

Meeting: Statutory Licensing Committee

Members: Councillors Tim Grogan (Chair), Kevin Foster (Vice-Chair), Alyson Baker, Derek Bastiman, Barbara Brodigan, Stephanie Duckett, Mike Jordan, Andrew Lee, Andy Paraskos, Kirsty Poskitt, Mike Schofield, Subash Sharma, Roberta Swiers, Angus Thompson and Andrew Timothy.

Date: Wednesday, 26 March 2025

Time: 2.00 pm

Venue: Grand Meeting Room, County Hall, Northallerton

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the Agenda, if you have any queries.

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Agenda

1. Apologies for absence

2. Minutes of the meeting held on 24 May 2023 (Pages 3 - 4)

3. Declarations of interests

All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

4. Public participation

Members of the public may ask questions or make statements at this meeting if they have given notice to Nicki Lishman, Senior Democratic Services Officer and supplied the text (contact details below) by midday on Friday, 21 March, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item.

Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

5. **Licensing Act 2003 – Adoption of a Statement of Licensing Policy** (Pages 5 - 76)
6. **Gambling Act 2005 – Adoption of a Statement of Principles** (Pages 77 - 132)
7. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Nicki Lishman, Senior Democratic Services Officer
Tel: 01653 638476
Email: democraticservices.east@northyorks.gov.uk

18 March 2025

North Yorkshire Council

Statutory Licensing Committee

Minutes of the meeting held on Wednesday, 24th May, 2023 commencing at 3.09 pm.

Vice-Chair, Councillor Kevin Foster in the Chair plus Councillors Andy Paraskos, Subash Sharma, Roberta Swiers, Malcolm Taylor and Angus Thompson.

In attendance: Councillor Michelle Donohue-Moncrieff attended as an observer since she had not yet undertaken the required training to sit on the committee.

Officers present: Gareth Bentley, Kevin Chin, St John Harris, Paul Thompson, and Laura Venn.

Apologies: Stephanie Duckett, Tim Grogan, Mike Jordan, Steve Mason and Kirsty Poskitt. .

Copies of all documents considered are in the Minute Book

1 Apologies for absence

Apologies for absence were received from the Chair, Councillor Grogan and Councillors Duckett, Jordan, Mason, and Poskitt.

2 Declarations of Interests

There were no declarations of interests.

3 Public Participation

There were no public questions or statements.

4 Sub-Committee hearing procedure

Considered –

The report of the Corporate Director of Environment in respect of a proposed procedure for Statutory Licensing Sub-Committee hearings.

Resolved –

That the Statutory Licensing Sub-Committee procedure attached at Appendix 1 to the report be approved.

5 Dates of remaining meetings in 2023-24

The Committee noted the dates of the remaining scheduled meetings in 2023-24 (meetings commence at 3pm or on the rising of the preceding meeting of the General Licensing and Registration Committee, whichever is the earlier):
29 November 2023 and 27 March 2024.

6 Any other items

There were no urgent items of business.

The meeting concluded at 3.11 pm.

North Yorkshire Council

Statutory Licensing Committee

26 March 2025

Licensing Act 2003 – Adoption of a Statement of Licensing Policy

Report of the Corporate Director, Environment – Karl Battersby

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend a Licensing Act 2003 Statement of Licensing Policy to Full Council for adoption, Appendix 1.

2.0 BACKGROUND

- 2.1 Section 5 of the Licensing Act 2003 (the 2003 Act) requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. A Statements of Licensing Policy sets out the Licensing Authorities general approach to making licensing decisions.
- 2.2 To date, North Yorkshire Council has been operating the seven former district council policies as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needs to adopt a new policy covering the whole of its area.
- 2.3 The Licensing Authority authorises the following activities under the 2003 Act:
- 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.
- 2.4 The 2003 Act provides a clear focus on the promotion of four statutory objectives which must be addressed when the Licensing Authority undertakes its licensing functions. The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

3.0 PROPOSALS

The proposed policy

- 3.1 Section 14 of [Home Office Revised Guidance issued under section 182 of the Licensing Act 2003](#) (Section 182 Guidance) the sets out the principles and guidance

in relation to setting of a local Statement of Licensing Policy. This has been used in drafting the proposed policy attached at Appendix 1.

Consultation

- 3.2 Consultation has been carried out in accordance with paragraphs 14.4 to 14.8 of the Section 182 Guidance.
- 3.3 The statutory consultees have all been contacted directly and given a copy of the draft policy for consideration:
- the chief officer of police for the area;
 - the fire and rescue authority for the area;
 - each local authority's Director of Public Health in England (DPH)¹⁴ or Local Health Board in Wales for an area any part of which is in the licensing authority's area,
 - persons/bodies representative of local premises licence holders;
 - persons/bodies representative of local club premises certificate holders;
 - persons/bodies representative of local personal licence holders; and
 - persons/bodies representative of businesses and residents in its area.
- 3.4 In addition, the following have also been consulted:
- North Yorkshire Council's Environmental Health Service
 - North Yorkshire Council's Development Management 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
- 3.5 Consultees were given four weeks to respond, and North Yorkshire Police were engaged and assisted in preparation of the draft policy in advance of consultation.

Responses to consultation

- 3.6 Despite the comprehensive consultation process and direct engagement with statutory consultees and additional stakeholders, no responses to the consultation were received. This may indicate general satisfaction with the draft policy, but we remain committed to ongoing engagement and will seek feedback when preparing future consultations.

Recommended amendments to the draft policy subsequent to consultation

- 3.7 Officers do not consider any changes to the proposed Statement of Licensing Policy are required.

4.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 4.1 The Council is committed to protecting communities, safeguarding children and ensuring the safety and wellbeing of the public. The draft policy delivers those public protection benefits.
- 4.2 The Council is committed to equality, diversity and inclusion. The draft policy seeks to ensure that everyone can input into the licensing process and receives the same protections that the licensing regime achieves.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 The Council is legally required to adopt a Statement of Licensing Policy. There are no alternatives.

6.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

6.1 Responsible Authorities are defined in the 2003 Act and are consulted on various licence applications. These are both internal and external to the Council and may be impacted by licensing decisions:

- The chief officer of police;
- The local fire and rescue authority;
- The relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- The local authority with responsibility for environmental health;
- The local planning authority;
- A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- The Director of Public Health (DPH)
- The local weights and measures authority (trading standards); and
- Home Office Immigration Enforcement (on behalf of the Secretary of State)

7.0 FINANCIAL IMPLICATIONS

7.1 Licence fees are set by the 2003 Act and are intended to provide full cost recovery of all licensing functions including the preparation and publication of a Statement of Licensing Policy, but these are based on the statutory requirements. Where licensing authorities exceed these requirements, they will have to absorb those costs themselves. The Council has no power to amend these fees or set them locally.

7.2 The publication of a new policy will have no significant financial implications as service delivery will remain largely unchanged.

8.0 LEGAL IMPLICATIONS

8.1 Section 5 of the Licensing Act 2003 (the 2003 Act) requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.

8.2 To date, North Yorkshire Council has been operating the seven former district council policies as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needs to adopt one new policy covering the whole of its area. Failure to adopt a North Yorkshire Council Policy now may leave the Council open to challenge in the future on the lawfulness of the former District and Borough Policies and individual decisions made pursuant to those policies. Any legal implications arising from the policy provisions have been considered and addressed within the draft Statement of Licensing Policy.

8.3 Licensing authorities are expected to consult with any interested parties before making policy decisions. The consultation must be undertaken at a time when proposals are still at a formative stage and the responses must be conscientiously

taken into account when the decision is taken. Consultation on the draft Policy was carried out between 10 February and 7 March 2025 and in accordance with the Section 182 Guidance.

- 8.4 The Council's Legal Services Team has been consulted in the preparation of the proposed Statement of Licensing Policy and this report.

9.0 EQUALITIES IMPLICATIONS

- 9.1 The council must 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. The policy 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.

- 9.2 An Equality Impact Assessment is attached at **Appendix 2**.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 No climate change implications have been identified. A Climate Change Assessment is attached at **Appendix 3**.

11.0 POLICY IMPLICATIONS

- 11.1 Any policy implications have been considered and addressed within the draft Statement of Licensing Policy.

12.0 COMMUNITY SAFETY IMPLICATIONS

- 12.1 The Licensing process plays an important role in keeping our communities safe. Any community safety implications have been considered and addressed within the draft Statement of Licensing Policy.

13.0 REASONS FOR RECOMMENDATIONS

- 13.1 To date, North Yorkshire Council has been operating the seven former district council policies as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needs to adopt a new policy covering the whole of its area.

14.0 RECOMMENDATION

- 14.1 To consider the draft Statement of Licensing Policy in **Appendix 1** and, in the absence of any consultation responses, to consider whether to make any amendments. Officers are not recommending any changes to the proposed Statement of Licensing Policy.
- 14.2 To recommend a draft Statement of Licensing Policy, with any amendments, to Full Council for adoption.

APPENDICES:

Appendix 1 – Draft Statement of Licensing Policy

Appendix 2 – Equality Impact Assessment

Appendix 3 – Climate Change Assessment

BACKGROUND DOCUMENTS: Home Office Revised Guidance issued under section 182 of the Licensing Act 2003.

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton

Report authors: Simon Fisher, Service Development Lead; and
Gareth Bentley, Head of Licensing

Presenters of report: Simon Fisher, Service Development Lead; and
Gareth Bentley, Head of Licensing

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Statement of Licensing Policy Licensing Act 2003

With effect from [insert date]

Version Control

1.0 Approved by the Full Council of North Yorkshire Council on [insert date]

Contents

General policy	5
North Yorkshire Council	5
Policy objectives.....	5
Formulation of policy	5
Scope of policy	6
Policy considerations	6
Consultation and partnership working	6
Personal data	7
Equality and diversity.....	7
Evaluation and review.....	7
Licensing objectives	8
Prevention of crime and disorder	8
Public safety	10
The prevention of public nuisance.....	11
The protection of children from harm.....	11
Licensable activities	13
The sale or supply of alcohol.....	13
Regulated entertainment.....	14
Late night refreshment	15
Personal licences	17
Application for the grant of a personal licence.....	17
Right to work in the UK – personal licences	17
Determination of a personal licence.....	18
Duration of a personal licence	18
Changes whilst personal licence in force	18
Convictions during the period of a personal licence	19
Power to revoke or suspend a personal licence	19
Appeals - personal licences.....	20
Premises licences	21
Application for the grant of a premises licence	21
Variation of a premises licence	22
Minor variation of a premises licence.....	22
Variation to specify an individual as DPS	22
Transfer of a premises licence	23
Community premises – alternate mandatory condition	23

Interim authority notice.....	23
Provisional statements.....	24
Changes during the period of a premises licence.....	25
Review of a premises licence.....	25
Plans of premises.....	26
Premises operating schedule.....	26
Submitting premises licence applications.....	26
Right to work in the UK – premises licences.....	26
Determining uncontested premises licence applications.....	27
Representations – premises licences.....	27
Hearings – premises licences.....	28
Duration of premises licences.....	28
Premises licence appeals.....	28
Premises licence conditions.....	28
Planning permission and premises licences.....	30
Cumulative impact of licensed premises.....	30
Club premises certificates.....	32
Qualifying clubs.....	32
Application for the grant of a club premises certificate.....	33
Variation of a club premises certificate.....	33
Minor variation of a club premises certificate.....	33
Changes during period of a club premises certificate.....	34
Review of a club premises certificate.....	34
Plans of club premises.....	35
Club premises operating schedule.....	35
Submitting club premises certificate applications.....	35
Determining uncontested club premises certificate applications.....	36
Representations – club premises certificates.....	36
Hearings – club premises certificates.....	37
Duration of club premises certificates.....	37
Club premises certificate appeals.....	37
Club premises certificate conditions.....	37
Planning permission and club premises certificates.....	38
Withdrawal of a club premises certificate.....	39
Temporary Event Notices.....	40
Criteria.....	40
Working days.....	41

Objections	41
Hearings	41
Film classifications	43
Council principles	43
Procedure.....	44
Applicant’s obligations.....	44
Enforcement	45
Enforcement objectives	45
Guiding principles	45
Service standards	46
Enforcement activities	47
Advice and warnings	47
Prosecution	47
Appeals.....	47
Complaints about licence holders.....	47
Complaints about the service	48
Annex A - Premises plans.....	49
Annex B - Advertisement of applications.....	50
Annex C - Documents which demonstrate right to work in the UK	51
Annex D - Conditions on a premises licence or club premises certificate	53

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' Code¹ 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

¹ [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 violence².
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 when making and considering applications.

² [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 incidents³. 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.

³ [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);
 - 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 consensual⁴.
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.

⁴ [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 alcohol⁵ 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 activity⁵.
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 licence⁶. 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.

⁵ [Section 191\(1\) of the Licensing Act 2003](#)

⁶ [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 vehicles⁷. 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 context⁸;
- activities in places of public religious worship⁹;
- activities that involve teaching students to perform music or to dance;
- the demonstration of a product;
- Morris dancing¹⁰;
- music that is incidental to some other non-licensable activity¹¹;
- an exhibition of moving pictures if it is incidental to some other activity¹²;
- 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 gain¹³;
- films for advertisement, information, education or in museums or art galleries;
- live television or radio broadcasts¹⁴;
- activities on moving vehicles (i.e. when the vehicle is not permanently or temporarily parked) ¹⁵;
- stand-up comedy;

⁷ [Section 176 of the Licensing Act 2003](#)

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

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

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

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

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

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

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

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

- entertainment facilities (e.g. dance floors) ¹⁶;
- the performance of a play between the hours of 8am and 11pm in the presence of an audience of no more than 500 people¹⁷;
- a performance of dance between the hours of 8am and 11pm in the presence of an audience of no more than 500 people¹⁸;
- 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 people¹⁹;
- indoor sporting events between the hours of 8am and 11pm in the presence of an audience of no more than 1,000 people²⁰;
- 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 people²¹;
- a performance of unamplified live music between the hours of 8am and 11pm²²;
- 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 workplace²³;
- 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 premises²⁴;
- music between the hours of 8am and 11pm in the presence of an audience of no more than 500 people on community premises²⁵.

Late night refreshment

73. The provision of late night refreshment involves the supply of hot food or drink between 11pm and 5am²⁶.
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.

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

¹⁷ [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](#)

¹⁸ [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](#)

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

²⁰ [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](#)

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

²² [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](#)

²³ [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](#)

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

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

²⁶ [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 food²⁷.
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 club²⁸;
 - 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 accommodation²⁹;
 - an employee supplied by a particular employer (e.g. a staff canteen)³⁰;
 - 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)³¹;
 - a guest of any of the above³².

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

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

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

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

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

³² [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 licence³³

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
- the application is accompanied by a basic criminal record check obtained via 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);
- 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.

³³ [Section 117 of the Licensing Act 2003](#)

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 licence³⁴

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 licence³⁵

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 address³⁶.
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 court³⁷.

³⁴ [Section 120 of the Licensing Act 2003](#)

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

³⁶ [Section 127 of the Licensing Act 2003](#)

³⁷ [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 months³⁸.
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 forfeit³⁹.
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 suspension⁴⁰. If the licence is declared forfeit, it will be retained by the licensing authority.

Power to revoke or suspend a personal licence⁴¹

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.

³⁸ [Section 129 of the Licensing Act 2003](#)

³⁹ [Section 131 of the Licensing Act 2003](#)

⁴⁰ [Section 134 of the Licensing Act 2003](#)

⁴¹ [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 decision⁴². 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 licence⁴³.

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

⁴³ [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 licence⁴⁴

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

⁴⁴ [Section 17 of the Licensing Act 2003](#)

Variation of a premises licence⁴⁵

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 licence⁴⁶

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 DPS⁴⁷

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:

⁴⁵ [Section 34 of the Licensing Act 2003](#)

⁴⁶ [Section 41A of the Licensing Act 2003](#)

⁴⁷ [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 licence⁴⁸

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 licence⁴⁹.

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 licence⁵⁰.

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 notice⁵¹

⁴⁸ [Section 42 of the Licensing Act 2003](#)

⁴⁹ [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](#)

⁵⁰ [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](#)

⁵¹ [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 statements⁵²

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.

⁵² [Section 29 of the Licensing Act 2003](#)

Changes during the period of a premises licence⁵³

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 licence⁵⁴

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.

⁵³ [Section 33 of the Licensing Act 2003](#)

⁵⁴ [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 respects⁵⁵” (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.

⁵⁵ [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 hearing⁵⁶.

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 licences⁵⁷

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.

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

⁵⁷ [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 licence⁵⁸;
- 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 suspended⁵⁹;
- Every supply of alcohol under the premises licence is made or authorised by a person who holds a personal licence⁶⁰;
- 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 authority⁶¹;
- Any individual carrying out a security activity in accordance with a licence condition is authorised under the Private Security Industry Act 2001⁶²;
- An age verification policy is adopted and implemented in relation to the sale or supply of alcohol⁶³;
- 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 feature⁶⁴;
- No alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price⁶⁵;
- Staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises⁶⁶;
- 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 prohibited⁶⁷;
- Free potable water is provided on request to customers where it is reasonably available⁶⁸;
- 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 - 125ml⁶⁹.

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.

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

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

⁶⁰ [Section 19\(3\) of the Licensing Act 2003](#)

⁶¹ [Section 20 of the Licensing Act 2003](#)

⁶² [Section 21 of the Licensing Act 2003](#)

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

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

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

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

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

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

⁶⁹ [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 businesses⁷⁰.

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

⁷⁰ [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 conditions⁷¹:
- 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 consider⁷²:
- 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

⁷¹ [Section 62 of the Licensing Act 2003](#)

⁷² [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 certificate⁷³

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 certificate⁷⁴

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 certificate⁷⁵

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.

⁷³ [Section 71 of the Licensing Act 2003](#)

⁷⁴ [Section 84 of the Licensing Act 2003](#)

⁷⁵ [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 rules⁷⁶.

Review of a club premises certificate⁷⁷

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.

⁷⁶ [Sections 82 and 83 of the Licensing Act 2003](#)

⁷⁷ [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"⁷⁸ (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.

⁷⁸ [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 hearing⁷⁹.

⁷⁹ 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 certificates⁸⁰

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 authority⁸¹;
- An age verification policy is adopted and implemented in relation to the sale or supply of alcohol⁸²;
- 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 feature⁸³;
- No alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price⁸⁴;
- Staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises⁸⁵;

⁸⁰ [Section 80 of the Licensing Act 2003](#)

⁸¹ [Section 74 of the Licensing Act 2003](#)

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

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

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

⁸⁵ [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 prohibited⁸⁶;
 - Free potable water is provided on request to customers where it is reasonably available⁸⁷;
 - 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 container⁸⁸; 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 - 125ml⁸⁹.
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 businesses⁹⁰.

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.

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

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

⁸⁸ [Section 73 of the Licensing Act 2003](#)

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

⁹⁰ [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 user⁹¹.
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.

⁹¹ [Section 100\(6\) of the Licensing Act 2003](#)

Working days

244. A “day” means a period of 24 hours beginning at midnight⁹².
245. A “working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday⁹³.
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 permitted⁹⁴.

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 objectives⁹⁵.
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 objectives⁹⁶.
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

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

⁹³ [Section 193 of the Licensing Act 2003](#)

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

⁹⁵ [Section 105 of the Licensing Act 2003](#)

⁹⁶ 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 itself⁹⁷.
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 expletives⁹⁸.
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.

⁹⁷ [Section 20 of the Licensing Act 2003](#)

⁹⁸ 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' Code⁹⁹ 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.

⁹⁹ [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 respects¹⁰⁰.

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.

¹⁰⁰ [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 objectives¹⁰¹. Furthermore, the licensing authority has a general responsibility to avoid imposing unnecessary regulatory burdens on businesses¹⁰².

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.

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

¹⁰² [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.

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 need¹⁰³.

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.

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

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.

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.

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.

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.

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.

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.

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).

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.

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.

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.

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 must be agreed by the Environmental Health Service and no regulated entertainment shall be provided .

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.

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.

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Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Environment		
Service area	Licensing		
Proposal being screened	Adoption of a new Licensing Act 2003 Statement of Licensing Policy		
Officer(s) carrying out screening	Simon Fisher and Gareth Bentley		
What are you proposing to do?	The purpose of this report is to present a draft Statement of Licensing Policy, the results of consultation and to recommend a policy to Full Council for adoption.		
Why are you proposing this? What are the desired outcomes?	To comply with the law and adopt a Statement of Licensing Policy which covers the whole of North Yorkshire.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics As part of this assessment, please consider the following questions: <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		√	
Disability		√	
Sex		√	
Race		√	
Sexual orientation		√	
Gender reassignment		√	
Religion or belief		√	
Pregnancy or maternity		√	
Marriage or civil partnership		√	
People in rural areas		√	
People on a low income		√	
Carer (unpaid family or friend)		√	
Are from the Armed Forces Community		√	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No. The proposed policy covers the whole of North Yorkshire, and all the licensable activities contained in the Licensing Act 2003.		

<p>Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</p>	<p>No.</p>			
<p>Decision (Please tick one option)</p>	<p>EIA not relevant or proportionate:</p>		<p>Continue to full EIA:</p>	
<p>Reason for decision</p>				
<p>Signed (Assistant Director or equivalent)</p>	<p>Callum McKeon</p>			
<p>Date</p>	<p>18.03.25</p>			

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process. If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Adoption of a new Licensing Act 2003 Statement of Licensing Policy
Brief description of proposal	The purpose of this report is to present a draft Statement of Licensing Policy, the results of consultation and to recommend a policy to Full Council for adoption.
Directorate	Environment
Service area	Licensing
Lead officer	Simon Fisher and Gareth Bentley
Names and roles of other people involved in carrying out the impact assessment	None

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	Decreases pollution	Decreases pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate: <input checked="" type="checkbox"/>	Continue to full CCIA: <input type="checkbox"/>
Reason for decision	There is a positive impact on noise pollution from licensed premises. The proposed policy assist the Licensing Authority to control noise pollution from licensed premises. In that context, I am not of the view that a full CCIA is required.	
Signed (Assistant Director or equivalent)	Callum McKeon	
Date	18.03.25	

North Yorkshire Council

Statutory Licensing Committee

26 March 2025

Gambling Act 2005 – Adoption of a Statement of Principles

Report of the Corporate Director of Environment

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend a Statement of Principles under the Gambling Act 2005 to Full Council for adoption, Appendix 1.

2.0 BACKGROUND

- 2.1 Under the Gambling Act 2005 (the Act) Section 349 licensing authorities are required to prepare and publish every three years a Statement of Principles that they propose to apply when exercising their functions. The Statement of Principles forms the authorities mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in its area.
- 2.2 To date, North Yorkshire Council has been operating the seven former district council Statements as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needs to adopt a new Statement of Principles covering the whole of its area.
- 2.3 The Act sets out how gambling in England and Wales is regulated, including arcades, betting, bingo, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). The Act also places a duty on the local authority to develop a Statement of Principles that promotes the three licensing objectives:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
 - Ensuring that gambling is conducted in a fair and open way, and
 - Protecting children and other vulnerable persons from being harmed or exploited.

3.0 PROPOSALS

- 3.1 Part 6 of the Gambling Commission's [Guidance to licensing authorities](#) sets out the consultation process and principles to be applied when determining a local Statement of Principles. This guidance has been considered when drafting the proposed Statement attached at Appendix 1.
- 3.2 Consultation has been carried out in accordance with paragraphs 6.56 to 6.61 of the guidance and Section 349(3) of the Act.

- 3.3 The statutory consultees have all been contacted directly and given a copy of the draft Statement of Principles for consideration:
- The Chief Officer of Police.
 - One or more persons who appear to the licensing authority to represent the interests of persons carrying on gambling businesses in the licensing authority's area.
 - One or more persons who appear to the licensing authority to represent the interests of persons who are likely to be affected by the exercise of the licensing authority's functions under the Gambling Act 2005.
- 3.4 A full list of those persons consulted is attached as Annex B to the draft Statement of Principles. Consultees were given four weeks to respond.
- 3.5 Responses to the consultation were received from the Betting & Gaming Council, Luxury Leisure / Talarius Ltd, and the Lotteries Council, these have been included at Appendix 2. The issues raised in these responses, along with the licensing authority's replies, are summarised in Appendix 3.
- 3.6 After thoroughly reviewing the responses, several amendments have been made to the draft Statement of Principles. These changes are highlighted in yellow in the document attached at Appendix 1. Any resulting changes to the numbering have been noted in the licensing authority's replies in Appendix 3.

4.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 4.1 The Council is committed to protecting communities, safeguarding children and ensuring the safety and wellbeing of the public. The draft Statement of Principles delivers those public protection benefits.
- 4.2 The Council is committed to equality, diversity and inclusion. The draft policy seeks to ensure that everyone can input into the licensing process and receives the same protections that the licensing regime achieves.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The Council is legally required to adopt a Statement of Principles. There are no alternatives.

6.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 6.1 Responsible Authorities are defined in the Act and are consulted on various applications. These are both internal and external to the Council and may be impacted by licensing decisions:
- The Licensing Authority for North Yorkshire Council
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service
 - North Yorkshire Council's Planning Authority or North York Moors National Parks Planning Authority
 - The Gambling Commission
 - The Local Safeguarding Children Board
 - Her Majesty's Commissioners of Customs and Excise
 - North Yorkshire Council's Environmental Health Service

7.0 FINANCIAL IMPLICATIONS

- 7.1 The Council must determine the appropriate licence fees subject to a maximum as set out in the regulations under the Act. A robust process is in place when setting the fees to ensure they provide full cost recovery where possible.
- 7.2 The publication of a new Statement of Principles will have no significant financial implications as service delivery will remain largely unchanged.

8.0 LEGAL IMPLICATIONS

- 8.1 Section 5 of the Licensing Act 2003 (the 2003 Act) requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act.
- 8.2 To date, North Yorkshire Council has been operating the seven former district council policies as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needs to adopt one new policy covering the whole of its area. Failure to adopt a North Yorkshire Council Policy now may leave the Council open to challenge in the future on the lawfulness of the former District and Borough Policies and individual decisions made pursuant to those policies.
- 8.3 Any legal implications arising from the policy provisions have been considered and addressed within the draft Statement of Licensing Policy.
- 8.4 Licensing authorities are expected to consult with any interested parties before making policy decisions. The consultation must be undertaken at a time when proposals are still at a formative stage and the responses must be conscientiously taken into account when the decision is taken. Consultation on the draft Policy was carried out between 10 February and 7 March 2025 and in accordance with the Section 182 Guidance.
- 8.5 The Council's Legal Services Team has been consulted in the preparation of the proposed Statement of Licensing Policy and this report.

9.0 EQUALITIES IMPLICATIONS

- 9.1 The council must 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. The policy 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.
- 9.2 An Equality Impact Assessment is attached at Appendix 4.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 No climate change implications have been identified. A Climate Change Assessment is attached at Appendix 5.

11.0 POLICY IMPLICATIONS

11.1 Any policy implications have been considered and addressed within the draft Statement of Principles.

12.0 COMMUNITY SAFETY IMPLICATIONS

12.1 The Licensing process plays an important role in keeping our communities safe. Any community safety implications have been considered and addressed within the draft Statement of Principles.

13.0 REASONS FOR RECOMMENDATIONS

13.1 To date, North Yorkshire Council has been operating the seven former district council policies as permitted by the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (Transition Regulations). The Council now needs to adopt a new Statement of Principles covering the whole of its area.

14.0 RECOMMENDATION (S)

14.1 To consider the consultation comments received and officer responses in Appendices 2 and 3 and make any amendments to the draft Statement of Principles in Appendix 1.

14.2 To recommend a draft Statement of Principles, with any amendments, to Full Council for adoption.

APPENDICES:

Appendix 1 – Draft Statement of Principles.

Appendix 2 – Consultation responses.

Appendix 3 - Issues raised & local authority reply

Appendix 4 – Equality Impact Assessment.

Appendix 5 – Climate Change Assessment.

BACKGROUND DOCUMENTS: The Gambling Commission's guidance for licensing authorities

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton

Report Author: Mark Heaton, Area Licensing Manager; and
Gareth Bentley, Head of Licensing

Presenter of Report: Mark Heaton, Area Licensing Manager; and
Gareth Bentley, Head of Licensing



Gambling Act 2005 Statement of Gambling Principles

With effect from [insert date]

Version Control

1.0 Approved by the Full Council of North Yorkshire County Council on [insert date]

Contents

Introduction	4
North Yorkshire Council	4
Statement of Principles - considerations	4
Consultation	4
Declaration.....	5
Responsible authorities and interested parties	5
Responsible authorities	5
Interested parties.....	6
Licensing authority functions	7
Responsibilities	7
Exchange of information.....	7
Decision making	8
Committee	8
Licensing objectives	9
Overview	9
Preventing crime and disorder	9
Ensuring fairness.....	10
Protecting children and vulnerable persons.....	10
Premises licences	12
Meaning of premises	12
Premises ‘ready for gambling’	13
Premises licence considerations	14
Conditions	14
Plans.....	15
Local risk assessments & local area profile.....	15
Planning.....	16
Reviews	17
Premises licence types	17
Adult gaming centres	17
Family entertainment centres	18
Casinos	19
Bingo premises.....	19
Betting premises	20
Tracks	21
Other authorisations	23

Family entertainment centre gaming machine permits	23
Prize gaming permits	24
Automatic entitlement for up to 2 gaming machines on premises licensed to sell alcohol	25
Licensed premises gaming machine permit.....	25
Club gaming and club machine permits.....	26
Small society lotteries	27
Temporary use notices.....	28
Occasional use notices	28
Travelling fairs.....	28
Provisional statements.....	29
Enforcement	30
Exercise of powers	30
Complaints	31
Annex A - Map of North Yorkshire Council	32
Annex B - Persons and bodies consulted	33

Introduction

North Yorkshire Council

1. North Yorkshire Council is a licensing authority for the purposes of the Gambling Act 2005. Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles which they propose to apply when exercising their functions¹. This statement (the “policy”) must be reviewed and published from time-to-time and at least once every three years.
2. The 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. The environment of the area provides the basis for a successful tourist economy, with gambling activities forming a significant part of this sector on the east coast.
3. Whilst recognising the importance of the gambling sector for local businesses and their customers, the council also acknowledges its potential impact on the community. As such it will aim to strike a balance when considering all matters under the Act including the impact on and benefits to local business, residents, and visitors alike.
4. A map showing the council area is attached at Annex A, more information and statistics about North Yorkshire can be found at: www.datanorthyorkshire.org

Statement of Principles - considerations

5. In accordance with section 22(2) of the Legislative and Regulatory Reform Act 2006, the Regulators’ Code 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.
6. 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.
7. In formulating this Statement of principles, 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

8. The Gambling Act requires that the following parties are consulted by Licensing Authorities²:-
 - The Chief Officer of Police.
 - One or more persons who appear to licensing authority to represent the interests of persons carrying on gambling businesses in the licensing authority’s area.

¹ [Section 349\(1\) of the Gambling Act 2005](#)

² [Section 349\(3\) of the Gambling Act 2005](#)

- One or more persons who appear to licensing authority to represent the interests of persons who are likely to be affected by the exercise of the licensing authority's functions under the Gambling Act 2005.
9. North Yorkshire Council consulted widely upon this statement prior to publication. A list of those persons consulted is attached as Annex B.
 10. The consultation for this statement revision was for the period from ***insert date*** to ***insert date***. Copies of the statement were made available at County Hall, Northallerton, and on the council's website.
 11. The statement was approved at a meeting of the Full Council on ***insert date*** and was subsequently published on the council's website.
 12. It should be noted that this Statement of Gambling Policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Declaration

13. In producing the final Statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

Responsible authorities and interested parties

Responsible authorities

14. Responsible authorities are public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to applications for, and in connection with, premises licences.
15. Section 157 of the Act gives the council discretion to designate, in writing, a body which is competent and most appropriate to advise the licensing authority about the protection of children from harm.
16. The council has considered the following principles:
 - The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
17. In accordance with the Act, and with regard to the Guidance and the above principles, this Authority designates the Local Safeguarding Children Board for this purpose.
18. The Responsible Authorities are:
 - The Licensing Authority for North Yorkshire Council
 - North Yorkshire Police
 - North Yorkshire Fire and Rescue Service

- North Yorkshire Council's Planning Authority or North York Moors National Parks Planning Authority
- The Gambling Commission
- The Local Safeguarding Children Board
- Her Majesty's Commissioners of Customs and Excise
- North Yorkshire Council's Environmental Health Service

19. The contact details of all the responsible authorities under the Act are available via the council's website.

Interested parties

20. Similarly to responsible authorities, interested parties can make representation to the licensing authority in relation to applications for, and in relation to, premises licences.

21. A person is an interested party in relation to an application for, or in respect of, a premises licence if, in the opinion of the council:

- the person lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons who satisfy either of the above bullet points³.

22. When determining whether a person is an interested party, the council will apply the following principles:

- Each case will be decided upon its merits;
- The council will not apply a rigid rule to its decision making;
- The council will consider the examples of considerations provided in the Guidance; and
- The council will consider the Guidance that the term "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

23. Interested parties can also be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested party will be required as long as the Councillor/MP represents the ward likely to be affected.

24. Likewise, parish councils likely to be affected will be considered to be interested parties.

25. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities, and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

26. If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Statutory Licensing Committee dealing with the licence application. If there are any doubts, then please contact the Licensing Team.

³ [Section 158 of the Gambling Act 2005](#)

27. Anyone wishing to make a representation concerning an application will be required to relate their objection to one or more of the licensing objectives, as specified in paragraph 45 of this statement.

28. The Licensing Authority will not consider representations that are:

- repetitive, vexatious or frivolous,
- from a rival gambling business where the basis of the representation is unwanted competition,
- moral objections to gambling,
- concerned with expected demand for gambling, and/or
- anonymous

Licensing authority functions

Responsibilities

29. The council is responsible for the licensing of premises where gambling activities are to take place.

30. The following functions are administered by the council:

- Premises Licences (betting, bingo, gaming centres and casinos)
- Provisional Statements
- Club Gaming Permits and/or Club Machine Permits
- Licensed Premises Gaming Machine Permits (for the use of three or more gaming machines)
- Notifications from alcohol licensed premises for the use of up to two gaming machines
- Family Entertainment Centre Gaming Machine Permits
- Prize Gaming Permits
- Small Society Lottery Registrations
- Occasional Use Notices
- Temporary Use Notices
- the provision of information to the Gambling Commission regarding details of licences issued
- maintaining registers of the permits and licences that are issued under these functions

31. Licensing authorities are not responsible for licensing remote gambling. This is regulated by the Gambling Commission via operating licences⁴.

Exchange of information

32. Licensing authorities are required to include in their policy statement the principles to be applied by the licensing authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

33. The council will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 2018

⁴ [Part 5 of the Gambling Act 2005](#)

will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Decision making

34. In exercising its functions, the council will, in accordance with section 153 of the Act, aim to permit the use of premises for gambling insofar as it considers it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the licensing authority's statement of gambling principles.
35. Moral objections to gambling, as well as commercial demand, are not valid reasons to reject applications for premises licences.

Committee

36. The council has established a Statutory Licensing Committee to administer the wide range of licensing decisions and functions for which it is responsible.
37. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Statutory Committee has delegated certain decisions and functions and has established a Statutory Sub-Committee to deal with them. A Statutory Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and/or responsible authorities.
38. A Statutory Licensing Sub-Committee will also hear any requests by a responsible authority or an interested party to review a premises licence because of issues arising, which contravene any of the three licensing objectives.
39. Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to officers. In these instances, a record of the decision will be available to view on the council's website. This form of delegation is without prejudice to officers referring an application to the Statutory Licensing Committee or Statutory Licensing Sub-Committee, or to Full Council if considered appropriate in the circumstances of any particular case.
40. Where a Councillor who is a member of the Statutory Licensing Sub-Committee is making, or has made, representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.
41. Every determination of a licensing decision by the Statutory Licensing Committee or a Statutory Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be published on the council's website as soon as possible after the decision has been confirmed.

42. The council's licensing officers will deal with all other licensing applications either where no representations have been received, or where representations have been received and withdrawn, or it is agreed by the parties that a hearing is not necessary.
43. **Any representations must be based on the licensing objectives under the Act.** "Frivolous" or "vexatious" representations need not be taken into consideration by the council⁵. Whether a representation is frivolous or vexatious is a matter of fact. However, matters which this licensing authority may consider in deciding whether a representation is frivolous or vexatious include the following:
- Who is making the representation and whether there is a history of making representations that are not relevant;
 - Whether it raises a relevant issue; or
 - Whether it raises issues specifically relating to the premises that are the subject of the application.
44. Where representations are rejected, the person making the representation will be given written reasons as to why this is the case. There is no right of appeal against a determination that representations are not admissible.

Licensing objectives

Overview

45. In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
46. The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

Preventing crime and disorder

- **preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

47. The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.
48. The licensing authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the licensing authority will bring those concerns to the attention of the Commission.

⁵ [Section 162 of the Gambling Act 2005](#)

49. Disorder in the context of the gambling regime is intended to mean activity that is more serious and disruptive than mere nuisance. Factors that will be considered by the licensing authority in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There are already powers in other legislation designed to prevent or minimise nuisance, whether it arises as a result of noise from premises or from general disturbance in the area of licensed premises as people arrive or leave the premises. The licensing authority does not intend to use the gambling regime to deal with general nuisance issues such as parking problems, noise in the street or noise breakout from premises which can be dealt with using alternative powers.

Ensuring fairness

- ensuring that gambling is conducted in a fair and open way

50. The Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime. However, where the licensing authority becomes aware of matters that lead it to believe that this Objective is not being promoted in accordance with the aims of the regime it will notify the Commission.

51. Because track operators may not require an operating licence from the Commission the licensing authority may attach conditions to the Premises Licence in appropriate cases which ensure that the environment in which betting takes place is suitable. The licensing authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence.

Protecting children and vulnerable persons

- Protecting children and other vulnerable persons from being harmed or exploited by gambling

52. The licensing authority considers the following people to be vulnerable to gambling related harm:

- children, young people and young adults
- people who gamble more than they want to
- people who gamble beyond their means
- people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs
- people seeking or accessing gambling treatment or support
- people living in areas of higher deprivation
- people employed by gambling operators and who have regular contact with gambling activities

In seeking to protect vulnerable people, the licensing authority will apply its consideration of the application to people in these groups.

53. The licensing authority will expect applicants to show that there are policies and procedures in place to protect children and vulnerable people from gambling related harm.

Such policies and procedures will each be considered on their merits; however, they may include:

- staff training on impacts of and vulnerability to gambling related harm and early detection of individuals at risk
 - supervision of entrances and / or specific areas of the premises including the use of CCTV
 - intervention and escalation with vulnerable people where necessary
 - self-exclusion schemes
 - participation in collective test purchase programmes
 - recording of customer interactions or interventions, including incidents
 - refusal of entry to people who show signs of inebriation or use of drugs
 - controls to prevent access to alcohol and to gambling by individuals who show signs of inebriation or use of drugs
 - avoidance of inducements to gamble, including free or discounted alcoholic drinks to people or free bets and bonuses
 - availability of signposting information to gambling helplines and to a range of local and national gambling treatment and support services in both prominent and discreet locations, and including signposting for people affected by another person's gambling
 - availability of signposting information to mental health advice and support, drug and alcohol support, and financial and debt advice and support services
 - staff to customer ratios
 - consideration of opening times to mitigate risks to vulnerable people
 - safe cash handling and payment of winnings
 - appropriate measures / training for staff as regards suspected truant school children on the premises,
 - appropriate measures / training covering how staff would deal with unsupervised children being on the premises, or children causing perceived problems on / around the premises
 - the use of proof of age schemes
 - visual oversight by staff of areas to which children are not permitted access
 - the restricting and preventing visibility of gambling from areas frequented by children
 - the segregation of gambling from areas frequented by children
 - ensuring entrances and external windows are not enticing to children or vulnerable adults
 - the supervision of gaming machines in non-adult gambling specific premises such as pubs, clubs and betting tracks.
54. With limited exceptions the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments in order to protect them from being 'harmed' or exploited by gambling.
55. The licensing authority expects to see the effective management and supervision of gaming machines in licensed family entertainment centres. The same consideration applies to tracks where children will be permitted in the betting areas on race-days.
56. In appropriate cases the licensing authority will take steps to prevent children from taking part in age restricted gambling activities, especially with regard to premises situated in areas where there may be a high rate of reported truancy, in premises likely to be attractive to children and young people and near to schools, colleges and facilities and activities provided for, or aimed at, children and young people.

57. The licensing authority may impose restrictions on advertising so that gambling products advertised on licensed premises are not aimed at children or advertised in such a way that makes them particularly attractive to children and young people.
58. A gaming machine in licensed premises which is of a category that children are not permitted to play on must be clearly labelled as such and the machine adequately supervised at all times the premises are open to the public. Areas to which access is limited by age must be clearly demarcated and effectively supervised to ensure underage persons do not enter.
59. The licensing authority will always treat each case on its individual merits. When considering whether specific measures are required to protect children and other vulnerable people and will balance these considerations against the overall principle of aiming to permit the use of premises for gambling, where that principle applies.
60. The licensing authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). In particular the licensing authority will consider whether children can gain access; the compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
61. Where the legislation allows the licensing authority will look particularly closely at applications that are made for premises:
- in areas with high levels of deprivation
 - close to sensitive areas or developments
 - in residential areas
 - close to locations used to deliver mental health services, drug and alcohol support or recovery services, smoking cessation services, wellbeing support services, homelessness services, financial and debt advice and support services, and / or gambling treatment, support or recovery services
 - close to schools and other educational establishments
 - close to any setting or location frequently used by children and young people
 - close to residential hostels for vulnerable adults
 - close to premises licensed for alcohol or gambling
 - in areas with higher density of existing gambling premises

Premises licences

Meaning of premises

62. In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building, however, could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit, premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where appropriate safeguards are in place. Licensing authorities should pay particular

attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

63. In accordance with paragraphs 7.6 and 7.7 of the Gambling Commission's Guidance to Licensing Authorities, *"in most cases the expectation is that a single building or plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit"*.

64. The council will take particular care when considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, and will have regard to the following principles:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in age restricted gambling activities, but also preventing them from being near such activities. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises via an un-licensed area and without going through another licensed premises or premises with a permit;
- Customers should be able to participate in the activity named on the premises licence.

65. Other factors that may be taken into account when considering applications are:

- Is there a separate registration for business rates for the premises?
- Are the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

Premises 'ready for gambling'

66. The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

67. If the construction of any premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement may be made instead.

68. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at any premises, this Authority will determine applications on their merits, applying a two stage consideration process:

- Whether the premises ought to be permitted to be used for gambling; and
- Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

69. Applicants should note that the council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

70. More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

Premises licence considerations

71. In determining applications the council has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives.

Conditions

72. The Act provides that conditions may be attached to premises licences in several ways:

- automatically by the Act;
- through regulations made by the Secretary of State;
- by the Commission through operating and personal licences; or
- by licensing authorities.

73. Conditions may be general in nature and attached to all licences or all licences of a particular class, or they may be specific to a particular licence.

74. All premises licences are subject to mandatory and default conditions which are usually sufficient to ensure that premises are used in a way consistent with the licensing objectives. The licensing authority will not normally interfere with default conditions which apply by virtue of regulations unless an applicant can demonstrate that alternative controls will be operated by him that achieve the same or similar effect or where the licensing authority is of the opinion that an alternative condition should be imposed. In both case the licensing authority will give notice of its reasons for departing from the default conditions to the applicants and all parties making representation on the matter.

75. The licensing authority will not generally impose conditions that limit the use of premises for gambling unless it is considered necessary as a result of the requirement to act in accordance with the codes of practice, Gambling Commission's guidance, this Statement of Policy or in a way that is reasonably consistent with the licensing objectives.

76. Any additional conditions attached to licences will be proportionate and based on evidence that there is a risk to the licensing objectives, and will be:

- Relevant to the need to make the premises suitable as a gambling facility;
- Directly relevant to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and

- Reasonable in all other respects.

77. The licensing authority will not consider imposing conditions:

- Which make it impossible to comply with an operating licence condition imposed by the Gambling Commission.
- Relating to gaming machine categories or method of operation.
- Which specify that membership of a club or other body is required.
- In relation to stakes, fees, winnings or prizes.

78. Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each application will be determined on its own merits.

Plans

79. Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to coordinate future premises inspection activity.

80. Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

81. Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

82. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the premises boundary does not need to be defined.

83. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

Local risk assessments & local area profile

84. The Gambling Commission’s Licence Conditions and Codes of Practice (LCCP), formalise the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision has been in force since 6 April 2016.

85. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control

measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

86. Licensees must undertake a local risk assessment when applying for a new premises licence and then review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - when applying for a variation of a premises licence;
87. The social responsibility provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.
88. The licensing authority asks licensees to share a copy of their local risk assessment with the licensing authority and retain a copy on site for use if and when inspections are carried out by the licensing authority and/or any other responsible authority, in line with Gambling Commission best practice.
89. Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority may request that the licensee share a copy of its risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.
90. The licensing authority will expect operators to identify the local risk factors surrounding the premises and consider matters such as:
- the local demographic profile of the area
 - whether the premises are located in an area of deprivation;
 - whether the premises are located in an area which is subject to high levels of crime and/or disorder (see www.datanorthyorkshire.org)
 - any subsequent health needs assessment published by the licensing authority in order to protect children and other vulnerable persons from being harmed or exploited by gambling
 - North Yorkshire Council's Local Area Profile, developed and published separately to this Gambling Licencing Policy
91. The licensing authority intends to develop and publish a Local Area Profile, separate to the Gambling Licencing Policy. A Local Area Profile would identify different parts of the County where there are greater or specific risks of gambling related harm. This may be because of the people likely to be in that area, the other types of business in that area, or because of the characteristics of an area. While the licensing authority will determine each application for a gambling premises on its own merits, gambling operators would be required to address, for an existing or potential premises, the greater and specific increased risks of harm identified in the Local Area Profile.

Planning

92. When considering applications for premises licences the licensing authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission or building regulations approval being granted. Except in the case of a Provisional Statement or an application to allow a track to be used for betting where other persons will provide the betting facilities, applicants for a premises licence will need to show to the satisfaction of the licensing authority that they have a right to occupy the premises concerned; hold a valid Operating Licence from the Commission or have applied for an Operating Licence and meet such other criteria set out in law. The Premises Licence can be only issued once the Operating Licence is issued. In the case of a Provisional Statement where the applicant does not currently have a right to occupy the application premises, the licensing authority will require written confirmation that the applicant may reasonably expect to acquire that right within a reasonable time.

Reviews

93. A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from a responsible authority or interested party⁶. Reviews cannot be delegated to an officer of the licensing authority – the lowest level of delegation permitted is to a Statutory Licensing Sub-Committee.

94. The Act provides that licensing authorities may initiate a review of either a particular class of premises licence or a particular premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted.

95. Representations and review applications will be considered by the licensing authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Gambling Principles and Codes of Practice.

Premises licence types

Adult gaming centres

96. These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the licensing authority.

97. Permitted activities include:

- A prescribed number of Category B gaming machines
- unlimited category C and D machines.

98. The Category B machines are limited to B3 and B4

99. Factors for consideration by the licensing authority when determining the application for an Adult Gaming Centre will include:

- the location;

⁶ [Section 197 of the Gambling Act 2005](#)

- the ability of operators to minimise illegal access to the premises by under 18s

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

100. Conditions may be applied by the licensing authority in support of the licensing objectives if it is felt necessary. In addition to the mandatory and default conditions attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an Adult Gaming Centre.
101. The licensing authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant for an Adult Gaming Centre to satisfy the licensing authority that there will be sufficient measures to control access to and participation in gambling by such persons, for example to meet the third licensing objective.
102. The licensing authority will also expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions imposed by the licensing authority may cover issues addressed by the example measures listed in paragraph 53. This list is neither mandatory nor exhaustive and is merely indicative of example measures.

Family entertainment centres

103. There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:
 - FECs with category C and D machines require a Premises Licence.
 - Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits
104. A family entertainment centre FEC premises licence authorises the use of any number of category C or D machines.
105. In terms of accessing a family entertainment centre, no customer shall be able to access the premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track
106. This Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the licensing authority, for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas.
107. Conditions may be applied by the licensing authority in support of the licensing objectives if it is felt necessary in addition to the mandatory and default conditions attached by regulations issued by the Secretary of State. Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the licensing authority may cover issues addressed by the example measures listed in paragraph 53. This list is neither mandatory nor exhaustive and is merely indicative of example measures.

Casinos

108. A casino game is defined as a game of chance which is not equal chance gaming, a casino premises licence authorises the playing of casino games. North Yorkshire Council has a number of casinos which were licensed under the Gaming Act 1968 which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.
109. In addition, the Gambling Act 2005 introduced three new categories of casino: one regional casino, eight large casinos and eight small casinos. On 15th May 2008, the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. The Order specified which Licensing Authorities could issue premises licences for both large and small casinos; The former Scarborough Borough Council was included in the Order and was authorised to issue one small casino premises licence which was subsequently granted.
110. It should be noted that in accordance with regulation 3(3) of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008, any reference to a predecessor authority in any enactment has effect as if the new single tier authority was substituted for it. Article 3 of The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008, which references "Scarborough Borough Council" by name, therefore has effect as if North Yorkshire Council was selected as one of the 8 authorities permitted to issue a small casino premises licence.
111. In terms of accessing a casino premises:
- The principal access entrance to the premises must be from a street;
 - No entrance to a casino shall be from premises that are used wholly or mainly by children and/or young persons; and
 - No customer shall be able to enter a casino directly from any other premises which holds a gambling premises licence.
112. The Act and regulations attach a number of conditions automatically to a casino premises licence according to the gambling activities permitted to take place on the premises and the controls that are required by way of codes of practice which are, in effect, industry standards. See other parts of this Statement for the licensing authority's general approach to other conditions that it may impose.
113. The Gambling Commission's code of practice deals with matters including access to casino premises by children and young persons, the giving of credit and the ban on gambling taking place on Christmas Day. In particular the code specifies that no one under the age of 18 is allowed to enter certain casino premises and entrances to the casino gambling area would be required to be properly supervised.

Bingo premises

114. Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits. Other types of Bingo will require a bingo operating

licence from the Gambling Commission and a premises licence from this Authority. The licence also authorises a bingo premises to provide a prescribed number of Category B gaming machines together with an unlimited number of category C and D machines.

115. The licensing authority will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
116. This Authority notes the Guidance regarding the unusual circumstances in which the splitting of any pre-existing premises into two adjacent premises might be permitted.
117. Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
118. No customer shall be able to access bingo premises directly from:
 - a casino;
 - an adult gaming centre; or
 - a betting premises, other than a track.
119. Where category B and/or category C machines are available in premises to which children are admitted, applicants will be expected to ensure that:
 - All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - Only adults are admitted to this area where the machines are located;
 - Access to the area where the machines are located is supervised;
 - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
 - At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Betting premises

120. The Act contains a single class of licence for betting though there are different types of premises within this class which require licensing.
121. Licensable activities include:
 - off-course betting;
 - on-course betting for tracks (see below);
 - betting by way of betting machines, and;
 - up to four class B2, B3, B4, C or D category gaming machines
122. Factors for consideration by the licensing authority when determining the application will be:

- location, particularly in relation to vulnerable persons;
- suitability of the premises;
- size of premises in relation to the number of betting machines;
- the ability of staff to monitor the use or abuse of machines and;
- the provision for licence holders to ensure appropriate policies and procedures to protect vulnerable people including children are adhered to.

123. This is not an exhaustive list and each application will be judged on its merits. Any effective measures offered by the applicant to support the licensing objectives will be taken into account.
124. Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the licensing authority may include examples listed in paragraph 53. This list is neither mandatory nor exhaustive and is merely indicative of example measures.

Tracks

125. Tracks may be subject to one or more premises licence provided each licence relates to a specified area of the track. The licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for Tracks and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
126. Track operators are not required to hold an operators licence granted by the Gambling Commission unless they are operating gambling activities themselves. Therefore premises licences for tracks issued by the licensing authority are likely to contain requirements for premises licence holders relevant to their responsibilities in relation to the proper conduct of betting. The licensing authority recognises that Track operators will have an important role to play in the regulation of gambling activities expect that they will take proactive action appropriate to that role. For example in ensuring that betting areas are properly administered and supervised.
127. The licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
128. Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the licensing authority may include examples listed in paragraph 53. This list is neither mandatory nor exhaustive and is merely indicative of example measures.
129. **Gaming Machines used on Tracks** - Guidance from the Gambling Commission addresses where such machines may be located on Tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to

demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

130. **Betting Premises on tracks** - A Track may hold a betting premises licence allowing betting to take place within defined areas, there may also be a number of subsidiary licences authorising other gambling activities to take place including off-course betting. Unlike betting offices (bookmakers), a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines. Pool betting may also take place on certain types of Tracks and the appropriate operating licence to enable this will be required before a premises licence authorising this activity may be determined by the licensing authority.
131. In line with the Commission's Guidance the licensing authority will expect operators of self-contained units on Tracks to seek an ordinary betting premises licence to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.
132. **Betting machines on Tracks** - The licensing authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.
133. When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
134. **Applications and plans for Tracks** - Regulations set out specific requirements for applications for premises licences. In accordance with the Gambling Commission's suggestion that, to ensure the licensing authority gains a proper understanding of what it is being asked to licence the premises licence application pack for a Track includes the information that is required which includes detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the licensing authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.
135. In terms of general access to a track betting premises, no customer shall be able to access the premises directly from a casino or an adult gaming centre.

Other authorisations

Family entertainment centre gaming machine permits (also known as unlicensed family entertainment centres)

136. Where an operator wishes to provide gaming machines at any premises that does not hold a premises licence, they may apply to the licensing authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
137. The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission. This Authority will therefore also expect that applicants provide:
- A clear and legible plan showing the following items:
 - The boundary of the permitted area including the entrances and exits.
 - The location of any category D machines.
 - The location of any ATM /cash machines or change machines.
 - The location of any unlicensed area (if relevant).
 - Evidence that the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible.
 - Evidence that relevant staff are trained on the following:
 - The maximum stakes and prizes of the gambling that is permissible.
 - Socially responsible gaming and where help can be obtained.
 - The type of machines available in the premises i.e. gaming or skill based.
 - a satisfactory basic criminal record disclosure in respect of all individual applicants dated within one calendar month of the date of the application being submitted (or in the case of a company or partnership, in respect of all directors or partners). Where the applicant already holds an operator's licence with the Gambling Commission this requirement shall not apply.
 - Evidence that policies and procedures are in place to protect children from harm and exploitation. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff with regard to suspected truant or missing school children on the premises, measures / training covering how staff would deal with unsupervised children or young persons being on the premises or children causing perceived problems on or around the premises. The licensing authority would also expect appropriate controls / measures to be in place were alcohol is permitted to be consumed on the premises.
138. Although it is accepted the Gambling Commission's Licence Conditions and Codes of Practice do not apply to these permits, the licensing authority would strongly encourage permit holders to produce a local risk assessment in line with paragraph 82.
139. It should be noted that a licensing authority cannot attach conditions to this type of permit.

Prize gaming permits

140. Prize gaming is gaming where the nature and size of the prize available is not determined by either:
- the number of people playing; or
 - the amount paid for, or raised by, the gaming.
141. A prize gaming permit is required to authorise the provision of facilities for gaming with prizes on specified premises.
142. In applying for a Prize Gaming Permit, the applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law; and
 - the steps to be taken to protect children from harm.
143. The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission. This Authority will therefore also expect that applicants provide:
- a clear and legible plan showing the following items:
 - The boundary of the permitted area including the entrances and exits
 - The location where any prize gaming will take place (including any seating and tables
 - The location of any ATM /cash machines or change machines
 - Evidence that the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permissible.
 - Evidence that relevant staff are trained on the following:
 - The maximum stakes and prizes of the gambling that is permissible.
 - Socially responsible gaming and where help can be obtained.
 - A satisfactory basic criminal record disclosure in respect of all individual applicants dated within one calendar month of the date of the application being submitted (or in the case of a company or partnership, in respect of all directors or partners). Where the applicant already holds an operator's licence with the Gambling Commission this requirement shall not apply.
 - Evidence that policies and procedures are in place to protect children from harm and exploitation. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff with regard to suspected truant or missing school children on the premises, measures / training covering how staff would deal with unsupervised children or young persons being on the premises or children causing perceived problems on or around the premises. The licensing authority would also expect appropriate controls / measures to be in place were alcohol is permitted to be consumed on the premises.

144. Although it is accepted the Gambling Commission's Licence Conditions and Codes of Practice do not apply to these permits, the licensing authority would strongly encourage permit holders to produce a local risk assessment in line with paragraph 82.
145. It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

Automatic entitlement for up to 2 gaming machines on premises licensed to sell alcohol

146. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically be entitled to make available 2 gaming machines of categories C and/or D. The holder of the premises licence (issued under the Licensing Act 2003) merely needs to notify the licensing authority in writing, pay the prescribed fee and comply with any relevant codes of practice.
147. The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

Licensed premises gaming machine permit

148. If the holder of a premises licence (issued under the Licensing Act 2003 to authorise the sale of alcohol for consumption on the premises) wishes to make available more than two gaming machines, an application will need to be made for a permit. The licensing authority must consider the application based upon:
- the licensing objectives;
 - any guidance issued by the Gambling Commission issued under Section 25 of the Act; and
 - such matters as they think relevant.

149. The council considers that “such matters” will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the licensing authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that can monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.
150. It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre premises licence.
151. The council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
152. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Club gaming and club machine permits

153. Members’ Clubs and Miners’ Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit to enable the premises to provide:
- 3 gaming machines of categories B, C or D;
 - equal chance gaming; and
 - games of chance as set out in regulations.
154. Members’ Clubs, Miners’ Welfare Institutes and Commercial Clubs may apply for a Club Machine Permit to enable the premises to provide:
- 3 gaming machines of categories B, C or D.
- Note: Commercial Clubs may not make category B3A gaming machines available for use.
155. A members’ club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working mens' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations. The statutory definition of a members’ club requires that:
- it must have at least 25 members;
 - it must be established and conducted wholly or mainly for purposes other than the provision of facilities for gaming (unless the gaming is restricted to bridge and whist);
 - the club satisfies the conditions attached to a club gaming permit; and
 - they are not commercial clubs that would then be offering gambling illegally.
156. A miners’ welfare institute is an association established for recreational or social purposes. It is managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

157. A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.
158. Licensing authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years;
 - an objection has been lodged by the Commission or the police.
159. There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which the council can refuse a permit are:
- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
160. There are statutory conditions imposed on club gaming permits to ensure that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

Small society lotteries

161. A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up. Small Society Lotteries whose proceeds do not exceed £250,000 in a calendar year do not require a licence with the Gambling Commission but must be registered with the licensing authority in the area where the society's principal premises is situated.
162. Small society lotteries are subject to certain rules and regulations:
- the total value of tickets or chances to win a prize cannot exceed £20,000
 - a minimum of 20% of the lottery's proceeds must be allocated to the purpose of the society. This means that no more than 80% of the proceeds can be used for prizes and expenses
 - no single prize can be worth more than £25,000
 - every ticket must cost the same and be paid for before entry into the draw is allowed

- every ticket must specify the name of the society, the name and address of the promoter, the date of the lottery, the price of the ticket
 - any virtual tickets issued must be capable of being printed off
 - no tickets can be sold to anyone under 16, nor can persons under 16 sell tickets
 - no other payment, except for the price of the ticket, can be asked for before a person is allowed to enter a lottery
 - rollovers are allowed, provided that no one prize is over £25,000 and the rollover lotteries are promoted on behalf of the same society. Any rollover lotteries must in effect still constitute a small lottery
163. Registrations may only be given to societies set up for non-commercial purposes such as sports, cultural or charitable purposes, and not where the sole purpose of the society is running a lottery. A small society lottery registration lasts indefinitely, unless you notify us that the registration is no longer needed, or it is cancelled due to non-payment of the annual fee.
164. An application to register a Small Society Lottery should be on the relevant application form, available from the council's website, and accompanied by any necessary documents and the appropriate fee. The maximum prize per ticket in either money or monies worth is £25,000. The licensing authority will record details of the society on a register and make this available to the public on request. In determining whether to grant or renew a small society lottery registration, the licensing authority will have regard to the Guidance to Local Authorities issued by the Commission. Societies may wish to refer to the relevant section of the council's website for full details on how to register and maintain small society lottery registrations. It also details the steps that promoters have to take to comply with the legislation.

Temporary use notices

165. A temporary use notice enables the use of premises for gambling where there is no premises licence in force (e.g. hotels, conference centres, sporting venues). Temporary use notices are often, but not exclusively, used to run poker tournaments. With a temporary use notice, any such premises may be used for up to 21 days in a 12-month period for equal chance gaming where the gaming in each tournament is intended to produce a single overall winner.
166. A temporary use notice can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both. Gaming machines may not be made available under a TUN.

Occasional use notices

167. An occasional use notice enables the use of premises for gambling on tracks or other sporting venues that only intend to allow betting on eight days or less in a calendar year.
168. The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a 'track' and whether the applicant is permitted to submit the notice.

Travelling fairs

169. Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the council is responsible for deciding whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
170. The council will also consider whether the applicant falls within the statutory definition of a travelling fair.
171. There is a statutory maximum period of 27 days per calendar year for land being used as a fair. This applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

Provisional statements

172. Developers may wish to apply for provisional statements before entering into a contract to buy, or lease, property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
173. Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
174. The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
175. In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
176. The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
177. In addition, the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;

- which in the licensing authority's opinion reflect a change in the operator's circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application*.

*Note: This must be a substantial change to the plan and this Authority notes that it can discuss any concerns it has with the applicant before making a decision.

Enforcement

Exercise of powers

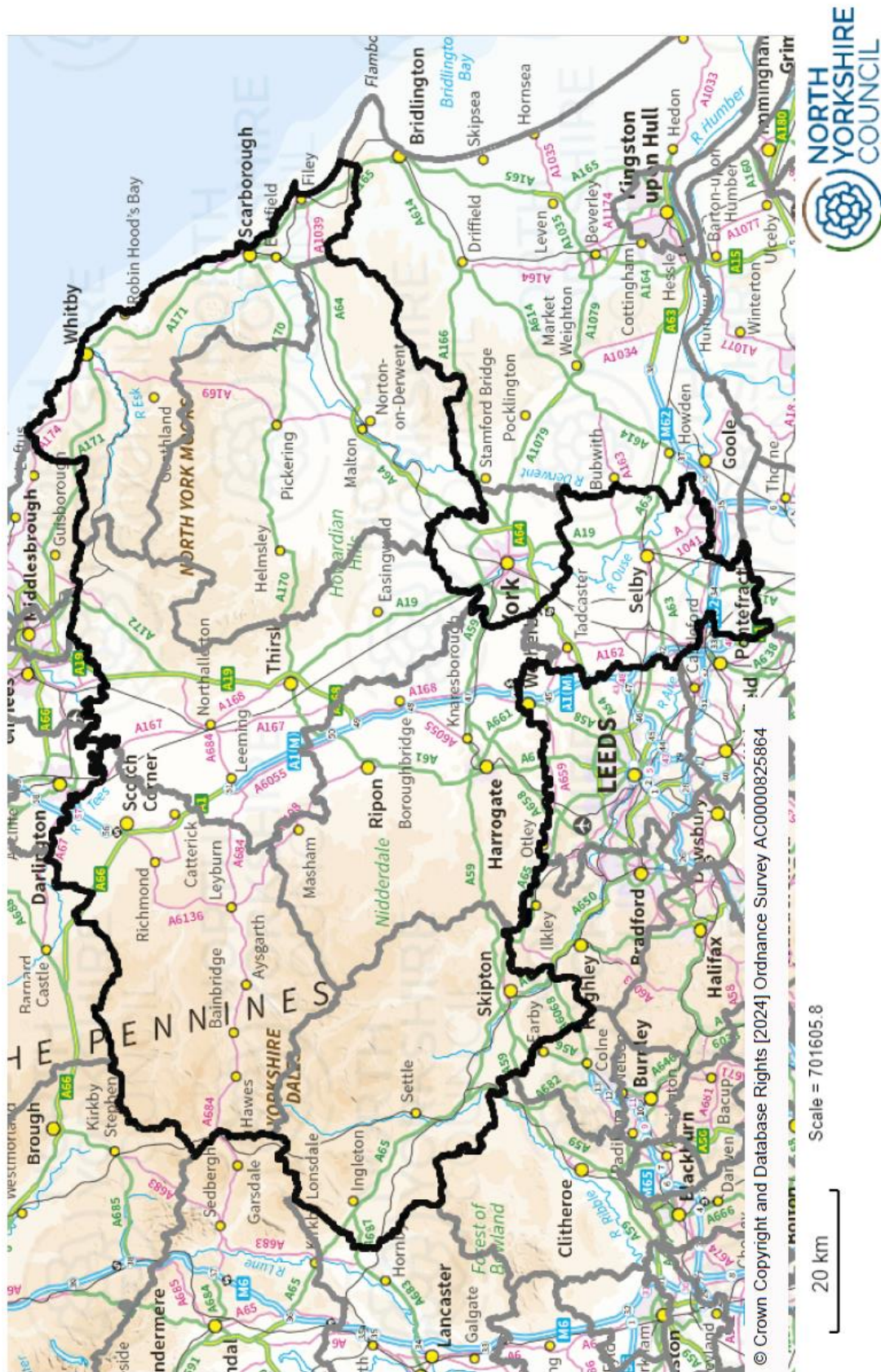
178. Licensing Authorities are required to state the principles they will apply when exercising their functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
179. The licensing authority will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- Proportionate: Intervening only when necessary: Ensuring remedies are appropriate to the risk posed, and costs identified and minimised;
 - Accountable: Being able to justify decisions, and be subject to public scrutiny;
 - Consistent: To ensure rules and standards are joined up and implemented fairly;
 - Transparent: To be open, and keep regulations simple and user friendly; and
 - Targeted: To be focused on the problem, and minimise side effects.
180. As per the Gambling Commission's Guidance to Licensing Authorities, the licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
181. The licensing authority has adopted and implemented a risk-based inspection programme, based on:
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission
 - The principles set out in this statement of licensing policy
182. This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Act. When undertaking test purchasing activities, the licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
183. The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

184. The licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
185. Bearing in mind the principle of transparency, the licensing authority's enforcement and compliance protocols/written agreements are available upon request.

Complaints

186. The council will investigate complaints against premises for which it has responsibility in relation to matters relating to gambling. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
187. Where an interested party has made either a valid representation about licensed premises or a valid application for a licence review, the licensing authority may initially arrange a conciliation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Statutory Licensing Committee consider their valid objections. Similarly, it will not override the right of any licence holder to decline to participate in a conciliation meeting.

Annex A - Map of North Yorkshire Council



Annex B - Persons and bodies consulted

North Yorkshire Police
North Yorkshire Fire & Rescue Service
The Director of Public Health
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
Citizens Advice Bureau
Barnardo's
NSPCC
Association of British Bookmakers
Lotteries Council
Betting & Gaming Council
Bingo Association
British Amusement Catering Trade Association
British Horseracing Authority
Gambling Commission
Independent Betting Adjudication Service
GamCare
Gamblers Anonymous
National Casino Forum
Racecourse Association
GambleAware
The Jockey Club
Popleston Allen

GOSSCHALKS

By Email Only
Licensing Section
North Yorkshire Council

Please ask for: Richard Taylor
Direct Tel: [REDACTED]
Email: [REDACTED]
Our ref: RJT / ADS / 123267.00004
#GS5910482
Your ref:
Date: 03/03/2025

Dear North Yorkshire Council,

Re: Gambling Act 2005 Statement of Principles for Gambling

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four objectives. These are to:

1. create a culture of safer gambling throughout the betting and gaming sector, with a particular focus on young people and those who are vulnerable.
2. ensure future changes to the regulatory regime are considered, proportionate and balanced.
3. become respected as valuable, responsible, and engaged members of the communities in which its members operate.
4. safeguard and empower the customer as the key to a thriving UK betting and gaming industry.

BGC members support 110,000 jobs, generate £4.2 billion in taxes and contribute £7.1 billion to the economy in GVA (Gross Value Added), according to a report by EY in 2022.

Betting shops alone also support 42,000 jobs on the UK's hard-pressed high streets, contributing £800 million a year in tax to the Treasury and another £60m in business rates to local councils. Further, according to ESA Retail report 89% of betting shop customers go on to spend money in other high street establishments, further cementing the important role of betting shops in the local economy.

BGC members also support the UK's hospitality, tourism and leisure industry through our casinos – there are currently 116 across the UK. Overall, we are a major component of world leading British technology, where our members have founded tech powerhouses in many cities throughout the UK.

Betting is a hugely popular British leisure activity. Each month, around 22.5 million adults in the UK have a bet - whether it's buying a lottery ticket, having a game of bingo, visiting a casino, playing online or having a wager on football, horseracing and other sports - and the overwhelming majority do so perfectly safely and responsibly.

BGC members are proud to support UK sport, from the grassroots to the elite level. The industry contributes around £350 million to racing in levy, media, and sponsorship rights each year, £40 million to the EFL (English Football League), and £12.5 million to snooker, darts, and rugby league.

Betting and Gaming in the UK

Any consideration of gambling licensing at the local level should also be considered within the broader context.

The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below).

In addition, a range of further measures will be implemented imminently following the Government's White Paper, published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.

It should also be noted that:

- The overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2023) was 5,995. This is reducing yearly and has fallen by 28% since March 2019 – equating to 2,309 betting shop closures in just four years.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.
- Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.

Problem Gambling

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A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison.

The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France.

Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry.

In June 2020, the BGC’s largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024.

In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027.

The BGC also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities YGAM and GamCare. As of March last year (2023), it has educated over 3 million children.

Advertising and Sponsorship

All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed.

The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS, in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder.

The Seventh Industry Code for Socially Responsible Advertising, adopted by all BGC members, adds a number of further protections in particular for young people. New measures include ensuring that all social media ads must target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising.

Under the ‘whistle-to-whistle’ ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by Enders Analysis

found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation.

BGC members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by BGC members, including strict age-verification checks. Any withdrawal of advertising would simply level the playing field with illegal operators thus providing opportunities for those operators to peel off customers from the regulated markets.

Misleading/ambiguous premises signage

There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino.

Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo (a bingo premises licence), making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities.

In order to avoid any ambiguity, the draft statement of principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will

ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry employs a policy called "Think 21". This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission's response to their consultation on age verification on premises, all gambling venues will be moving to a "Think 25" policy from 30th August 2024.

Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the BGC and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year.

It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope these comments above are helpful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



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From: Bede Finnigan [REDACTED]
Sent: 03 March 2025 16:37
To: Licensing (SEL) <licensing.sel@northyorks.gov.uk>
Cc: Elizabeth Speed [REDACTED]; Tracey Rose [REDACTED]
[REDACTED]; Xenia Xnkote [REDACTED]
Subject: Gambling Act 2005 – Statement of Principles Consultation

Dear Team,

Gambling Act 2005 – Statement of Principles Consultation

Thank you for the opportunity to make comments in relation to the above consultation. On behalf of Luxury Leisure and Talarius Ltd., we make the following points in relation to the consultation draft (the “**Draft**”):-

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the “**Act**”) it is subject to the **Regulators’ Code**. That Code imposes several obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. The Draft does not reference the Code, and we suggest the Code should be added to the Draft, particularly in outlining the obligations placed on the Authority.
2. Para 31 – This para should be extended to set out that representations made on moral grounds or based on commercial demand will not be valid.

3. Para 39 – This para correctly addresses frivolous and vexatious representations, but we suggest that it should set out that representations will only be valid if they relate to the licensing objectives. This is included within para 24 of the Draft but including it within para 39 will provide further clarity on when representations will be valid.
4. Para 48 (bullet point 1) – The legislation has been carefully drafted to protect children (defined in the Act as under 16 year olds) and young adults (defined in the Act as 16-17 year olds) and it does not prohibit any particular group of adults from gambling in the same way that it prohibits and protects children, unless they are considered vulnerable (please see para 5.17 of the Gambling Commission’s Guidance for Licensing Authorities). Para 48 identifies those people who may be considered vulnerable, but this should not include young adults up to the age of 25 years. Therefore, we suggest the words “*young adults up to the age of 25 years*” be removed from para 48.
5. Para 49 – The third licensing objective is clear in “*protecting children and other vulnerable persons from being harmed or exploited by gambling*”. Para 49 extends this objective by including “*harm in this context is not limited to gambling related harm but includes wider child and adult safeguarding considerations*”. With respect, this is wrong as the licensing objective specifically relates to harm by gambling. We suggest this sentence be removed, and the words “*by gambling*” be added to the first sentence within para 49.
6. Para 52 - The legislation permits children to gamble in some situations on Category D gaming machines. We suggest this para 52 should be amended to reflect that preventative measures should only be taken in relation to gambling where children are prohibited from participating.
7. Para 57 (bullet point 6) – As mentioned above, the Act does not prohibit young adults aged 18 to 25 from gambling. Reference to “up to the age of 25” should be removed.
8. Para 57 (bullet points 8 and 9) – The ‘demand test’ is no longer relevant and the Authority should consider each application on its own merits without regard to demand. Being close to other premises licenced for alcohol or gambling or in areas with high density of gambling premises are not relevant and suggest that the ‘demand test’ exists. Therefore, bullet points 8 and 9 of this para 57 should be removed.

9. Para 60 (bullet point 1) – As mentioned above, the legislation permits children to gamble in some situations on Category D gaming machines. We suggest this para 60 should be amended to reflect that preventative measures should only be taken in relation to gambling where children are prohibited from participating.
10. Paras 63 and 172 - With respect, it is not correct that an applicant “*should*” make an application for a provisional statement in the circumstances described – although they “*may*” do so. We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then guidance issued by the Gambling Commission was wrong. The Guidance was subsequently amended (please see para 7.59 of the of the Gambling Commission’s Guidance for Licensing Authorities). As such, we suggest that the wording of paras 63 and 172 be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished or needs to be altered. An applicant may apply for a provisional statement if the building is not complete, but it does not have to do so and can instead apply for a premises licence.
11. Para 65 –The Gambling Commission’s guidance states that the Authority “*must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission’s codes of practice and this guidance, or their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions*” (see para 9.28 of the Gambling Commission’s Guidance for Licensing Authorities). The use of “*but is not obliged to grant such a licence*” in this para 65 may be viewed as inconsistent to the Authority’s ‘aim to permit’ obligation. We suggest that the above wording from the Gambling Commission’s Guidance is used within para 65 to reiterate the Authority’s aim to permit obligation and clarify when conditions are excluded, or other conditions are attached.
12. Para 70 – This para 70 correctly identifies that the Authority has the flexibility to exclude a default condition or substitute it with one that is

more restrictive, but it does not acknowledge that it may substitute it with a less restrictive condition. Furthermore, this para 70 does not address that where it imposes a default condition is more restrictive, the Authority should ensure that they have clear regulatory reasons for imposing it. This para 70 should be amended to reflect these points.

13. Para 73 (bullet point 2) – This bullet point is not relevant to para 73 and should be removed (see para 9.32 of the Gambling Commission’s Guidance for Licensing Authorities).
14. Para 95 (bullet point 1) – As set out above, the ‘demand test’ is no longer applicable and the location of an adult gaming centre should not be a factor when determining applications. This bullet point should be removed.

We hope that you find the above helpful and we would be happy to talk thorough any of the points or answer any questions you might have.

Yours faithfully,

Bede

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From: [Michelle Pinion](#)
To: [Licensing \(RYE\)](#)
Subject: RE: Statement of Gambling Principles (Gambling Act 2005) consultation now live
Date: 11 February 2025 13:59:55

Hello Mark,

Thank you for your email.

We have reviewed and have no comments.

Kind Regards,
Michelle Pinion
Operations Manager



This email is intended solely for the above-mentioned recipient and it may contain confidential or privileged information. If you have received it in error, please notify us immediately and delete the mail. You must not copy, distribute, disclose or take any action in reliance on it. Thank you. The view of the author may not necessarily reflect those of the company. This e-mail message and any attached files have been scanned for the presence of computer viruses, however, you are advised that you open any attachments t your own risk.

Luxury Leisure and Talarius Ltd	As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the “Act”) it is subject to the Regulators’ Code. That Code imposes several obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. The Draft does not reference the Code, and we suggest the Code should be added to the Draft, particularly in outlining the obligations placed on the Authority.	The Licensing Authority recognises it must have regard to the principles and expectations outlined in the Regulators’ Code when developing policies and procedures that guide its regulatory activities. To further emphasise this, specific reference to the code is now made at Sections 5, 6 and 7 of the draft Statement of Principles.
Luxury Leisure and Talarius Ltd	Para 31 – This para should be extended to set out that representations made on moral grounds or based on commercial demand will not be valid.	The grounds upon which the Licensing Authority will not consider representations are now outlined at Section 28 of the draft Statement of Principles.
Luxury Leisure and Talarius Ltd	Para 39 – This para correctly addresses frivolous and vexatious representations, but we suggest that it should set out that representations will only be valid if they relate to the licensing objectives. This is included within para 24 of the Draft but including it within para 39 will provide further clarity on when representations will be valid.	Section 43 of the draft Statement of Principles now confirms that any representations must be based on the licensing objectives under the Act.
Luxury Leisure and Talarius Ltd	Para 48 (bullet point 1) – The legislation has been carefully drafted to protect children (defined in the Act as under 16 year olds) and young adults (defined in the Act as 16-17 year olds) and it does not prohibit any particular group of adults from gambling in the same way that it prohibits and protects children, unless they are considered vulnerable (please see para 5.17 of the Gambling Commission’s Guidance for Licensing Authorities). Para 48 identifies those people who may be considered vulnerable, but this should not include young adults up to the age of 25 years. Therefore, we suggest the words “young adults up to the age of 25 years” be removed from para 48.	Whilst it is accepted the Act defines the ages of both children and young people, it believes that young adults may also be considered vulnerable to gambling harm. However, given there is no defined age of ‘young adult’ the wording ‘up to the age of 25’ has been removed from Section 52 of the draft Statement of Principles.

Luxury Leisure and Talarius Ltd	Para 49 – The third licensing objective is clear in “protecting children and other vulnerable persons from being harmed or exploited by gambling”. Para 49 extends this objective by including “harm in this context is not limited to gambling related harm but includes wider child and adult safeguarding considerations”. With respect, this is wrong as the licensing objective specifically relates to harm by gambling. We suggest this sentence be removed, and the words “by gambling” be added to the first sentence within para 49.	This sentence has been removed from Section 53 of the draft Statement of Principles.
Luxury Leisure and Talarius Ltd	Para 52 - The legislation permits children to gamble in some situations on Category D gaming machines. We suggest this para 52 should be amended to reflect that preventative measures should only be taken in relation to gambling where children are prohibited from participating.	Section 56 now clarifies that in appropriate cases the licensing authority will take steps to prevent children from taking part in age restricted gambling activities.
Luxury Leisure and Talarius Ltd	Para 57 (bullet point 6) – As mentioned above, the Act does not prohibit young adults aged 18 to 25 from gambling. Reference to “up to the age of 25” should be removed.	This has now been revised in Section 61 .
Luxury Leisure and Talarius Ltd	Para 57 (bullet points 8 and 9) – The ‘demand test’ is no longer relevant and the Authority should consider each application on its own merits without regard to demand. Being close to other premises licenced for alcohol or gambling or in areas with high density of gambling premises are not relevant and suggest that the ‘demand test’ exists. Therefore, bullet points 8 and 9 of this para 57 should be removed.	Bullet points 8 & 9 of the revised Section 61 do not relate to demand. Instead, they are matters to be considered where relevant representations based on the licensing objectives are received. As such Officers do not consider any changes to the draft Statement of Principles are required in this regard.
Luxury Leisure and Talarius Ltd	Para 60 (bullet point 1) – As mentioned above, the legislation permits children to gamble in some situations on Category D gaming machines. We suggest this para 60 should be amended to reflect that preventative measures should only be taken in relation to gambling where children are prohibited from participating.	The first bullet point of Section 64 now clarifies that the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in age restricted gambling activities, but also preventing them from being near such activities.

<p>Luxury Leisure and Talarius Ltd</p>	<p>Paras 63 and 172 - With respect, it is not correct that an applicant “should” make an application for a provisional statement in the circumstances described – although they “may” do so. We refer to the 2008 case of R (on the application of Betting Shop Services Limited) – V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then guidance issued by the Gambling Commission was wrong. The Guidance was subsequently amended (please see para 7.59 of the of the Gambling Commission’s Guidance for Licensing Authorities). As such, we suggest that the wording of paras 63 and 172 be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished or needs to be altered. An applicant may apply for a provisional statement if the building is not complete, but it does not have to do so and can instead apply for a premises licence.</p>	<p>The word ‘should’ has been replaced with ‘may’ in the Sections 67 and 176 of the draft Statement of Principles.</p>
<p>Luxury Leisure and Talarius Ltd</p>	<p>Para 65 –The Gambling Commission’s guidance states that the Authority “must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission’s codes of practice and this guidance, or their own statement of policy. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions” (see para 9.28 of the Gambling Commission’s Guidance for Licensing Authorities). The use of “but is not obliged to grant such a licence” in this para 65 may be viewed as inconsistent to the Authority’s ‘aim to permit’ obligation. We suggest that the above wording from the Gambling Commission’s Guidance is used within para 65 to reiterate the Authority’s aim to permit obligation and clarify when conditions are excluded, or other conditions are attached.</p>	<p>The Licensing Authority does not consider that the wording ‘but is not obliged to grant a licence’ goes against the guidance, or the authorities ‘aim to permit’ obligation. The refusal of a licence must remain an option open to the licensing authority where it is considered that additional conditions cannot mitigate concerns raised in a representation.</p> <p>As such Officers do not consider any changes to the draft Statement of principles are required in this regard.</p>

Luxury Leisure and Talarius Ltd	<p>Para 70 – This para 70 correctly identifies that the Authority has the flexibility to exclude a default condition or substitute it with one that is more restrictive, but it does not acknowledge that it may substitute it with a less restrictive condition. Furthermore, this para 70 does not address that where it imposes a default condition is more restrictive, the Authority should ensure that they have clear regulatory reasons for imposing it.</p> <p>This para 70 should be amended to reflect these points.</p>	<p>Section 74 of the draft Statement of Principles has been amended to reflect these points.</p>
Luxury Leisure and Talarius Ltd	<p>Para 73 (bullet point 2) – This bullet point is not relevant to para 73 and should be removed (see para 9.32 of the Gambling Commission’s Guidance for Licensing Authorities).</p>	<p>This comment was due to bullet point 1 being inadvertently split into two separate bullet points. This has been corrected in Section 77 of the draft Statement of Principles.</p>
<p>Luxury Leisure and Talarius Ltd</p> <p>Page 128</p>	<p>Para 95 (bullet point 1) – As set out above, the ‘demand test’ is no longer applicable and the location of an adult gaming centre should not be a factor when determining applications. This bullet point should be removed.</p>	<p>This section does not relate to demand, but the proposed location of the premises which may be an important consideration. This is further echoed in Section 5.4 of the Gambling Commission’s guidance for licensing authorities which states ‘A licensing authority will need to consider questions raised by the location of gambling premises when formulating its statement of licensing policy, receiving relevant representations to an application, dealing with applications as a responsible authority in its own right considering applications before it’.</p> <p>As such Officers do not consider any changes to the draft Statement of principles are required in this regard.</p>

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Environment		
Service area	Licensing		
Proposal being screened	Adoption of a new Gambling Act 2005 Statement of Principles		
Officer(s) carrying out screening	Mark Heaton and Gareth Bentley		
What are you proposing to do?	The purpose of this report is to present a draft Statement of principles, the results of consultation and to recommend a policy to Full Council for adoption.		
Why are you proposing this? What are the desired outcomes?	To comply with the law and adopt a Statement of principles which covers the whole of North Yorkshire.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		√	
Disability		√	
Sex		√	
Race		√	
Sexual orientation		√	
Gender reassignment		√	
Religion or belief		√	
Pregnancy or maternity		√	
Marriage or civil partnership		√	
People in rural areas		√	
People on a low income		√	
Carer (unpaid family or friend)		√	
Are from the Armed Forces Community		√	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No. The proposed policy covers the whole of North Yorkshire and all the licensable activities contained in the Gambling Act 2005.		
Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do	No.		

any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.				
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:	
Reason for decision				
Signed (Assistant Director or equivalent)	Callum McKeon			
Date	13/03/2025			

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process. If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Adoption of a new Gambling Act 2005 Statement of principles
Brief description of proposal	The purpose of this report is to present a draft Statement of principles, the results of consultation and to recommend a policy to Full Council for adoption.
Directorate	Environment
Service area	Licensing
Lead officer	Mark Heaton and Gareth Bentley
Names and roles of other people involved in carrying out the impact assessment	None

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	Decreases pollution	Decreases pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full CCIA:	<input type="checkbox"/>
Reason for decision	There is a positive impact on noise pollution from licensed premises. The proposed policy assist the Licensing Authority to control noise pollution from licensed premises. In that context, I am not of the view that a full CCIA is required.			
Signed (Assistant Director or equivalent)	Callum McKeon			
Date	13 March 2025			