

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.

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