard to the Prevention of Crime and Disorder and the Public Nuisance licensing objectives.
- 24.2 Where a delivery service is operated from these premises extra care must be taken by the licence holder with regard to compliance/breach of licensing hours.
- 24.3 The Licensing Authority requires takeaways and other premises providing late night refreshment to have an appropriate policy for regularly clearing litter resulting from their operation.

## **25 Mobile Premises**

- 25.1 Where licensable activities take place in mobile vehicles, a Premises Licence will be required for the land upon which the vehicle operates. The application must specify the pitch from where trading is to take place.
- 25.2 The Licensing Authority requires applicants to demonstrate specific measures to prevent Crime and Disorder and Public Nuisance, and promote Public Safety, in particular from customers congregating around the vehicle.
- 25.3 In addition, the Licensing Authority evidence of the measures the applicant will take to ensure that litter from such premises is regularly disposed of.

## **26 Sexual Entertainment Venues**

- 26.1 Where an operator seeks to provide activities that include striptease or

any other kind of nudity or sexual entertainment, an application will need to be submitted for a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act 1982 as amended.

## **27 Gaming Machines**

**27.1** Compliance with the Gambling Commission's Codes of Practice relating to gaming machines on licensed premises is mandatory.

## **28 Minor Variations**

**28.1** The Minor variations procedure allows small changes to be made to a premises licence or club premises certificate. A minor variation is defined as one that will not impact adversely on any of the four licensing objectives.

**28.2** In considering applications, if there is any doubt about the impact of the variation on the licensing objectives the Authority will consult the relevant Responsible Authorities and take their views into account when reaching a decision on whether it is a minor variation.

## **29 Enforcement**

**29.1** The following officers are empowered by the Act to carry out inspections and enforcement role:

- Officers of the Licensing Authority;
- Fire Authority Inspectors;
- Inspectors locally responsible for the enforcement of the Health and Safety at Work, etc. Act 1974;
- Environmental Health Officers;
- Trading Standards Officers.

**29.2** North Yorkshire Police are separately empowered.

**29.3** The Licensing Authority takes all breaches of licensing law and/or conditions seriously.

**29.4** Enforcement action by the Council will be taken in accordance with the Regulator's Code and Craven District Council's Enforcement Policy.

**29.5** The Licensing Authority will normally take a graduated approach to enforcement and will work with the licence/certificate holder, Designated Premises Supervisor (DPS) and relevant Responsible Authorities in ensuring the premises complies with the licensing laws and promotes the licensing objectives.

**29.6** The Licensing Authority may request to meet with the licence or certificate holder and/or DPS working closely with them and relevant Responsible Authorities in implementing a Premises Improvement Plan ("PIP") where appropriate.

**29.7** Where the licence holder does not comply with an agreed PIP and continues to breach licensing laws and/or licence conditions, the Licensing Authority will consider what sanctions are appropriate this may be a Review of the licence/certificate, a caution, a prosecution or serving a Section 19 Closure Notice.

**29.8** In cases where a licence holder acts irresponsibly, or serious issues

are identified immediate prosecution action may be taken particularly where the licensing objectives have been undermined.

**29.9** Enforcement action will be:

- targeted toward those premises presenting the highest risk;
- proportional to the nature and seriousness of the risk those premises present;
- consistent, so that the Licensing Authority takes similar approaches in similar situations;
- transparent, so those who are subject to enforcement action know what to expect;
- accountable so that the Authority and its officers take responsibility for their actions.

**29.10** The Licensing Authority will carry out unannounced 'non routine' inspections of premises, including in the evenings. After each visit the DPS and licence or certificate holder will be notified in writing of any concerns and in most cases will be given an opportunity to rectify any issues.

**29.11** The Licensing Authority may conduct checks to ensure that official notices for new and variation applications and reviews, are accurate and clearly displayed. Notices for reviews must be displayed at or near the site of the premises, and, where necessary, these may be regularly checked and recorded.

**29.12** The licence/certificate holder is required to ensure that the Premises Licence/Club Premises Certificate, or certified copy of that licence or certificate, is kept at the premises and is available for inspection by an authorised officer at all times

**30 Annual Licence Fees**

**30.1** The Licensing Authority will take steps to suspend a licence or certificate if the holder fails to pay the annual licence fee promptly in accordance with the invoice. Where the licence/certificate holder fails to pay the annual fee, the Licensing Authority will notify the licence/certificate holder in writing that the licence or certificate will be suspended if the annual fee is not paid. It is an offence to continue to undertake licensable activities when the licence/ certificate has been suspended.

**30.2** Where the licence/certificate holder has paid the annual fee the Authority will lift the suspension.

**31 Complaints Against Licensed Premises**

**31.1** Complaints will be dealt with in a timely and efficient manner.

**31.2** Complainants in the first instance should whenever possible, raise their complaint directly with the licensee in order to resolve the matter. The Authority, however, recognises that it is not always possible or practical for the public to raise complaints directly with the licensed Complainants

## **32 Complaints Against Policy Or Licensing Application Process**

**32.1** Complaints against this Policy and the application process can be made in writing in accordance with the Council's Complaints Comments and Compliments Policy. The Policy is available at <http://www.cravendc.gov.uk/CHttpHandler.ashx?id=5770&p=0> or from the Council Offices.

## **33 Reviews**

**33.1** Responsible Authorities and "Other Persons" may apply to review a licence or certificate where it is believed an operator of a licensed premise is, in their opinion, not complying with the promotion of any of the four licensing objectives.

**33.2** An application for a review should be supported by sufficient and relevant evidence showing why the applicant considers that the premises has undermined the licensing objectives. This may include a diary of events and any potential witnesses.

**33.3** A review application will usually result in a hearing before the Licensing and Appeals Sub Committee at which the person who requested the review and the licence holder will be invited to attend.

## **34 Appeals Against Licensing Authority Decisions**

**34.1** If an application for a licence is refused or an applicant is aggrieved by the conditions imposed on the licence the applicant may appeal to the Magistrates' court within 21 days of being given formal notice of the decision.

**34.2** Equally, any Other Person or Responsible Authority aggrieved by the grant of a licence or any conditions imposed may also appeal to the Magistrates' Court within the same time frame.

**34.3** Parties considering an appeal to the Magistrates' Court are advised to seek independent legal advice before doing so.

## **35 Policy Determination And Review**

**35.1** The Licensing Authority will keep this Policy under review and make such revisions it feels appropriate. Where revisions are made, the Licensing Authority will publish the revised Statement of Policy. The Authority may make revisions to this Policy following changes to, for example:

- local circumstances;
- the Licensing Act, associated regulations or statutory guidance;
- national legislation;
- the policies and practices of a responsible authority.

**List of consultees (excluding residents)**

All District Councillors  
All Parish Councils  
British Beer and Pub Association  
Federation of Small Businesses  
Craven Chamber of Trade and Commerce  
Skipton Magistrates Court  
Health and Safety Executive  
Members of Parliament for District  
North Yorkshire County Council-Alcohol Strategy  
North Yorkshire County Council-Children and Young Persons  
North Yorkshire County Council-Trading Services  
North Yorkshire Fire and Rescue Service  
North Yorkshire Police-Licensing Officers  
Police and Crime Commissioner  
Public Health England  
Pub watch Skipton  
Pub watch Settle  
The Association of Licensed Multiple Retailers  
The Wine and Spirit Trade Association  
Working Men's Club and Institute Union  
Yorkshire Ambulance Service

### Making a Representation

Responsible Authorities and 'Other Persons' may make representations on premises licence/ certificate applications. This means anyone can make a representation.

Responsible Authorities and Other Persons can also seek a review of an existing premises licence/ certificate.

If you want to make a representation you should ensure that it is **relevant** and **relates to the likely effect of the grant of the licence/certificate on the promotion of at least one of the licensing objectives**. Representations should focus on the Licensable Activities applied for.

You must ensure that your representation reaches the Licensing Authority within the consultation period.

If a representation is considered by the Licensing Authority to be frivolous, repetitive or vexatious it will be rejected.

Where a valid representation is made the Licensing Authority will consider the representation taking into account;

- type of use, the number and types of customers likely to attend the premises;
- proposed hours of operation;
- level of public transport accessibility for customers either arriving or leaving and the likely means of public or private transport that will be used by customers (considered on the merits of each application). Transport arrangements will not always be necessary;
- scope for mitigating any impact;
- frequency of the activity.

In considering any application relating to an existing licensed premise the Licensing Authority will take into account any evidence:

- of past demonstrable adverse impact from licensable activities, especially on local residents or businesses; and
- that if adverse impact has been caused, appropriate measure have been agreed and put into effect by the applicant to mitigate that adverse impact.

**Responsible Authority Contact List**

**APPENDIX 3**

You must send a copy of your application and a copy of the plan and any consent forms to the following people.

**Craven District Council**

Licensing Team  
1 Belle Vue Square  
Broughton Road  
Skipton  
BD23 1FJ  
E:mail [licensing@cravenc.gov.uk](mailto:licensing@cravenc.gov.uk)

**Alcohol Licensing Unit**

North Yorkshire Police  
Fulford Road  
York  
YO10 4BY

**Craven District Council**

Environmental Protection Team  
1 Belle Vue Square  
Broughton Road  
Skipton  
North Yorkshire  
BD23 1FJ

**Health Protection Agency**

Dr Lincoln Sargeant  
Director of Public Health  
North Yorkshire County Council  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AD  
[nypublichealth@northyorks.gov.uk](mailto:nypublichealth@northyorks.gov.uk)

**Craven District Council**

Planning Department  
1 Belle Vue Square  
Broughton Road  
Skipton  
North Yorkshire  
BD23 1FJ

**Yorkshire Dales National Park Authority**

if falls within their boundaries:  
Clovend  
Hebden Road  
Grassington  
Skipton  
North Yorkshire

**Children and Young Persons**

Participation, Quality & Standards  
Officer  
Children's Social Care  
Room SB009 South Block  
County Hall  
Northallerton  
DL7 8AE

**The Operations Manager**

Health & Safety Executive  
The Lateral  
Leeds  
West Yorkshire  
LS11 9AT

**Craven District Council**

Health & Workplace Safety Team  
1 Belle Vue Square  
Broughton Road  
Skipton  
North Yorkshire BD23 1FJ

**North Yorkshire Trading Standards**

Unit 4/5, Block B  
Thornfield Business Park  
Standard Way  
Northallerton  
North Yorkshire  
DL6 2XQ

**North Yorkshire Fire & Rescue**

Fire Safety Officer (Craven Area)  
Skipton Fire Station  
Broughton Road  
Skipton  
BD23 1RT

**For vessels only**

**Maritime & Coastguard Agency**

Surveyor in Charge                      Tel: 01482 866 606  
Maritime & Coastguard Agency    E-mail: mcahull.mo@mcga.gov.uk  
Crosskill House  
Mill Lane  
Beverley  
HU17 9JB

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

**OPERATING SCHEDULE, ISSUES TO BE CONSIDERED**

**General**

Premises log book

Management and staff training and awareness of duties under the Licensing Act Policies and procedures relating to e.g. age restricted sales, capacity, noise monitoring, dispersal, queuing, etc.

Safe capacities

Evidence of competent management procedures

**Prevention of Crime and Disorder**

Drugs

policy

CCTV

Pub Watch and Radio links with other licensed premises

Security Industry Authority Door supervisors and Approved Contractor

Scheme Polycarbonate or shatterproof vessels

An appropriate ratio of tables and chairs to customers Management of outside areas

Use of 'spikeys' or similar anti drink spiking device Calming atmosphere at close of business/event Safe capacities

Queuing policy

Stewards for events and event plan

**Public Safety**

Active promotion of non/ low alcoholic drinks, particular in premises with late night extended opening hours

Health and Safety and Fire Safety risk assessments and staff training Safeguarding measures

Use of CCTV internally and externally, where appropriate Safe capacities and monitoring procedures

Provision of local taxi companies who can provide safe transportation home

Procedures to control access to and egress from premises

Patrolling of premises

Glass clearance policy, both inside and outside, where appropriate

Use of "plastic" glasses i.e. after 2300 hours or for drinks to be consumed outside the premises

Control of ventilation

Control of litter immediately outside the premises First aid trained staff

Adequate external lighting

Consideration of the safety of performers appearing at any premises

Indoor sporting events: medical practitioner; flame retardant material location of public to wrestling ring; water sports events – lifeguards

Stewards for events and event plan; and regard to standards of the National Sporting Body

Ensuring appropriate access for emergency services

## **Prevention of Public Nuisance**

Control of general noise, disturbance, light, odour, litter and anti-social behaviour Whilst regulated entertainment taking place, management of noise disturbance Control of litter (e.g. cigarette ends, rubbish, printing of premises name on food wrappings etc.), vomiting, urinating and anti- social behaviour in the vicinity of the premises

Dispersal policy to ensure customers respect their neighbours

Removal of persons causing disturbance or under the influence of drink or drugs Management of outside areas, e.g. pub gardens, smokers, etc.

Control of deliveries in early

hours Queuing policy

Winding down period

Partnership with local transport providers

## **Protection of Children from Harm**

Refusals book

Consideration of access to premises where adult entertainment may take place Consideration to proximity of premises to schools and youth clubs

Clarity on activities and times at which events take place to determine whether or not it is appropriate to allow access to children

Challenge 21/ 25 policy

Prompting mechanism on tills at retail outlets

Measures to control access to hotel minibars

Operational measures to avoid proxy purchases

How to prevent children from being exposed to alcohol sales at under age events, gambling, incidents of violence and disorder and drugs or drug taking

Consideration of safeguarding issues

Consideration of children as performers where relevant Supervision of children

Under 18 event Code of Conduct, for example: searches, ticketed event, door supervisors, stewards monitoring event, set hours for event, restricted event, policy to ensure young people leave premise safely, etc.