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## COUNCIL

### **Council Summons and Agenda**

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You are hereby summoned to attend an **Ordinary Meeting of Ryedale District Council** to be held in the **Council Chamber, Ryedale House, Malton** on **Thursday, 6 September 2018** at **6.30 pm** in the evening for the transaction of the following business:

#### **Agenda**

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1 **Emergency Evacuation Procedure**

The Chairman to inform Members of the Public of the emergency evacuation procedure.

2 **Apologies for absence**

3 **Public Question Time**

4 **Minutes**

(Pages 5 - 12)

To approve as a correct record the minutes of the Ordinary Meeting of Council held on 28 June 2018.

5 **Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

6 **Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

## 7 **Announcements**

To receive any announcements from the Chairman and/or the Head of Paid Service.

## 8 **To Receive any Questions submitted by Members Pursuant to Council Procedure Rule 10.2 (Questions on Notice at Full Council)**

### 1. **To Councillor Clark, Chairman of the Overview and Scrutiny Committee, from Councillor Wainwright:**

"Would Councillor Clark please inform Members of the progress made by his Scrutiny Committee into the investigation of alleged bullying of Officers at Ryedale District Council?"

### 2. **To Councillor Ives, Chairman of the Policy and Resources Committee, from Councillor Wainwright:**

"Would the Chairman of P & R update members on the Streetscene Review including recruitment and the procurement of new refuse and recycling vehicles?"

## 9 **To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:** (Pages 13 - 182)

### **Licensing Committee – 8 May 2018**

Minute 29 - Gambling Act 2005 - Updated Statement of Principles (page 13)

### **Licensing Committee – 3 July 2018**

Minute 6 - The Licensing Act 2003 - Updated Statement of Licensing Policy (page 51)

### **Policy and Resources Committee – 26 July 2018**

Minute 20 – Malton and Norton Infrastructure and Connectivity Improvements Study (page 105)

Minute 21 – Malton Livestock Market (page 161)

*Links to:*

- [Malton and Norton Infrastructure and Connectivity Improvements Study – Options Assessment Final Report](#)
- [Malton and Norton Infrastructure and Connectivity Improvements Study – Final Appendices](#)

## 10 **Notices on Motion Submitted Pursuant to Council Procedure Rule 11**

### **1. Proposed by Councillor Potter and seconded by Councillor Joy Andrews**

The government has put forward proposals via a Written Ministerial Statement (WMS) to allow the exploration phase of hydraulic fracturing (fracking) to be allowed under Permitted Development (PD), therefore requiring no planning permission. They also propose to bring the production phase of fracking under Nationally Significant Infrastructure Projects (NSIP), to be decided centrally by government and the planning inspectorate, thus taking decisions away from local control. These proposals would over-ride local plans, local planning and local democratic decisions, including those

within North Yorkshire.

The Minerals and Waste Joint Plan (MWJP) was jointly produced by NYCC, CYC and NYMNPAs with considerable expenditure and officer time over several years. The plan was subject to extensive consultation with all stakeholders and the public. It was judged by a government appointed independent planning inspector to be sound, legal and compliant with national policy at an Examination in Public (EIP).

Therefore:

1. This council endorses local control of fracking by Mineral Planning Authorities;
2. This council supports the current North Yorkshire MWJP and the definitions within it;
3. Council instructs our planning officers to respond to the government consultation accordingly, by rejecting the changes proposed for PD and NSIP as inappropriate and with the view that the North Yorkshire MWJP should have primacy for all planning decisions at all stages of fracking;
4. Ryedale District Council requests NYCC to support this opposition to government policy.

## **2. Proposed by Councillor Clark and seconded by Councillor Thornton**

There is increasing doubt about the environmental and health safety of glyphosate. A recent case related to the use of glyphosate resulted in a fine of £200m+.

On this basis it would seem prudent for the Council to cease any further use.

This Council therefore resolves:

- i. To stop with immediate effect all use of glyphosate on its properties including car parks, roads and pavements.
- ii. Call upon NYCC to not use glyphosate on NYCC properties, roads and pavements.

## **11 Representation on Outside Bodies**

To appoint a representative and a substitute to attend Malton Community Sports Centre Finance and Premises Governors Meetings, as recommended at the Resources Working Party meeting on 12 July 2018 and ratified at the Policy and Resources Committee meeting on 26 July 2018.

## **12 Any other business that the Chairman decides is urgent**



Stacey Bulet  
Chief Executive

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## Council

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Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 28 June 2018**

### Present

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Councillors Joy Andrews, Paul Andrews, Steve Arnold, Val Arnold (Vice-Chairman), Bailey, Burr MBE, Clark, Cleary (Chairman), Cowling, Cussons MBE, Duncan, Farnell, Frank, Gardiner, Goodrick, Ives, Jainu-Deen, Di Keal, Maud, Oxley, Potter, Raper, Sanderson, Elizabeth Shields, Thornton, Wainwright and Windress

### In Attendance

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Beckie Bennett, Simon Copley, Jane Graham, Anton Hodge, Jos Holmes, Mike James, Angela Jones, Clare Slater and Anthony Winship

### Minutes

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#### 12 Apologies for absence

Apologies for absence were received from Councillors Acomb, Hope and Jowitt.

[Note:

Councillor Bailey was only present at the meeting for agenda items 1-2 and 10;  
Councillor Wainwright was only present at the meeting for agenda items 1-8 and 10;

Councillor Sanderson was only present at the meeting for agenda items 1-10.]

#### 13 Public Question Time

There were no public questions.

#### 14 Minutes

The minutes of the Ordinary Meeting of Council held on 12 April 2018 were presented.

#### **Resolved**

That the minutes of the Ordinary Meeting of Council held on 12 April 2018 be approved and signed by the Chairman as a correct record.

#### 15 Urgent Business

There was one item of urgent business which the Chairman considered should be dealt with as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972 (as amended):

- A notice of motion from Councillors Di Keal and Elizabeth Shields, which had not been received by the Proper Officer in time for inclusion on the agenda.

## 16 **Declarations of Interest**

The following interests were declared:

Councillor Bailey declared a personal non-pecuniary but not prejudicial interest in agenda item 10 (Scrutiny Review – Final Report – Provision of Swimming Lessons at RDC Pools) as a customer of the swimming clubs.

Councillor Ives declared a personal non-pecuniary but not prejudicial interest in agenda item 10 (Scrutiny Review – Final Report – Provision of Swimming Lessons at RDC Pools) as family members used the swimming clubs.

The Chairman also noted that all Members had been lobbied regarding agenda item 10 and that there were a number of Members who were also North Yorkshire County Councillors.

## 17 **Announcements**

The Chairman made the following announcements:

- To congratulate:
  - Peter Lawrence who had been awarded an OBE for services to the families of missing people;
  - Sir William Worsley who had been appointed as the government's Tree Champion;
  - Bramhall Blenkarn Architects who had won a Building Control Award;
- To send best wishes to Mrs Daphne Hope, wife of Councillor Eric Hope, who had been injured in a riding fall.

## 18 **To Receive any Questions submitted by Members Pursuant to Council Procedure Rule 10.2 (Questions on Notice at Full Council)**

1. Councillor Wainwright submitted the following question:  
To Councillor Clark, Chairman of the Overview and Scrutiny Committee:

*“Would Councillor Clark please inform Members of the progress made by his Scrutiny Committee into the investigation of alleged bullying of Officers at Ryedale District Council?”*

The Chairman of the Overview and Scrutiny Committee, Councillor Clark replied

*“This question has caught me a little bit by surprise, I wasn't really expecting it. Well I am Chair very pleased that Councillor Wainwright is showing a continued interest in this subject, considering he had three opportunities to support it when his vote was required and he voted against looking into it on all three occasions. From that background to asking at every Council meeting what the progress is, I think it's commendable. The answer to his question specifically is that we have looked at it and can let him have the wording from the draft minutes this really brings you completely up to date – ‘That Members,’ and this is in relation to the staff survey, ‘continue the Scrutiny review into the staff survey results and that we will be continuing the progress from now on’.”*

Councillor Wainwright asked the following supplementary question:

*“Almost a year ago now this Council agreed to support this investigation with a sum of £10,000. We still don't know whether there was any bullying at this Council or whether there wasn't any bullying at this Council. Is it not time that we had a report that was available to us and that was available to all Members so that we can either reprimand those that have been proven guilty, if that's what we may do, or we can offer an unreserved apology to those if there wasn't any bullying proved at this Council? It seems very strange that 20 Members of this Council have no idea what's going on with your investigation, whereas your 10 Members of the Scrutiny Committee have had the report. Is the only way left for me now to make a Freedom of Information request to the Council to find out where you've got to so far?”*

Councillor Clark replied:

*“I wish this whole issue was as simple as you would like it to be. Let us look at the two possibilities. One - we have found bullying at Ryedale Council. I don't think that there's anything in the rule book that says what Members can do in the, what you were saying, reprimand the people so you're suggesting that Members go round reprimanding officers of the Council. Now I think that's a little bit outside the rules of local government, probably outside the Code of Conduct and probably totally inappropriate in every respect that we could have. Could amount to bullying? Yes I suppose that could take the thing round. So on that basis the Committee is at the stage of looking at. How we deal with it is just about as big a problem as finding out if we have and I would ask Councillor Wainwright to use his logic if we're looking into how to deal with the report - his question at last Full Council I said we were looking at the report and what action to take etc - if we were doing that it would seem likely that we've got something to look at. But then Councillor Wainwright's solution of reprimanding somebody, I don't think would work but I'm sure if you give him time Chair, Councillor Wainwright would be able to say how in HR terms, Code of Conduct terms, legal terms etc how we go out and reprimand those who might have done this. This is why Chair, 3 years ago, I raised this subject with the Chief Executive in private - 3 years plus. 2 years ago I started asking questions at Full Council and still got nowhere. If Councillor Wainwright had supported me at those points, we would have been at least a year, if not 2 years further down the track now and I would love to be in the position that he is wanting to be in terms of handling and I wish him luck. I don't like being threatened and I've no problem with him putting the Freedom of Information request as often and as frequently as he*

*likes but it doesn't answer the question of how we deal with it and how we deal with it professionally. I hope that's probably a slightly fuller answer than Councillor Wainwright was expecting and if he has a further question to come I'd prefer for his sake, the Council's sake and for the 13 Members of Scrutiny that've seen it - the 3 that were on Scrutiny and now the 3 that are new onto Scrutiny and the 3 that are new onto Scrutiny have sort of blinked and gone "What?" and on that basis I'm more than happy with any suggestions that he has to make as to how we could speed things up and it has to be done without officers support, we've got an external he's right, it is a serious issue but please rather than saying we shouldn't be doing it, tell us how we should be doing it because I don't think you can go round reprimanding officers if that is what is required as simply and easy as that. I think you've got to decide how to handle it properly. Now that's making an assumption in that, that assumption may or may not be right."*

## 19 **Appointment of Chief Executive**

### **Appointments Sub-Committee – 8 June 2018**

#### **Minute 5 – Recruitment of Chief Executive**

It was moved by Councillor Ives and seconded by Councillor Steve Arnold that the following recommendations of the Appointments Sub-Committee be approved and adopted.

That Council be recommended to approve:

1. That Stacey Burlet be appointed to the following posts:
  - Chief Executive
  - Returning Officer
  - Electoral Registration Officer
2. That Stacey Burlet be designated as the Council's Head of Paid Service;
3. That the salary for the role of Chief Executive be £100,000 per annum with the provision to increase to £105,000 per annum subject to performance appraisal;
4. That the District Council enter into a secondment agreement with North Yorkshire County Council (NYCC) and that NYCC pay the pro-rata proportion of the salary cost (including on-costs).

Upon being put to the vote the motion was carried.

#### **Resolved**

That Council approve:

1. That Stacey Burlet be appointed to the following posts:
  - Chief Executive
  - Returning Officer
  - Electoral Registration Officer
2. That Stacey Burlet be designated as the Council's Head of Paid Service;
3. That the salary for the role of Chief Executive be £100,000 per annum with the provision to increase to £105,000 per annum subject to performance appraisal;
4. That the District Council enter into a secondment agreement with North Yorkshire County Council (NYCC) and that NYCC pay the pro-rata proportion of the salary cost (including on-costs).

Voting Record

23 For

0 Against

1 Abstentions

20 **To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:**

**Policy and Resources Committee – 12 June 2018**

**Minute 8 – Scrutiny Review – Final Report – Provision of Swimming Lessons at RDC Pools**

The Chairman allowed representations by Helen Robinson, Chairman of Derwent Valley Swimming Club, on behalf of both swimming clubs.

It was moved by Councillor Ives and seconded by Councillor Steve Arnold that the following recommendations of the Policy and Resources Committee be approved and adopted.

That Members agree the final report attached as Appendix 1, which included the following recommendations:

1. Ryedale Swimming Club (RSC) and Derwent Valley Swimming Club (DVSC) are allowed to continue their Learn To Swim (LTS) lessons for the people of Ryedale during the hours agreed in the Leisure Specification.
2. Everyone Active (EA) and the swimming clubs work together to ensure a smooth transition pathway from Everyone Active lessons to Club sessions.

3. Council considers an incremental increase in the specified hire charge per hour to the swimming clubs.

Councillor Clark proposed and Councillor Thornton seconded the following amendment:

“To add:

4. *In the event of any negotiations to do with E.A. no commitment or decisions will be taken without reference to Overview and Scrutiny and its relevant knowledge.”*

Upon being put to the vote the amendment was carried.

#### **Recorded Vote**

##### For

Councillors Joy Andrews, Paul Andrews, Steve Arnold, Val Arnold, Bailey, Burr, Clark, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Ives, Jainu-Deen, Di Keal, Maud, Oxley, Potter, Raper, Sanderson, Elizabeth Shields, Thornton and Wainwright.

##### Against

None.

##### Abstentions

Councillor Windress.

Upon being put to the vote the motion was carried.

#### **Resolved**

That Council agree the final report attached as Appendix 1, which included the following recommendations:

1. Ryedale Swimming Club (RSC) and Derwent Valley Swimming Club (DVSC) are allowed to continue their Learn To Swim (LTS) lessons for the people of Ryedale during the hours agreed in the Leisure Specification.
2. Everyone Active (EA) and the swimming clubs work together to ensure a smooth transition pathway from Everyone Active lessons to Club sessions.
3. Council considers an incremental increase in the specified hire charge per hour to the swimming clubs.

4. In the event of any negotiations to do with E.A. no commitment or decisions will be taken without reference to Overview and Scrutiny and its relevant knowledge.

Voting Record

27 For

0 Against

0 Abstentions

21 **Any other business that the Chairman decides is urgent**

The following notice of motion was dealt with as urgent business:

**Proposed by Councillor Di Keal and seconded by Councillor Elizabeth Shields**

*This council has a proud history of being at the forefront of recycling over many years, but is now falling behind many other authorities in the national league tables.*

*We have fallen from a position of 16<sup>th</sup> in these national tables in 2005/6 to 132 in 2015/16 and even though our recycling rates are comparable with other councils in North Yorkshire, we are dropping behind many local authorities around the country because of the limited recycling that we do.*

*In the current climate we need to strive to ensure that everything that is recyclable is recycled – for the benefit of residents, the environment and ultimately the planet on which we live. There is real commitment amongst the public to recycle as many waste items as possible and this council should be responding to that demand.*

*After much campaigning by the green lobby, supermarkets are finally listening and slowly starting to take steps to reduce single use plastic and packaging – although there is still a very long way to go – and this council also needs to up its game.*

*While applauding our recent ‘Don’t be a Waster’ campaign, we believe that as a council we can do more. The North Yorkshire Minerals and Waste plan is currently being revised and will be informed by new government directives on waste and recycling, so it is timely to address these important issues now.*

*We therefore call on the council to:*

1. *work with neighbouring authorities through the North Yorkshire Minerals and Waste Plan to increase the materials that we recycle to include a wider range of household plastics  
and*
2. *to expand our doorstep collections to include these additional materials within a two year period  
and*

3. *in the interim introduce a resident awareness programme to encourage more recycling, both on the doorstep and at household recycling centres, to reduce levels of waste going to landfill.*

Having been moved and seconded, this motion stood automatically referred to the Policy and Resources Committee under Council Procedure Rule 11.4.

Under Council Procedure Rule 13.7(a), Councillor Di Keal, as proposer of the motion, altered the motion, with the consent of the meeting, to accept in the following suggested amendment from Councillor Clark and Councillor Potter:

“To add

4. *To include the examination of recycling of food waste as agreed at the Commissioning Board.”*

Councillor Paul Andrews moved and Councillor Burr seconded a procedural motion to suspend Council Procedure Rule 11.4 to allow the motion to be debated at the current meeting.

Upon being put to the vote, this motion was lost.

#### Voting Record

3 For

15 Against

4 Abstentions

There being no other business, the meeting closed at 8.15pm.



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**REPORT TO: FULL COUNCIL**

**DATE: 6 SEPTEMBER 2018**

**SUBJECT: PART 'B' REFERRALS FROM LICENSING COMMITTEE ON 8  
MAY 2018**

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**29 Gambling Act 2005 - Updated Statement of Principles**

**Recommendation to Council**

That the Gambling Act Updated Statement of Principles be submitted to Full Council and be recommended for adoption.

[For 7

Against 0

Abstain 0]

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**PART B: RECOMMENDATION TO COUNCIL**

**REPORT TO: LICENSING COMMITTEE**

**DATE: 8 MAY 2018**

**REPORT OF THE: DELIVERY AND FRONTLINE SERVICES LEAD  
BECKIE BENNETT**

**TITLE OF REPORT: THE GAMBLING ACT 2005 – UPDATED STATEMENT OF  
PRINCIPLES**

**WARDS AFFECTED: ALL**

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise Members of the outcome of the consultation and to seek approval for an updated Statement of Principles in relation to the Gambling Act 2005.

### **2.0 RECOMMENDATION**

- 2.1 It is recommended that:
- (l) The Gambling Act 2005 – Statement of Principles (as amended see Annex A) be approved for adoption by Council, which will become effective from 31 January 2019.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 The Council must review its Statement of Principles every three years. The Statement of Principles is due for review and must be consulted upon, ratified by the Council and published before 31 December 2018. An updated Statement of Principles is being recommended to this Committee and subject to being approved, a final version of the Statement of Principles will then be submitted to Council for ratification, with the new Statement of Principles becoming effective from 31 January 2019. The consideration of applications cannot proceed without a reviewed Statement of Principles being in place.

### **4.0 SIGNIFICANT RISKS**

- 4.1 Failure to formally review or consult on a Statement of Principles within the timetable required by the Act, Regulations and guidance would mean the Council was not complying with its statutory duty and would also leave the Council open to legal challenge and any subsequent costs.

## **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 The Gambling Act 2005 imposes statutory requirements on the local authority as the Licensing Authority. The requirement to produce and consult on a Statement of Principles in relation to the Gambling Act 2005 has been identified.
- 5.2 Section 349(3) of the Act requires that the Licensing Authority consult the following on the Statement of Principles (or any subsequent):
- The Chief Officer of Police for the Authority's area
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's function under the Act.
- 5.3 The consultation process followed best practice as set out by the Cabinet Office (Consultation Principles November 2013) including allowing 12 weeks for responses to consultation. Consultation was undertaken as widely as possible and published on the Council's website.
- 5.4 The consultation period ran from 15 January to 9 April 2018.

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 Section 349 of the Gambling Act 2005 ("the Act") requires all licensing authorities prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act during the three year period to which the Statement of Principles applies. A Statement of Principles will last for a maximum of three years, but can be reviewed by an authority at any time.
- 6.2 The existing Statement of Principles has been kept under review since coming into force on the 31 January 2016 and no revision has been deemed necessary to date. However, the Statement of Principles required revising during 2018 in order for it to take effect from the 31 January 2019 (when a new three year cycle will commence). The Statement or revision must be published at least one month before it takes effect, therefore any Statement will be required to be ratified by Council no later than the 31 December 2018. Section 154 of the Act provides that functions in relation to the three year Statement of Principles cannot be delegated but must be taken by the whole authority.
- 6.3 The updated Statement of Principles is a draft document suggesting the Council's proposals to ensure a balanced approach towards the licensing of gambling premises and was formally published for consultation on 15 January 2018. This Statement is based on the requirements of the Act, the current guidance issued by the Gambling Commission and the template from Local Authority Coordinators of Regulatory Services (now Local Government Regulation). This is the local government central body responsible for overseeing local authority regulatory and related services in the UK.

- 6.4 Members should note that there has been a limited number of changes to both regulations issued by the Secretary of State and guidance issued by the Gambling Commission in the intervening three year period, none of which materially affects the content of the current Statement of Principles and for that reason it is proposed that the Statement of Principles will remain virtually unchanged for the years 2019-2022.
- 6.5 The limited changes to guidance relates to the Gambling Commission revision of their Licence Conditions and Codes of Practice (LCCP). These required all existing licensees that provide gambling facilities at their premises to assess the risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. This resulted in a minor addition to the current Statement of Principles to take account of this change. Apart from this and some numerical changes to guidance the current Statement of Principles will remain unchanged for the year 2019-2022.
- 6.6 As stated earlier, the draft Statement of Principles was formally published for consultation on the 15<sup>th</sup> of January 2018. This allowed the Cabinet Office recommended consultation period of twelve weeks. All statutory undertakers have received a full copy of the draft Statement of Principles and notification of the draft Statement of Principles was given to all Members, parish and town Councils, all relevant service unit managers and all libraries. A copy of the draft Statement of Principles was available on the Ryedale District Council website. All relevant premises and specific bodies requesting information have been advised of the Statement and its availability. A full list of consultees is available on request.
- 6.7 Despite widespread consultation, we have received a very limited response. In fact only two responses were received. One from a Council Member who was content that the policy was appropriate. The second response received came from Gosschalks Solicitors who act nationally on behalf of the Association of British Bookmakers.
- 6.8 They stated that overall they welcomed the approach of the draft Statement of Principles, however, they had three comments they wished to make. The first two comments were in relation to a slight change of wording. These were to clarify that additional licence conditions would only be considered where there is evidence of a need to do so. Having considered these comments, the updated Statement of Principles has been reworded as follows “there is evidence of a need to do so” rather than “perceived need” (page 15) and “where it is believed to be appropriate” (page 9).
- 6.10 The final comment is in relation the first sentence after the bullet point located at Part B (IV) Location/Risk Assessment which begins with the words “The Licensing Authority will need to be satisfied .....”. They state that there appears to be something missing from the sentence. It is accepted that the sentence appears unfinished and does not make sense and therefore it has been removed from the draft Statement of Principles.
- 6.11 It is therefore recommended that the updated Statement of Principles as submitted be approved and submitted to Council for adoption, with the new Statement of Principles to be effective from 31 January 2019.

## 7.0 IMPLICATIONS

a) The following implications have been identified:

a) Financial

None

b) Legal

The Statement of Principles has been reviewed in accordance with legislation. Failure to review the Statement of Principles, seek approval by full Council and publish it before the 31 January 2019 could leave the Council subject to judicial review and have serious financial implication

c) Other

Ryedale's Statement of Principles is fundamental to the successful operation of the Licensed Gambling System and is a core document Members of a Licensing Sub Committee have regard to when arriving at gambling related decisions.

### **Beckie Bennett Delivery and Frontline Lead**

**Author:** Ronnie McClure, Senior Specialist Environment  
**Telephone No:** 01653 600666 ext: 250  
**E-Mail Address:** ronnie.mcclure@ryedale.gov.uk

### **Background Papers:**

Gambling Act 2005

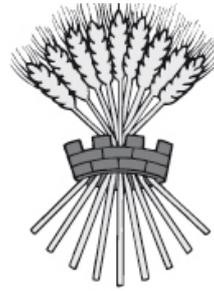
Gambling Commission Guidance to Licensing Authorities, 5th Edition, September 2015(Updated September 2016)

Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006

Notes to accompany LACORS Statement of Principles Template-Gambling Act 2005, May 2009

ANNEX A

RYEDALE  
DISTRICT  
COUNCIL



## **Gambling Act 2005**

### **UPDATED STATEMENT OF PRINCIPLES**

**APRIL 2018**

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*This Statement of Principles was approved by Ryedale District Council on the ??rd of ?????? 2018.*

*All references to the guidance refer to the Gambling Commission`s Guidance to Licensing Authorities, 5th Edition, published September 2015 updated September 2016*

## **PART A**

### **1. The Licensing Objectives**

In exercising most of 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
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- 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 authority's Statement of Principles

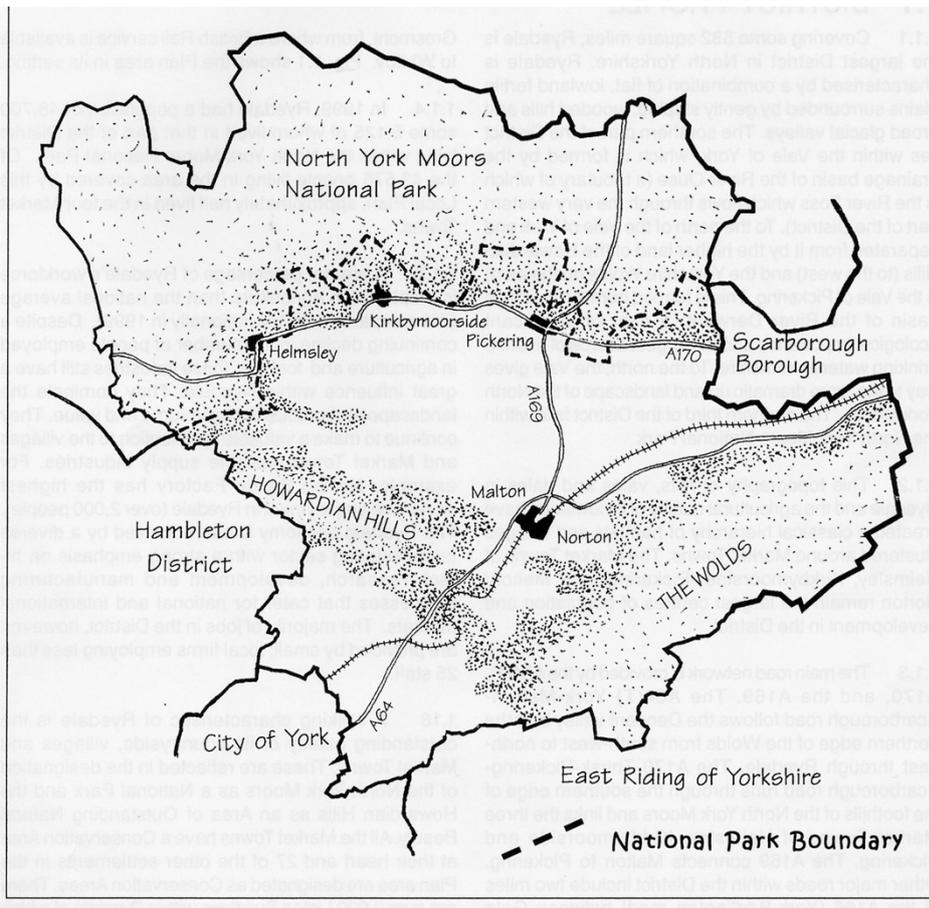
### **2. Introduction**

Ryedale District Council is situated in the County of North Yorkshire, which contains seven District and Borough Councils in total. The Council area has a population of 53,100 making it one of the smaller in the County in terms of population. In terms of area it is one of the larger, covering 575 square miles. The District is mainly rural with several market towns, namely Malton, Norton, Pickering, Kirkbymoorside and Helmsley with numerous villages and hamlets (The major settlements in Ryedale are detailed in the map over).

Agriculture, holiday and tourism industries are major contributors to the economy of the district. The tourist economy brings with it a number of gambling activities, for example Unlicensed Family Entertainment Centre Permits (eg amusement arcades of which we have 5) requiring a permit rather than a premises licence. The market towns of Malton(2), Norton(1) and Pickering(1) have licensed betting shops.

Predominantly, residents are from a white British background with <1% of the district's population coming from an ethnic background. The district also has an older age profile with 41% of the population over 64 years of age.

Overall, the district is relatively well-off and is in the 10% least deprived districts nationally. Despite lower than average wages, the district has a lower rate of claimants for income support. Ryedale has the second lowest crime rate in Britain.



Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re- published.

Ryedale District Council consulted widely upon this statement of principles before finalising and publishing. A summary of those consulted is provided below, the full list of those consulted can be found in Annex A.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005

List of persons this authority consulted:

- Local Councillors/responsible authorities( including police)
- Gambling businesses/related businesses
- Housing/residents associations/Parish Councils
- North Yorkshire County Council, Children & Young Persons Service.

Our consultation took place between 15<sup>th</sup> of January and 9<sup>th</sup> of April 2018 and we followed the HM Government Consultation Principles (published November 2013).

The full list of comments made and the consideration by the Council of those comments is available by request to: **The Licensing Team, Ryedale House, Old Malton Road, Malton, North Yorkshire, YO17 7HH, Tel 01653 600666, E mail [licensing@ryedale.gov.uk](mailto:licensing@ryedale.gov.uk).**

This Statement of Principles was approved at a meeting of the Full Council on the ?? of ?????? 2018 and was published on Ryedale District Councils website on the ?? of ?????? 2018. Copies of this Statement of Principles can be found in the public libraries of the area as well as being available in the Council Offices.

Should you have any comments as regards this Statement of Principles please send them via e-mail or letter to the following contact:

**Name:-The Licensing Team**

**Address:-Ryedale House, Old Malton Road, Malton, North Yorkshire, YO17 7HH**

**E-mail:-[licensing@ryedale.gov.uk](mailto:licensing@ryedale.gov.uk)**

It should be noted that this Statement of Principles 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.

#### LOCAL AREA PROFILE

While it is not currently the intention for this Licensing Authority to identify a local area profile, the Licensing Authority note the guidance offered by the Gambling Commission in sections 6.47 to 6.53 of the 5th edition of its Guidance. In particular, sections 6.48 and 6.50 which states as follows:

6.48 An effective local area profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners. An important element of preparing the local area profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to "map" local risks in their area. These are likely to include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as Gamcare or equivalent local organisations.

6.50 For example an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre or school. The licensing authority might indicate, for example, that they would expect licensees to take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises. The licensee would be reasonably expected to have sufficient controls in place to mitigate associated risks in such areas, and, if not, the licensing authority would consider other controls themselves.

This Licensing Authority will therefore expect applicants for premises licences to submit a copy of their local risk assessment as part of their application. This should reflect factors such as the premises' proximity to schools and other sensitive locations, vulnerable persons schemes and other information relevant to the locality and how the applicant intends to mitigate any potential risks.

### **3. Declaration**

In producing the final Statement of Principles, 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 of Principles.

### **4. Responsible Authorities**

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

In accordance with the suggestion in the Gambling Commission's Guidance to licensing authorities this authority designates Corporate Director, Children and Young Peoples Service, North Yorkshire County Council, County Hall, Northallerton, North Yorkshire, DL7 8AE for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at : [www.ryedale.gov.uk](http://www.ryedale.gov.uk).

### **5. Interested parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part 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 licensing authority which issues the licence or to which the application is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to licensing authorities at 8.9 to 8.17. Note though that decisions on premises licences and temporary use notices must be "in accordance" with Section 153 of the Gambling Act 2005.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. 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.

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 Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team (see details on page 5).

## **6. Exchange of Information**

Licensing authorities are required to include in their statements, the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it 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 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **7. Enforcement**

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the 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.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

This licensing authority will also endeavour to avoid duplication with other regulatory regimes so far as possible.

This 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, in particular at Part 36
- The principles set out in this statement of licensing principles

The main enforcement and compliance role for this 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.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities. In particular, with regard to the Regulators Code (April 2014) which provides a regulatory framework that supports compliance and growth while enabling resources to be focused where they are most needed.

Bearing in mind the principle of transparency, this licensing authority's enforcement policy is available upon request to the licensing team (*see details on page 5*).

## **8. Licensing Authority functions**

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machines Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

## **PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

## **1. General Principles**

Premises Licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where there is evidence of a need to do so.

### **(i) Decision-making**

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks 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 authority's statement of principles

This licensing authority is aware that previous legislation required the grant of certain gambling permissions should take account of whether there was unfulfilled demand for facilities. This is no longer the case and each application must be considered on its merits without regard to demand (Guidance 6.37-6.38).

### **(ii) Definition of "premises"**

In the Act, "premises" is defined as including "any place". Section 152 prevents more than one premises licence applying to any place. But a single building 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. However, licensing authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed (7.5).

The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 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. However, the Gambling 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 (7.6-7.7)

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities (7.32) which states that: licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- 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 gambling, but also preventing them from being in close proximity to gambling. 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 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.

The Guidance (7.33) "in determining whether two or more proposed premises are truly separate, the licensing authority should consider factors which could assist them in making their decision, including:

- Is a separate registration for business rates in place for the premises?
- Is 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?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

#### **7.23:**

##### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

##### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

##### **Betting Shops**

- Access must be from a street (as per paragraph 7.21 of Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

##### **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

## **Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

## **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

### **(iii) Premises "ready for gambling"**

The Guidance (7.58) 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. This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not have the right to occupy them (Guidance parts 7 & 11).

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process (7.59):-

- First, whether the premises ought to be permitted to be used for gambling
- Second, 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.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.65 of the Guidance.

### **(iv) Location/Local Risk Assessment**

The licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. With regard to these licensing objectives it is this licensing authority's policy, upon receipt of any relevant representation to look at specific location issues which include:

- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; eg a school, vulnerable adult centre;
- the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;

- the nature and size of the gambling activities taking place;
- any levels of crime in the area.

From 6th April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Code of Practice (LCCP) under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this Statement of Principles

The LCCP states that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this Statement of Principles;
- 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; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

This Licensing Authority will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

It should be noted that this Statement of Principles does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

**(v) Planning:**

The Gambling Commission Guidance to Licensing Authorities states:

**7.58** – In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposals.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

**7.65** - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

***(vi) Duplication with other regulatory regimes***

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building approval, in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning controls, buildings and other regulations and must not form part of the consideration for the premises licence.

***Licensing Objectives-*** Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance (Part 5) to licensing authorities and some comments are made below.

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a role in preventing gambling from being a source of crime. The Gambling Commission's Guidance (5.3) does however envisage that licensing authorities may need to consider the location of premises in the context of this licensing objective. Thus, where an area has known problems with disorder, organised criminal activity etc, this licensing authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission (5.11 & 5.12) states that "Generally the Commission would not expect licensing authorities to find themselves dealing with issues of fairness and openness frequently. Fairness and openness is likely to be a matter for either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to their suitability and actions of an individual and therefore subject to the personal licence. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance (5.13 - 5.18) that " In exercising their powers under S 153, licensing authorities should consider whether staff will be able to adequately supervise the gambling premises, as adequate staffing

levels is a factor to consider regarding the prevention of underage gambling" It later states "Supervision also applies to premises that are themselves not age restricted (eg bingo and family entertainment centre premises) but which make gambling products and facilities available." If this licensing authority considers the structure or layout of the premises to be an inhibition or potential inhibition to satisfying this licensing objective, the licensee should consider what changes are required to ensure the risk is mitigated (5.15). Such changes might include the positioning of staff or CCTV, the use of floor-walkers and the relocation of the staff counter to enable direct line of sight.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it does, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gambling beyond their means and 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." This licensing authority will consider this licensing objective on a case by case basis.

**Conditions-** Any conditions imposed by this licensing authority will be proportionate to the circumstances which they are seeking to address. In particular, this licensing authority will ensure that the premises licence conditions are (9.31):

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising where there is evidence of a need to do so, such as the use of door supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. The Gambling Commission states (7.31) "With the exception of bingo clubs, tracks on race-days and licensed FEC`s, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites."

Further, the guidance at 7.2 states "Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:

- the third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. 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 without going through another licensed premises or premises with a permit.
- customers should be able to participate in activity named on the premises licence.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

Gambling Act 2005 Section 182-access by children and young persons to tracks. This licensing authority is aware (9.17) that Section 182 of the Act applies only to a betting premises licence in respect of tracks. It requires the licensee to ensure that children and young persons are excluded from any area in which facilities for betting are provided and from any area where a gaming machine (other than a category D gaming machine) is situated. The exception to this, for betting areas only, is on race days at dog and horse racing tracks that is on those days when racing occurs or is expected to take place. In those cases, under -18s may have access to betting areas but licensing authorities should note that this exception does not affect the prohibition on betting by children and young persons.

It is also noted (9.32) that there are conditions which the licensing authority cannot attach to premises licences which are:

- s.169(4) prohibits a licensing authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition.
- s.172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation.
- s.170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removed the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- s.171 prevents a licensing authority imposing in relation to stakes, fees, winnings or prizes.

**Door Supervisors-** The Gambling Commission advises in its Guidance to Licensing Authorities (33.1) that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## 2. Adult Gaming Centres

This licensing 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 authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises (see guidance part 21)

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas

- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **3. (Licensed) Family Entertainment Centres:**

This licensing 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 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 (see guidance Part 22).

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **4. Casinos**

*No Casinos resolution* - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.

*Licence considerations / conditions* – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at Part 9, bearing in mind the mandatory conditions listed in Part 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

Gaming machines - No person under the age of 18 is permitted to enter a casino and operators are required to display notices to this effect at all entrances to a casino. The Social responsibility Code states "licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling". Part 17.36 further states "there should be no access to a casino from premises wholly or mainly used by children and young persons". Part 17.55 of guidance lists the key elements that underpin the approach to controlling where gaming machines may be played in casino's..

### **5. Bingo premises**

This licensing authority notes that the Gambling Commission's Guidance states:

18.5 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

This authority also notes the Guidance at paragraph 18.9 “ In the unusual circumstance that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences ( so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.

18.7 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.

## **6. Betting premises**

Gaming Machines - Section 172(8) of the Act provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B,C or D. Guidance (19.4) states "Children and young persons are not permitted to enter premises with a betting premises licence, although exemptions apply to tracks, as explained in Part 20 guidance, and S.46 and S.47 of the Act set out offences if inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. Social Responsibility code 3.2.7(3) in the Licence Conditions and Codes of Practice further states "licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling.

## **7. Tracks**

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance (Part 20), this 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) 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.

This 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.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

**Gaming machines** -Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded (Part 20.33 - 20.38)

**Betting machines** - Betting operators may make available machines that accept bets on live events, such as horseracing, as a substitute for placing bets with a member of staff. These self-service betting terminals are not gaming machines; they merely automate the process that can be conducted in person and therefore are not regulated as gaming machine.

**Applications and plans**-The Gambling Act (s51) 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 plan future premises inspection activity. (See Guidance to Licensing Authorities, paragraph 20.43).

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. (See Guidance to Licensing Authorities, paragraph 20.44).

In the majority of cases, such as greyhound tracks, racecourses, football stadia and cricket grounds, defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions (20.45). These could include the obtaining of a safety certificate under "Safety at Sports Ground" legislation or the historic boundaries under previous legislation such as the approval of tracks under Schedule 3 of the Betting, Gaming and Lotteries Act 1963.

It is sometimes difficult to define the precise location of betting areas on tracks (20.46). 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. Licensing authorities should satisfy themselves that the plans provides sufficient information to enable them to assess an application.

As the plan forms part of the licence document, it also needs to be sufficiently flexible to ensure that a relatively small change in the premises layout would not require an operator to submit an application to vary the track premises licence (20.47). Only a significant change to the track layout would require a licence variation. For example, moving a category C gaming machine from one end of a bar that had been marked on the plan as a gaming machine area to another may not necessitate a full variation to a tracks premises licence, nor would the establishment of a new betting area at a racetrack, as neither of these events have any impact on the purpose of the licence or the conditions attached to it. However, relocating category C machines to entirely different parts of a track would generally need to be the subject of van application to vary the premises licence.

## 8 Travelling Fairs

Travelling fairs may provide an unlimited number of category D machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates. Higher stake category B and C fruit machines are not permitted. Fairground operators must source their machines from a Commission licensed supplier and employees working with gaming machines must be at least 18 years old (30.2 - 30.3).

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair (30.1).

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it 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. This licensing authority will therefore monitor the use of land and maintain a record of its use. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded (30.5).

### **9. Provisional Statements**

Developers may wish to apply to this authority 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 (11.2 -11.3).

Section 204 of the Gambling 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.

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.

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.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired (11.7). The licensing authority 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 (11.8 - 11.9):

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition (11.10), the 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 representations at the provisional statement stage
- which in the authority's opinion reflect a change in the operator's circumstances
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 10. Reviews

Section 197 of the Act (see also guidance Part 10) provides that an application for review may be made by a responsible authority or an interested party detailed in Part 8 of this guidance. Such applications must be submitted to the licensing authority in the prescribed form and state the reasons why a review is being requested, together with any supporting information and documents. The regulations also require the applicant to provide written notice of their application to the premises licence holder and to all responsible authorities, within seven days of making their application. Failure to do so will halt the application process until notice is received by all parties.

Section 199 of the Act (Part 10.14 guidance) provides that a licensing authority must grant an application for review, unless it decides to reject the application under section 198 of the Act. By virtue of section 198, an application may, but need not, be rejected if the licensing authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the licensing authority in accordance with section 153 of the Act, namely the licensing objectives, the Commission's codes of practice and this Guidance, or the licensing authority's statement of policy
- are frivolous
- are vexatious
- "will certainly not" cause the licensing authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence
- are substantially the same grounds cited in a previous application relating to the same premises
- are substantially the same as representations made at the time the application for a premises licence was considered.

In the case of the last two bullet points mentioned above, the licensing authority shall take into account the period of time that has passed since the previous application or representations were made, in deciding whether this is a reasonable basis for not reviewing the licence. As licensing authorities are required to permit the use of premises for gambling, insofar as it is in accordance with the Section 153 principles (10.16) applications that raise general objections to gambling as an activity, that relate to demand for gambling premises, or raise issues relating to planning, public safety, and traffic congestion are unlikely to be considered an appropriate basis for review, leading to rejection under the first bullet point mentioned above. The decision to grant a review will not amount to pre-judging the outcome of a review.

In relation to particular premises, the licensing authority may review any matter connected with the use made of the premises if (10.7):

- it has reason to suspect that premises licence conditions are not being observed
- the premises is operating outside of the principles set out in the licensing authority's statement of policy
- there is evidence to suggest that compliance with the licensing objectives is at risk

- for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party

A formal review would normally be at the end of the process of ensuring compliance by the operator(s) which might include an initial investigation by the licensing authority officer, informal mediation or dispute resolution. If concerns are not resolved then, after a formal review, the licensing authority may impose additional conditions or revoke the licence (10.8).

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified (10.19), the options open to the licensing authority are:-

- add, remove or amend a licence condition imposed by the licensing authority
- exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations (10.21).

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them (10.20).

Once the review has been completed (10.22), the licensing authority must, as soon as possible, notify its decision to:

- the applicant for review (if any)
- the Commission
- any person who made representations
- the licence holder
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

## **PART C**

### **Permits / Temporary & Occasional Use Notice**

#### **1. Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits – Schedule 10 para 7)**

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must

show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

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 Commission under section 24. The Gambling Commission's Guidance to licensing authorities also states: "In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to the protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. Licensing authorities are also encouraged to also specify in their statement of policy that a plan for the uFEC must be submitted. (24.8).

Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application" (24.9). Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act), and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles = this licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. 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 as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

Further, applicants will have to provide:-a) a scaled plan of the premises and its location, b) Criminal Records Check (CRB) for staff working on such premises who would specifically come into contact with children, c) evidence that staff have received relevant training to deal with children/children's issues and d) evidence of public liability insurance when making this type of application.

## **2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))**

### **Automatic entitlement: 2 machines**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority (Part26).

This licensing authority can remove the automatic authorisation in respect of any particular premises (26.6) 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, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
- the premises are mainly used for gaming
- an offence under the Gambling Act has been committed on the premises

**Permit: 3 or more machines-** If a premises wishes to have more than 2 machines, then it needs to apply for a permit (licensed premises gaming machine permit). In determining an application, the licensing authority must have regard to the licensing objectives and to Gambling Commission guidance. They may also take account of "any other matters" that are considered relevant to the application. The application does not require notification to the Commission or police before determination, however, licensing authorities are able to specify this as a requirement should they see fit.

This licensing authority considers that "any other 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 this authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that this licensing authority 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.

It should also be noted that 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.

### **3. Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

The Gambling Act 2005 states that a Licensing Authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit".

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant 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
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by 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.

#### **4. Club Gaming and Club Machines Permits**

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D but only one B3A machine can be sited as part of the entitlement), equal chance gaming (without having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in regulations, namely pontoon and chemin de fer. This is in addition to the exempt gaming authorisation under Section 269 of the Act. A Club machine permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C and D).

The licensing authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit (25.44). It is suggested that applicants for permits should be asked to supply sufficient information and documents to enable the licensing authority to take account of the matters discussed in parts 25.45, 25.46 & 25.47, at the time they submit their applications to the licensing authority. This authority will consider these matters in order to satisfy itself that the club meets the requirements to obtain a club gaming certificate

The Commission Guidance (25.38) also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) 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;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to licensing authorities (25.41) states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."

The grounds on which an application under the process may be refused are (25.43):

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits 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.

## **5. Temporary Use Notices**

It is an offence to provide facilities for gambling unless either the required permissions are in place, or an exemption applies. One such exemption is for the **holder** of an operating licence to notify a Temporary Use Notice (TUN) to the relevant licensing authority. This is not a permanent arrangement, but allows premises such as hotels, conference centres or sporting venues to be used temporarily for providing facilities for gambling. A TUN may also apply to a vessel, whether moored or moving. TUN's are often, but not exclusively, used to run poker tournaments (14.1).

The primary legislation in respect of TUN's can be found at sections 214-234 of the Act and Part 14 of guidance.

Section 218 of the Act refers to a "set of premises" and provides that a set of premises is the subject of a TUN if "any part" of the premises is the subject of a notice. The reference to "a set of premises" prevents one large premises from having a TUN in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the owner/occupation and control of the premises (14.10 & 14.11)

The licensing authority and other bodies to which the notice is copied should consider whether they wish to give a notice of objection. This licensing authority, in considering whether to do so, will have regard to the licensing objectives and if this authority consider that the gambling should not take place, or only with modifications, will give a notice of objection to the person who gave the TUN. The notice of objection will be given within 14 days, beginning with the date on which the TUN was given.

## **6. Occasional Use Notices:**

This licensing authority 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. This licensing authority

will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice (part 15).

## **Annex A**

### **List of Consultees**

Chief Executive  
The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Station Manager  
Malton Fire Station  
Sheepfoot Hill  
Malton  
N. Yorks  
YO17 0EB

Sergeant Matthew France  
Licensing Manager  
North Yorkshire Police  
Alcohol Licensing Unit  
Fulford Road  
York  
YO10 4BY

Mr Matthew Pawson  
Health & Safety  
Ryedale District Council

Mr Keith White  
Pollution  
Ryedale District Council

Gary Housden  
Development Control  
Ryedale District Council

Director of Planning  
North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Corporate Director  
Children & Young Peoples  
Service  
North Yorkshire County Council  
Room 122  
County Hall  
Racecourse Lane  
Northallerton  
YO7 8DN

Revenue & CustomsHMRC  
National Registration Unit Home  
(Betting & Gambling)  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

Operations Manager  
Health & Safety Executive  
The Lateral  
8 City Walk  
Leeds  
LS11 9AT

Gamblers Anonymous  
Doncaster CVS  
Intake Wellness Centre  
Doncaster  
DN2 6PL

Gamcare  
2<sup>nd</sup> Floor  
7-11 St Johns Hill  
London  
SW11 1TR

BACTA  
29-30 Ely Place  
London  
EC1N 6TD

GambleAware  
7 Henrietta Street  
London  
WC2E 8PS

The Chairman  
Greyhound Board of Great Britain  
6 New Bridge Street  
London  
EC4V 6AB

The Chief Executive  
The Jockey Club  
75 High Holborn  
London  
WC1V 6LS

Carousel Games Co UK  
Beansheaf Farm  
Malton Road  
Kirbymisperton  
Malton  
YO17 6UE

Gamestec Leisure Ltd  
Unit B10-12  
Wira House  
West Park Ring Road  
Leeds  
LS16 6EB

Leisure Link  
3 The Maltings  
Wetmore Road  
Burton on Trent  
Staffs  
DE14 1SE

William Hill, Bookmakers  
15 Newgate  
Malton  
North Yorkshire

William Hill, Bookmakers  
16 Market Place  
Pickering  
YO18

William Hill, Bookmakers  
6 – 8 Yorkersgate  
Malton  
North Yorkshire

Mr H N Mayne  
The Mayne Bookmaker  
3 Commercial Street  
Norton  
Malton

Malton Railway Mens Sports &  
Social Club  
2 Welham Road  
Norton  
Malton  
YO17 9DH

Bright Steels Social Club  
55 Wood Street  
Norton  
Malton  
YO17 9BA

Pickering & District  
Conservative Club  
40 Market Place  
Pickering  
YO18 7AE

Pickering & District Working Mens  
Club & Institute Ltd  
Southgate  
Pickering  
YO18 8BL

Malton & Norton Golf Club  
Welham Road  
Norton  
Malton  
YO17 9DU

Kirkbymoorside Golf Club Ltd  
Manor Vale  
Kirkbymoorside  
York  
YO62 6EG

North Yorkshire Trading Standards  
FAO Sharon Green  
Unit 4/5 Block B  
Thornfield Business Park  
Standard Way  
Northallerton  
DL6 2XQ

Mr T Bain  
Regional Development Manager  
William Hill Organisation Ltd  
P O Box 170  
Leeds  
LS2 8JF

Mr Kevin Hollinrake MP  
3 Hanover House  
Market Place  
Easingwold  
York  
YO61 3AD

Mrs H Chafer  
Area Housing Manager  
Yorkshire Housing  
Stanley Harrison House  
Norton Road  
Malton  
YO17 9RD

Mr Simon Pullin  
Flamingoland Ltd  
Kirby Misperton  
Malton  
North Yorkshire  
YO17 6UX

Association of British  
Bookmakers Ltd  
Ground Floor  
Warwick House  
25 Buckingham Palace Road  
London  
SW1W 0PP

Mr I Rich  
 Yorkshire Housing  
 8-9 Oswaldkirk Industrial Estate  
 Outgang Lane  
 York  
 YO19 5UX

The Bingo Association  
 Lexham House  
 75 High Street  
 Dunstable  
 Bedfordshire  
 LU6 1JF

All 30 Ryedale District Councillors and 98 Parish Councillors were given the opportunity to comment on the draft Statement of Licensing Principles and copies were also placed in libraries.

## ANNEX B

Table of delegation of licensing functions

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>LICENSING COMMITTEE/SUB COMMITTEE</b>	<b>OFFICERS</b>	<b>COUNCIL SOLICITOR</b>
Three year licensing policy	X			
Policy not to permit casinos	X			
Fee setting-when appropriate		X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	

Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a transfer of a licence		Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission	
Application for provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Review of premises licence		X		
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn	
Cancellation of club gaming/club machine permits		X		
Application for other permits			X	
Cancellation of licensed premises gaming machine permits			X	
Consideration of Temporary Use Notices			X	
Decision to give a counter Notice to a Temporary Use Notice		X		
Determination as to whether a person is an interested party				X

Determination as to whether representations are relevant				X
Determination as to whether a representation is frivolous, vexatious or repetitive				X
Representative of Licensing Authority who will be responsible for making representations as the Responsible Authority on licence applications				X
Responsibility for attaching to premises licences Mandatory, Default and Specific Conditions			X	
Representative of Licensing Authority who can initiate a Licence review				X
Representative of Licensing Authority who can reject an application for a Licence review				X

X indicates the lowest level to which decisions can be delegated.

**NB The Council reserves the right to amend this table of delegation**





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**REPORT TO:** FULL COUNCIL

**DATE:** 6 SEPTEMBER 2018

**SUBJECT:** PART 'B' REFERRALS FROM LICENSING COMMITTEE ON 3 JULY 2018

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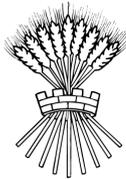
**6 The Licensing Act 2003 - Updated Statement of Licensing Policy**

**Recommendation to Council**

- That The Licencing Act 2003 – the Statement of Licencing Policy (as amended) be approved for adoption which will become effective from 1 March 2019.
- That Members approve the setting up of a feasibility study to investigate the possibility of excluding certain categories of premises from the need for a Late Night Refreshment Licence.

7 For  
0 Against  
2 Abstentions

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<b>PART B:</b>	<b>RECOMMENDATION TO COUNCIL</b>
<b>REPORT TO:</b>	<b>LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>3 JULY 2018</b>
<b>REPORT OF THE:</b>	<b>SPECIALIST LEAD (HEAD OF PLANNING) GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>THE LICENSING ACT 2003 – UPDATED STATEMENT OF LICENSING POLICY</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise Members of the outcome of the consultation and to seek approval for an updated Statement of Licensing Policy in relation to the Licensing Act 2003.

### **2.0 RECOMMENDATION**

- 2.1 It is recommended that :
- (i) The Licensing Act 2003 - the Statement of Licensing Policy (as amended see updated Statement of Licensing Policy at Annex A) be approved for adoption by Council, which will become effective from 1 March 2019.
  - (ii) That Members approve the setting up of a feasibility study to investigate the possibility of excluding certain categories of premises from the need for a Late Night Refreshment Licence.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 The Council must review its Statement of Licensing Policy every five years. The Statement of Licensing Policy is due for review and must be consulted upon and ratified by full Council before March 2019. An updated Statement of Licensing Policy is being recommended to this Committee and subject to being approved, a final version of the Statement of Licensing Policy will be submitted to the Council for ratification, with the new Statement of Licensing Policy becoming effective from 1 March 2019. The consideration of any applications cannot proceed without a reviewed Statement of Licensing Policy being in place.

3.2 During the consultation process a member of the public suggested that the Council should exempt certain categories of premises ( petrol stations, local authority premises, schools, hospitals, community premises and some premises licensed to sell alcohol) from the requirement to have a Late Night Refreshment licence. Rather than simply either allowing or rejecting this suggestion, with Members approval, the licensing officer wishes to be given the opportunity to carry out a feasibility survey to indicate whether or not such an exemption is either wanted or needed.

#### **4.0 SIGNIFICANT RISKS**

4.1 Failure to formally review or consult on a Statement of Licensing Policy within the timetable required by the Act, Regulations and Guidance would mean the Council was not complying with its statutory duty and would also leave the Council open to legal challenge and any subsequent costs.

### **REPORT**

#### **5.0 BACKGROUND AND INTRODUCTION**

5.1 Section 5 of the Licensing Act 2003 requires that all Licensing Authorities prepare and publish a statement of Licensing Policy that they propose to apply in exercising their functions under the Licensing Act 2003 during the five year period to which the policy applies. The Statement of Licensing Policy will last a maximum of five years, but can be reviewed and revised by an authority at any time. The existing Licensing Policy has been kept under review since coming into force in March 2014 and no revision has been deemed necessary to date. However, in light of legislative amendments to the Licensing Act 2003 and the recent (April 2018) changes in Section 182 guidance, officers thought it prudent to review the Statement of Licensing Policy at this time.

5.2 A report of 19 December 2017, sought Members support of the draft Licensing Policy for consultation. Section 7 of the Act provides that functions in relation to the five year Licensing Policy cannot be delegated but must be approved by full Council.

5.3 The report advises Members of the consultation that has taken place on the Council's draft Licensing Policy. The Policy is required to be consulted on prior to its adoption by Council.

#### **6.0 POLICY CONTEXT AND CONSULTATION**

6.1 The Licensing Act 2003 imposes statutory requirements on the local authority as the Licensing Authority. The requirement to produce and consult on a Statement of Licensing Policy in relation to the Licensing Act 2003 has been identified.

6.2 Section 5 of the Licensing Act 2003 requires that the Licensing Authority consult specific agencies and stakeholders before determining its Statement of Licensing Policy for a five year period :-

Ryedale`s list of consultees included:-

- Chief Officer of Police for North Yorkshire
- North Yorkshire Fire & Rescue Services

- Director of Public Health for North Yorkshire
  - All Ryedale District Councillors
  - All town and parish councillors (96 in total)
  - All public Houses, restaurants, hotels and clubs
  - All Designated Premise supervisors
  - Yorkshire Housing
  - Hard copies were made available at the five libraries in Ryedale
  - Hard Copy was available at Ryedale House
  - The draft policy was advertised and available to download from the Council's website
- 6.3 The consultation process followed best practice as set out by the Cabinet Office (Consultation Principles November 2013) including allowing 12 weeks for responses to consultation. Consultation was undertaken as widely as possible and published on the Council's website.
- 6.4 The consultation period ran from 5 February to 30 April 2018.

## **7.0 REPORT DETAILS**

- 7.1 Section 5 of the Licensing Act 2003, requires all Licensing Authorities prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their function under the Licensing Act 2003 during the five year period to which the policy applies. A Statement of Licensing Policy will last for a maximum of five years, but can be reviewed by an authority at any time.
- 7.2 The existing Statement of Licensing Policy has been kept under review since coming into force in March 2014 and no revision has been deemed necessary to date. However, the Statement of Licensing Policy required revising during 2018 in order for it to take effect from the 1 March 2019 (when the new five year cycle will commence). Section 7 of the Licensing Act 2003 provides that functions in relation to the five year Statement of Licensing Policy cannot be delegated but must be taken by the whole authority.
- 7.3 The updated Statement of Licensing Policy is a draft document suggesting the Council's proposals to ensure a balanced approach towards the licensing of alcohol sales and regulated entertainment and was formally published for consultation on the 5 February 2018. This statement of Licensing Policy is based on the requirements of the Licensing Act and the most recent guidance issued by the Home Office.
- 7.4 Members should note that there had been limited changes to both regulations issued by the Secretary of State and guidance issued by the Home Office when the draft Statement of Licensing Policy was published for consultation. Unfortunately, new guidance (issued under Section 182) was introduced during April 2018. This has meant some of the draft Statement of Licensing Policy has had to be rewritten to include this latest guidance and to keep the Policy up to date.
- 7.5 These recent changes to guidance has meant that the Cumulative Impact Assessment section of the policy found at Part 2 Section 3 has had to be completely rewritten to address the changes introduced by the new guidance and keep the policy up to date. Further, smaller amendments/additions have also been made to the policy as a result of this guidance update.

- 7.6 As stated earlier, the draft Statement of Licensing Policy was formally published for consultation on the 15<sup>th</sup> of February 2018. This allowed the Cabinet Office recommended consultation period of 12 weeks. All statutory undertakers have received a full copy of the draft Statement of Licensing Policy and notification of the draft Statement of Licensing Policy was given to all Members, parish and town Councils, all relevant service unit managers and all libraries. A copy of the draft Statement of Licensing Policy was also available on the Ryedale District Council website. All relevant premises, individuals and specific bodies requesting information have been advised of the draft Statement of Licensing Policy and its availability. A full list of consultees is available on request.
- 7.7 Despite this widespread consultation, we have received a very limited response. In fact only 5 responses were received. One came from a Town Council who wished to make “no comment”. One licensee who wanted a Late Night Levy introduced, however when explained what this would mean he retracted his comment .Another licensee thought there was a lot of information to take in but the policy was a useful guide to her business.
- 7.8 North Yorkshire Police made several comments and all have been incorporated into the updated policy.
- 7.9 Respondent C submission refers to recently amended guidance(April2018) in respect of Late Night Refreshment (LNR).Late night refreshment is the supply of “hot food or hot drink” between the hours of 23:00 and 05:00 to the public for consumption on or off the premises. Respondent C believes that the Council should exempt the following categories of premises from the requirement to be licensed for Late Night Refreshment namely: - petrol stations, local authority premises, schools, community premises and licensed premises. Respondent C believes by incorporating the exemption for late night refreshment licences (for the premises listed above) into the Statement of Licensing Policy would lead to a reduction in unnecessary bureaucracy for local businesses and provide opportunities to promote new economic growth.
- 7.10 The licensing officer would like to be given the opportunity to carry out a feasibility study to ascertain if such an exemption is appropriate, required or would be used by those premises affected by the proposed exemption.
- 7.11 A summary of all responses to the draft Statement of Licensing Policy can be seen at Annex B.
- 7.12 It is therefore recommended that the updated Statement of Licensing Policy as submitted be approved and submitted to Council for adoption, with the new Statement of Licensing Policy to be effective from 1 March 2019. Further, that Members allow the licensing officer to carry out a feasibility study (see above) the result of which will be brought back to this Committee at a later date for consideration.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

a) Financial

None.

b) Legal

The Statement of Licensing Policy has been reviewed in accordance with legislation. Failure to review the Statement of Licensing Policy, seek approval by full Council and publish it before 31 March 2019 could leave the Council subject to judicial review and have serious financial implications.

c) Others

Ryedale's Statement of Licensing Policy is fundamental to the successful operation of the Licensing system and is a core document Members of a Licensing Sub Committee have regard to when arriving at licensing decisions.

**Gary Housden**  
**Specialist Lead (Head of Planning)**

**Author:** Ronnie McClure, Senior Specialist Environment  
**Telephone No:** 01653 600666 ext: 250  
**E-Mail Address:** Ronnie.mcclure@ryedale.gov.uk

**Background Papers:**

Licensing Act 2003

National Guidance issued under Section 182 of the Licensing Act 2003( April 2018)

Ryedale District Councils Statement of Licensing Policy January 2014

The Licensing Act 2003 (Licensing Statement Period) Order 2004

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

The Deregulation Act 2015

The Licensing Act 2003 (Late Night Refreshment) Regulations 2015

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

The Legislative Reform (Entertainment Licensing) Order 2014

The Immigration Act 2016

Policing and Crime Act 2017

RYEDALE  
DISTRICT  
COUNCIL



# Ryedale District Council's Updated Statement of Licensing Policy

JULY 2018

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## **PART 1**

### **1. Introduction**

- 1.1 Ryedale District Council is the Licensing Authority (“the Licensing Authority”) under the Licensing Act 2003 (“the 2003 Act”). The Licensing Authority is responsible for the administration and issuing of Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the District of Ryedale in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.
- 1.2 Ryedale district is home to a number of popular restaurants, bars and entertainment venues and the area has a significant number of large events throughout the summer. As a tourist destination there are competing demands between catering for visitors whilst ensuring that these activities do not impact upon residents in a negative way. Clearly the Licensing Authority wishes to see adequate facilities are provided that meet the demands of all. Additionally, the traditional holiday season has extended beyond the summer months with more and more visitors coming for either a day or for a short break all year round.
- 1.3 To meet these demands there are a number of premises providing entertainment, alcohol and food later at night and into the early hours of the morning. However, the impact of night time activity, particularly noise from entertainment at these premises and people leaving in a loud and disruptive manner seriously concerns residential and business communities in the district who wish to see clear limitations imposed to reduce public nuisance. The Licensing Authority recognises the need to find an acceptable balance between these potentially conflicting aims.
- 1.4 The Licensing Authority is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. The Licensing Authority wishes to see these encouraged for the benefit of all. When drawing up this Policy the Licensing Authority has in mind a wide range of licensed premises such as pubs, members’ clubs, social clubs, restaurants, cafes, cinemas, theatres, hotels and late night takeaways.
- 1.5 This Policy intends to shape the future of licensing, entertainment and related social activities within the district and has been produced after consultation with all Responsible Authorities, Premises and Club Premises Certificate licence holders, licensed trade representatives and a wide section of the general public incorporating businesses and residents within Ryedale district.

## **PART 2**

### **2. The Policy**

- 2.1. The 2003 Act requires a Licensing Authority to prepare and publish a ‘Statement of Licensing Policy’ (“the Policy”) that sets out the principles the Licensing Authority will apply to promote the four Licensing Objectives set out below. The Licensing Authority must base its decisions, in relation to determining applications and attaching any conditions to licences or certificates, on the promotion of these objectives.

- 2.2. This Policy encompasses experience gained in the implementation and regulation of the 2003 Act. The overriding aim of the Policy is to promote the four licensing objectives, each is of equal importance:
- **The prevention of crime and disorder**
  - **Public safety**
  - **The prevention of public nuisance**
  - **The protection of children from harm**
- 2.3. This Policy was prepared in accordance with the provisions of the 2003 Act having had due regard to the Guidance issued under s182 of the 2003 Act (“the Guidance”). This Policy was reviewed in 2018 following extensive consultation between 5th of February 2018 and 30th of April 2018 and will come into force in March 2019. Due consideration and appropriate weight has been given to all responses in the production of this revised Policy.
- 2.4. This Policy shall be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate. In any event the Licensing Authority is required to review their Statement of Licensing Policy every 5 years. The Licensing Authority may make revisions to this Policy following changes to, for example:
- local circumstances;
  - the Licensing Act, associated regulations or statutory guidance;
  - national legislation; or
  - the policies and practices of a responsible authority
- 2.5. This Policy shall not undermine the right for any individual to apply for a variety of permissions under the terms of the 2003 Act and to have any such application considered on its individual merits. Similarly the Policy shall not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act. Each application shall be treated on its own merit.
- 2.6. This Policy is intended to provide clarification to Responsible Authorities, applicants and any person on how this Licensing Authority will determine applications and reviews. As the ‘vicinity’ test has now been removed, the Licensing Authority will consider all representations from any person however, the Licensing Authority shall apportion the weight of the representation between those persons immediately affected by the premises and its operation and those persons who may have a lack of knowledge of the area or of personal experience.
- 2.7. The Licensing Authority may depart from this Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the four licensing objectives. Where it does depart from this Policy full reasons shall be provided.
- 2.8. Where revisions are made to the Guidance there may be a period of time when this Policy is inconsistent with the Guidance. In these circumstances the Licensing Authority shall have regard, and give appropriate weight, to the revised Guidance in conjunction with this Licensing Policy.
- 2.9. This Policy recognises that the Equality Act 2010 places a legal obligation on public

authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.

- 2.10. The applicant is expected to have given due regard to the Disability Discrimination Act 2005, particularly to access and egress for disabled persons. Further advice can be obtained from the Equality and Human Rights Commission web site [www.drc.org.uk](http://www.drc.org.uk).

### **3. Cumulative Impact Assessment(CIA)**

- 3.1. The Licensing Authority will not take “need” into account when considering an application, as this is a matter for planning and the market. However, the concept of “Cumulative impact” has been described within Section 182 guidance and used by licensing authorities within their statement of licensing policy since the commencement of the Licensing Act 2003. “Cumulative impact assessments” were introduced into the 2003 Licensing Act by the Policing and Crime Act 2017, with effect from 6<sup>th</sup> April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

- 3.2. A CIA may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIA’s relate to applications for new premises and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area. Section 5A of the Licensing Act 2003 sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with those persons listed in Section 5(3) of the Licensing Act. Any CIA published by a licensing authority must be summarised in its statement of licensing policy.

- 3.3. Before a licensing authority publishes a CIA, there must be an evidential basis for that decision. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. This Licensing Authority will consider evidence from the following sources:-

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
- Statistics on local anti-social behaviour offences
- Health related statistics such as alcohol-related emergency attendances and hospital admissions
- Environmental health complaints, particularly in relation to noise and litter
- Complaints recorded by the Council, which may include complaints raised by local residents or resident’s associations
- Residents questionnaires
- Evidence from local and parish councillors
- Evidence obtained through local consultation
- Trends in licence applications, particularly trends in applications by types of premises and terminal hours

- Changes in terminal hours of premises
  - Premises capacities at different times of the night and the expected concentrations of drinkers who will be expected to be leaving premises at different times
- 3.4. After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the Licensing Act 2003 and any others, a licensing authority may be satisfied that it is appropriate to publish a CIA. Any CIA published would be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises.
- 3.5. This Licensing Authority will take the following steps into consideration when deciding whether or not to publish a CIA:-
- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm
  - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or protection of children from harm
  - If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
  - Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
  - Consult with those specified in section 5(3) of the Licensing Act 2003.
  - For the purposes of the consultation provide the persons specified in section 5(3) with the following:-the reasons why it is considering publishing a CIA; a general description of the part or parts of its area which it is considering description in the assessment; whether it considers that the assessment will relate to all premises licence and club premises applications and variation applications, or only to those of a particular kind described.
  - Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to.
  - Summarise the licensing authority's opinion in light of the evidence of cumulative impact in the licensing policy statement and explain within the policy statement how the authority has regard to any CIAs it has published under section 5A.
- 3.6. After publishing a CIA the licensing authority must within 3 years, consider whether it remains of the opinion set out in that assessment. In order to decide whether it remains of that opinion it will again consult those listed in section 5(3).
- 3.7. In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA the licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative

Impact.

- 3.8 The publication of a CIA does not relieve responsible authorities (or any other person) of the need to make a relevant representation where they consider it appropriate to do so for the promotion of the licensing objectives. Likewise, the absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative impact on one or more of the licensing objectives. However, in each case it would be incumbent on the person making the representation to provide evidence of cumulative impact.
- 3.9 Any CIA will never be absolute. Each application will be considered properly and on its own merit to assess whether it is likely to add to the cumulative impact on the licensing objectives. CIA's will not be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises, nor would it be used as a means of imposing quotas based on the number of premises or the capacity of those premises.
- 3.10 **During the last fourteen years of this policy, no particular circumstances have arisen and, at the present time, it is not considered that any of this authority's area warrants consideration of the publication of Cumulative Impact Assessment.**
- 3.11 As stated above, this Council does not have any CIA's. However, should any CIA be deemed appropriate in the future, this policy document would be reviewed and updated in line with current legislation and guidance.
- 3.12 The Licensing Authority is aware that there are numerous other mechanisms for controlling cumulative impact outside the licensing regime such as:-
- Planning controls;
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes( eg Best Bar One, Pubwatch or BID's)
  - Community Protection Notices
  - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
  - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publically;
  - The confiscation of alcohol from adults and children in designated areas;
  - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
  - Prosecution for the offence of selling alcohol to a person who is drunk or allowing such a sale
  - Raising a contribution to policing the late night economy through the Late Night Levy
  - Early Morning Alcohol Restriction Orders

## **PART 3**

### **4. Principles**

- 4.1. In determining applications, reviews and enforcement under the 2003 Act the Licensing Authority shall take the following into consideration:
- promotion and compliance of the four Licensing Objectives;
  - representations or complaints and evidence or supporting documentation provided;
  - s182 Guidance to Licensing Authorities; and
  - Ryedale District Council's Statement of Licensing Policy.
- 4.2. The Licensing Authority recognises that the existence of planning permission, building regulation approval or outside table licences must be properly separated from licensing applications to avoid duplication and inefficiency. Similarly, the existence of a Premises Licence or Club Premises Certificate shall not prejudice the consideration of any planning, building regulation approval or outside table applications. As far as reasonably practicable, licensing officers will discuss with their planning counterparts mutually acceptable operating hours, however, the Licensing Authority shall expect applicants to have obtained the appropriate consents or licences prior to operation.
- 4.3. Where premises have not obtained such consents or licences, they will be liable for enforcement action under the appropriate legislation. There may be circumstances when as a condition of planning permission; a terminal hour is set for the use of commercial premises. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their Planning Permission may be liable to enforcement action by the Planning Authority. Licensing applications therefore will not be a re-run of the planning application process and licensing decisions will not cut across decisions taken by the Planning Committee or permissions granted on appeal.
- 4.4. The Licensing Authority shall expect every licence/certificate holder or event organiser to minimise the impact of their activities on the surrounding area and any anti-social behaviour created by their customers in and within the vicinity of their premises by taking appropriate measures and actions consistent with that responsibility. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 4.5. The Licensing Authority may recommend actions as good practice. Applicants are asked to give these recommendations serious consideration as adoption of best practices may be considered in the investigation of complaints if they arise in connection with the premises in the future.
- 4.6. The Licensing Authority, however, recognises that the licensing law is not the primary mechanism for the general control of nuisance, noise or anti-social behaviour particularly once individuals have left the vicinity of the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence or certificate. However licensing controls and targeted enforcement should

have a positive impact on the immediate vicinity of the licensed premises and assist in the management

of the evening and night time economy.

- 4.7. The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Gambling Act 2005, the Equality Act, The Clean Neighbourhoods and Environmental Act 2005, Health and Safety at Work, etc. Act 1974, Environmental Protection Act 1990, the Noise Act 1996 and the Regulatory Reform (Fire Safety) Order 2005, etc.
- 4.8. The Licensing Authority seeks to encourage the provision of a culturally diverse range of regulated entertainment within the district, particularly live music and dance that are accessible to all people.
- 4.9. The Licensing Authority has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.
- 4.10. In drafting this Policy, the Licensing Authority acknowledges its duty under Section 17 of The Crime and Disorder Act 1998 in that the Council has a duty to exercise its functions with a due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. In addition the Licensing Authority will seek to support strategies where they are allied to the Licensing Objectives such as National and Local Harm Reduction Strategies and any other relevant strategies and policies.

## **5. Conditions**

- 5.1. The Licensing Authority is unable to refuse or impose conditions on applications where no relevant representations have been made. Where relevant representations have been made, the Licensing Authority shall aim to facilitate negotiations/mediation between the applicant and Responsible Authorities and any other person. If negotiations/mediation prove unsuccessful the Licensing Authority will convene a hearing and where necessary take steps that are appropriate and proportionate to promote the four licensing objectives. This may result in the grant or refusal of the application, the imposition or modifications of conditions to the licence or to exclude one or more licensable activities from the licence.
- 5.2. Where conditions are imposed at a licensing hearing, they shall be appropriate and proportionate and shall be tailored to the size, style, characteristics and activities that take place at the premises concerned. However, the Licensing Authority accepts that Responsible Authorities may suggest conditions following negotiation with the applicant when completing their Operating Schedules.
- 5.3. In addition conditions imposed by a Licensing Authority shall be precise and enforceable, clear in what they intend to achieve, shall not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation, shall not replicate offences set out in the 2003 Act or other legislation, shall be justifiable and capable of being met and shall focus on matters which are within the control of the individual licence holders and not seek to manage the

behaviour of customers once they are beyond the direct management of the licence/certificate holder

and their staff.

- 5.4. The Licensing Authority recommends that conditions volunteered in the Operating Schedule should be:
- targeted on the deterrence and prevention of crime and disorder
  - appropriate for the promotion of the licensing objectives;
  - proportionate and enforceable;
  - consistent and not conflicting;
  - relevant, clear and concise;
  - not duplicate other legislation; and
  - expressed in plain language capable of being understood by those expected to comply with them.
- 5.5. The Licensing Authority when preparing the licences/certificates shall not simply replicate the wording from an applicant's Operating Schedule but will interpret conditions in accordance with the applicant's overall intentions.
- 5.6. Applicants are advised before completing their Operating Schedule to seek guidance on the framework for writing conditions in their Operating Schedules. Guidance is available from the Council.
- 5.7. The Licensing Authority recognises that in accordance with Section 43 of the Regulatory Reform (Fire Safety) Order 2005, any conditions imposed by the Licensing Authority that relate to any requirements on prohibitions that are or could be imposed by that Order, shall have no effect. The Licensing Authority shall therefore not impose fire safety conditions where the Order applies.
- 5.8. In much the same way, the Indecent Displays Act 1981 prohibits the public display of indecent matter and the Licensing Authority shall therefore not seek to impose conditions concerning such displays inside or outside the premises. The existing laws governing indecency and obscenity are adequate to control adult entertainment of this nature. However, the Licensing Authority shall, if it considers necessary in certain premises, consider attaching conditions following a hearing addressing the exclusion of minors.
- 5.9. Although it is accepted that licence conditions should not duplicate other statutory provisions, the Licensing Authority and licensees should be mindful of the requirements and responsibilities placed on them by other legislation.
- 5.10. Whilst the Licensing Authority encourages cultural activities and live music within the district it is also aware of the need to avoid measures that will deter live music when determining what conditions should be placed on licences/certificates, particularly those conditions that impose costs of a disproportionate nature. However, any adverse environmental impact that may arise from individual applications will also be taken into account when considering such applications. With regard to dancing, the Licensing Authority acknowledges the changes set out in the Policing & Crime Act 2009 related to lap dancing clubs and their re-classification as sexual entertainment venues.

- 5.11. With reference to the Protection of Children from Harm Licensing Objective, those conditions relating to the admission of children to any premises remain a matter for the individual licensee or club or person who has given a Temporary Event Notice (TEN). Venue operators may however volunteer prohibitions or restrictions in their Operating Schedules.
- 5.12. All relevant representations will be considered during the decision making process unless they are considered to be frivolous, vexatious, repetitious, or not in line with the four Licensing Objectives.
- 5.13. The Glossary at the back of this Policy sets out the licensable activities and relevant definitions surrounding the licensing process. If any member of the public is uncertain as to whether or not they require a licence or certificate they should contact Licensing, Ryedale District Council, Ryedale Houses, Old Malton Road, Malton, YO17 7HH or e-mail the Licensing Authority on; [licensing@ryedale.gov.uk](mailto:licensing@ryedale.gov.uk).

## **6. Licensing Hours**

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

## **7. Early Morning Restriction Orders**

- 7.1. The Police Reform and Social Responsibility Act 2011 ("the PRSR Act") gives the Licensing Authority the discretion to restrict sales of alcohol in the whole or part of their area by introducing an Early Morning Restriction Order ("EMRO") to restrict the sale or supply of alcohol between the hours of midnight and 6am to tackle high levels of alcohol-related crime and disorder, nuisance and anti-social behaviour.
- 7.2. The decision to implement an EMRO must be evidence based and the Licensing Authority must be satisfied that such an Order would be appropriate to promote the licensing objectives. Furthermore, the Licensing Authority shall consider the potential burden that would be imposed on premises licence/certificate holders.
- 7.3. As an EMRO is a powerful tool and a very stringent approach in tackling issues, the Licensing Authority will first consider whether other measures may address the problems and achieve the same goal. These could include:
- The use of a Cumulative Impact Policy ( see Part 2 point 3 );
  - Taking a robust joint agency approach to tackling problem premises;

- Prior to reviewing a licence/certificate, meeting with the DPS and licence/certificate

holder to ensure a Premises Improvement Plan is in place

- Where this fails, reviewing Premises Licences/Certificates by the North Yorkshire Police or other Responsible Authorities;
- Using other mechanisms to control the cumulative impact, e.g. planning controls;
- Using other mechanisms to control noise and anti-social behaviour;
- Using Closure Notices and Closure Orders;
- Providing powers to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- Provision of CCTV;
- Provision of night marshals and street angels, introduction of a late night levy;
- Reviews and Expedited Reviews of individual premises, etc.

7.4. The Licensing Authority would periodically review any active EMROs in order to ensure that it continues to be appropriate for the promotion of the licensing objectives. The applicant may be required to periodically submit evidence as part of this process to demonstrate that the EMRO is appropriate and achieving the goals and confirming that these cannot be achieved by alternative methods.

## **8. Late Night Levy**

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

8.2. The Licensing Authority will give serious consideration to the introduction of such a levy and will ensure compliance with current legislation and guidance. Furthermore, the Licensing Authority will give serious consideration as to whether or not the levy is a viable proposal (see Licensing Committee Report dated 22 November 2012).

## **9. Representations**

9.1. Under the 2003 Act both Responsible Authorities and ‘other persons’ may make representations on licence/certificate applications and review existing premises licences/certificates. A list of Responsible Authorities can be found at Appendix 3.

9.2. ‘Other persons’ is defined as any individual, body or business that may be affected by the operation of a licensed premise regardless of their geographical location. Although the other person may be in any geographical location, any representation they make must be relevant to one or more of the licensing objectives. In addition the other person is encouraged to provide evidence supporting their representation or view. This may be for example by way of recording dates where noise nuisance

or anti-social behaviour occurs. Any representation however must be specific to the premises in question and not to the area in general.

- 9.3. The Licensing Authority will however consider the geographical location of the other person who has made the representation to see if in fact that it is a relevant and valid representation with supporting evidence.
- 9.4. In addition all representations must be relevant, relating to the likely effect of the grant of the licence/certificate on the promotion of at least one of the licensing objectives. The Licensing Authority will determine whether a representation from an individual, body or business is relevant, frivolous, repetitive or vexatious. In borderline cases, the benefit of the doubt will be given to the person or body making that representation.
- 9.5. Any person aggrieved by a rejection of their representation may lodge a complaint through the Council's complaints procedure or alternatively by way of judicial review.

## **10. Reviews**

- 10.1. Responsible Authorities and other persons may apply to review a licence or certificate where it is believed an operator of a licensed premise is in their opinion managing their business in a manner that does not promote one or more of the four Licensing Objectives. The police may also trigger an expedited/summary review where serious crime and/or disorder has occurred at a premises.
- 10.2. Examples of triggers for a review may be: continual complaints of noise from or in the vicinity of the premises; continual complaints of noise or intimidation from customers outside the premises; an accumulation of breaches of licensing conditions; poor management where the licensing objectives are undermined; underage sales of alcohol (persistent or otherwise); crime-related activity; anti-social behaviour; sales of alcohol outside of the permitted hours, etc.
- 10.3. Where an application for a review has been submitted by "other persons", the Licensing Authority will determine whether or not it is relevant, frivolous, vexatious or repetitive. In borderline cases the benefit of the doubt will be given to the person making that application. Advice on reviews is available from the Council.
- 10.4. The Licensing Authority shall expect applicants for a review to gather sufficient and relevant evidence relating to the specific premises that is subject to the review. This may include a diary of events and any potential witnesses. With regard to reviews on noise complaints, applicants are encouraged to liaise with the Council's Environment specialists who may be able to assist with and support the review process.
- 10.5. Prior to a review, however, North Yorkshire Police, other Responsible Authorities or the Licensing Authority may seek to meet with the licence/certificate holder to address issues through a premises improvement plan. However, once an application for a review of a premises licence or club premises certificate has been instigated under Section 51 of the Licensing Act 2003, only the Responsible Authority or "other person" who initiated the review can stop proceedings going before a licensing Sub Committee.

## **11. Licensing Authority as a Responsible Authority**

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

## **12. Health as a Responsible Authority**

- 12.1. The PRSR Act has also introduced first-tier local authority Directors of Public Health from April 2013 or their equivalent as Responsible Authorities. It is expected that this Responsible Authority may be useful in providing evidence of alcohol-related health issues if the Council was considering either a cumulative impact policy or an early morning restriction order for example.
- 12.2. The local contact for this Responsible Authority is included in the list of Responsible Authorities at the rear of this Policy.

## **13. Live Music Act**

- 13.1. Due to the introduction of the Live Music Act 2012 the public performance of live amplified and unamplified music on relevant licensed premises between the hours of 08:00 and 23:00 on any day is no longer a licensable activity. Any existing licence/certificate conditions relating to live music remain in place but are suspended between these hours. However, the Licensing Authority may impose new, or

reinstate existing conditions, following a review of the premises licence or club premises certificate.

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

### **Legislative Changes**

- 13.4 See below a short summary of some of the legislative changes introduced since this policy was last reviewed. Although such changes affect the framework of the Licensing Act 2003, they have not materially affected this policy.
- The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 - concerning drinking games, the provision of rewards for consumption of alcohol etc
  - The Deregulation Act 2015 - introduced new provisions for the sale of alcohol at community events etc, removed the requirement for renewal of Personal Licences and provided for an increase in the maximum number of events that could be covered by Temporary Event Notices.
  - Licensing Act 2003 (Late Night Refreshments) Regulations 2015 - provides for Licensing Authorities to exempt certain supplies of late night refreshment.
  - The Licensing Act 2003 (Mandatory Licensing Conditions)(Amendment)Order 2014 - which amended the Mandatory Conditions introduced in 2010 applicable to relevant premises licences and club premises certificates where the supply of alcohol to the public is authorised. The amendments relate to drinks promotions and free drinking water etc.
  - The Legislative Reform (Entertainment Licensing) Order 2014 - which, in certain circumstances, meant that the authorisation for certain regulated entertainment was no longer required. It also extended the range of entertainment to which conditions relating to such entertainment are suspended.
  - Immigration Act 2016 - amended the provisions relating to responsible authorities, those eligible to apply for authorisations under the Licensing Act 2003 and to hold such authorisations, the grounds on which objections to certain applications can be made and to relevant offences concerning Personal Licences.
  - Policing and Crime Act 2017 - amends the definition of "alcohol" to include alcohol in any state. Section 138 (interim steps pending review: representations) amends the Licensing Act 2003 to include a new section 9A: "Where the relevant licensing authority has determined under subsection (8) whether to withdraw or modify the interim steps taken, the holder of the premises licence may only make further representations under subsection (6) if there has been a material change in circumstances since the authority made its determination." Section 139 further amends the Licensing Act 2003 to clarify the position of interim steps following an expedited/summary review. It also amends the Licensing Act 2003 to give licensing

authorities new powers to act when a personal licence holder is found guilty of relevant offences (whereas at the moment, only HMCS has the power to act) and simplifies the process for issuing new Section 182 guidance by removing the requirement to ensure the guidance is approved by both Houses of Parliament.

#### **14. Minor Variations**

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

#### **15. Sexual Entertainment Venues (SEVs)**

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

#### **16. Children**

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

application before deciding whether or not to impose conditions limiting the access of children.

- 16.4. The following are examples of premises that are likely to raise concern and engage the Licensing Authority as a Responsible Authority to take action:
- Where entertainment or services of an adult or sexual nature are common thereby likely to undermine the licensing objectives;
  - Where relevant premises are known to allow unaccompanied children;
  - Where the applicant has described in the Operating Schedule that '*no adult or similar entertainment shall take place on the premises*' but intends to hold an event liable to compromise the protection of children from harm licensing objective;
  - Where there has been early indication and subsequent evidence of poor management of the premises leading to undermining of the licensing objectives;
  - Where the premises have a known association with drug taking or dealing;
  - Where the current staff have received convictions or cautions for serving alcohol to minors or where the premises has a reputation for underage drinking or failures in test purchasing;
  - Where there is a strong element of gambling on the premises;
  - Where there is likely to be under age events with the intention of selling or exposing alcohol for sale or where the intention is to permit adults to this event;
  - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 16.5. Examples of entertainment likely to cause concern are entertainment or services of an adult or sexual nature including topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or entertainment involving strong or offensive language.
- 16.6. Where there are events solely provided for children, for example an Under 18's disco in a public house or similar relevant premises, the Licensing Authority strongly advises that no alcohol is served at such events and for the management of the premises to ensure that measures are in place to prevent sales to under aged persons. In addition, it is recommended that measures should be in place to prevent alcohol being brought onto those premises and to prevent under aged persons leaving and returning to the premises in order to consume alcohol in the vicinity of the premises.
- 16.7. In particular, the Licensing Authority will consider what conditions are offered in the Operating Schedule. The applicant in completing the Operating Schedule is required to describe the steps they intend to take to promote this Licensing Objective and highlight any adult entertainment or services, etc. that may give rise to concern in respect of children. However, where the applicant does not state the steps they intend to take to promote this Objective but does state that "*no adult or similar entertainment shall take place on the premise*", the Licensing Authority shall consider that this restriction to be a condition on the Licence/certificate even though it may not state it on the Licence/Certificate itself.
- 16.8. The 2003 Act as amended by the Policing & Crime Act 2009 has introduced a number of mandatory conditions. One of these conditions provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted

in accordance with the recommendations given either by the British Board of Film Classification (“the BBFC”) or by the Licensing Authority itself. The Licensing Authority has a procedure in place for the approval of unclassified films that includes conditions relating to the admission of children. In adopting these procedures the Licensing Authority supports the BBFC Guidelines and shall not seek to duplicate the BBFC’s recommendations. The Film Authorisation Procedure is available from Council. Any changes to these procedures are not considered changes to this Policy and as such any amendment to these procedures will not necessitate a review of the Licensing Policy.

## **PART 4**

### **17. Licences & Certificates – General**

- 17.1. New applicants and existing licence/certificate holders are encouraged to take heed of the information contained within this Policy. In order to avoid potential representations which generally delay an application, the Licensing Authority strongly recommends that prior to submitting their application applicants consult all Responsible Authorities, in particular North Yorkshire Police and the Council’s Environment specialists. In some cases, it may be advisable to consult ‘other persons’ as defined in the Act, for example a Town or Parish Council or neighbouring properties.
- 17.2. The Premises Licence/Certificate application outlines the operating conditions and the Operating Schedule that will form the basis of conditions that will be attached to the Licence/Certificate. The Licensing Authority shall expect the applicant to have carefully considered the promotion of all four Licensing Objectives in their Operating Schedule.
- 17.3. The Licensing Authority recognises that large-scale events may attract large crowds and the risks to public safety, crime and disorder and public nuisance are likely to increase with these numbers. Event organisers are recommended to consult with Responsible Authorities and the Safety Advisory Group in good time to discuss the Operating Schedule and any potential issues well before an application is submitted.
- 17.4. Where a festival, carnival or similar event requiring a Premises Licence or Temporary Event Notice is due to take place, the event organiser and/or landowner are recommended to consult with Responsible Authorities and the Safety Advisory Group in good time to discuss any potential issues.
- 17.5. With regard to the licensing of garages and/or filling stations Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are primarily used as a garage. The Licensing Authority must decide whether or not a premise is used primarily as a garage. The accepted approach is based on “intensity of use” to establish “primary use”. For this reason, the Licensing Authority shall expect an applicant to provide comprehensive statistical information with their application on the intensity of use to establish primary use.
- 17.6. Where there is insufficient evidence to establish primary use (e.g. where there is a new build) the Licensing Authority shall decide whether to deal with any issues through enforcement action after the licence is granted or defer granting the licence until the primary use issue can be established to the Licensing Authority’s satisfaction. R (Murco Petroleum Limited) v Bristol City Council 2010 addresses the issue of Licensing Authority’s compelling applicants to answer questions and to

supply relative turnover figures if requested to do so. The Licensing Authority's role is not merely adjudicatory; it may also take a more inquisitorial stance.

- 17.7. In order to promote the four Licensing Objectives, the Licensing Authority may consider seeking Premises Licences for land or buildings under public ownership within the district. The Local Authority will seek to encourage and promote festivals, carnivals and similar events in the district to provide a more vibrant community.
- 17.8. In addition, the Licensing Authority encourages local Town and Parish Councils to seek Premises Licences for land or buildings under public ownership within the community.

### **Late Night Refreshment**

- 17.9. It is recognised that the provision of late night refreshment forms an important part of the district's late night economy. As such where late night refreshment is provided between the hours of 11pm and 5am applicants must demonstrate in their Operating Schedule how they will promote the four Licensing Objectives, particularly with regard to the Prevention of Crime and Disorder and the Public Nuisance Licensing Objectives.
- 17.10. Where an applicant wishes to sell alcohol either on or off the premises in such an establishment or provide an alcohol delivery service, the Licensing Authority recommends that the Operating Schedule sets out specific measures to ensure the prevention of Crime and Disorder and Public Nuisance in the vicinity of the premises.
- 17.11. Where a delivery service is operated from these premises extra care must be taken by the operator with regard to compliance/breach of licensing hours. For example, a pizza order must be capable of reaching the customer at the delivery address by no later than the end of the permitted hours.
- 17.12. The Licensing Authority recommends takeaways and late night refreshment houses have a policy in place for regularly clearing litter from outside their premises whilst the premises are open and at the end of the working day. Such a policy could also include notices displayed advising customers to use the bins provided.

### **Mobile Premises**

- 17.13. Where licensable activities take place in mobile vehicles, a Premises Licence will be required for the land upon which the vehicle operates. The application must specify the pitch from where trading is to take place.
- 17.14. As this type of premises is likely to cause people to congregate, the Licensing Authority shall expect applicants to demonstrate specific measures to prevent Crime and Disorder, prevent Public Nuisance and promote Public Safety.
- 17.15. In addition, the Licensing Authority shall expect the applicant to consider specific measures to ensure that litter from such premises is regularly disposed of.

### **Gaming Machines**

- 17.16. Compliance within the Gambling Commission's Codes of Practice relating to gaming machines on licensed premises is mandatory.

## **PART 5**

### **18. Personal Licences**

- 18.1. Where a Premises Licence authorises the supply of alcohol, every supply of alcohol must be made or authorised by a Personal Licence Holder. Whilst this does not mean that the Personal Licence Holder must be present at every sale of alcohol or directly supervise each sale, authorisation should be meaningful and properly managed.
- 18.2. The Licensing Authority advises that it is good practice for the Personal Licence holder to give specific written and dated authorisation to individuals to demonstrate due diligence. Whilst the Designated Premises Supervisor (“the DPS”) may authorise sales in their absence, they still remain responsible for those sales. Similarly, the Premises Licence Holder also remains responsible for ensuring that the licensing law and conditions are complied with at that premises.
- 18.3. Where a community premises applies for an exemption from the requirement to have a DPS, the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The applicant will be required to set out how the premise is managed, its committee structure and how the supervision of alcohol sales are conducted. Copies of the Constitution and other management documents must be submitted. The management committee is strongly encouraged to notify the Licensing Authority if there are any key changes in the committee’s composition as this committee will collectively be responsible for ensuring compliance with licence conditions and licensing law. Where management arrangements are unclear, the Licensing Authority may seek further details to confirm that the management board or committee is properly constituted and accountable. While overall responsibility lies with the management committee where premises are hired out, the hirer will be clearly identified as having responsibilities falling within their control. Community premises are encouraged to check with the Licensing Authority before making any application.
- 18.4. Where a Premises Licence is in force authorising the supply of alcohol, a DPS will need to be nominated. The main purpose of the DPS is to ensure that there is always one specified individual who can be readily identified by Responsible Authorities as the individual who has day-to-day responsibility for running the business and who can therefore ensure that any problems are dealt with swiftly. As such the DPS will occupy a pivotal position. Experience has proved that in some cases the Premises Licence Holder has employed a DPS who is remote from the premises and therefore not involved in the day-to-day running of that premises.
- 18.5. Whilst the Licensing Authority recognises that a DPS may supervise more than one premise, the DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises for whatever reason, the Licensing Authority recommends a responsible individual is nominated who can deal with matters in the absence of the DPS. In addition, the Licensing Authority recommends that a notice is displayed prominently indicating the name and position of that

nominated person. Whenever alcohol is to be sold it is recommended that written and dated consent be given to that nominated person.

- 18.6. Applicants for Personal Licences with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions upon application. In such cases, the Licensing Authority shall advise North Yorkshire Police and, where an objection is received on crime prevention grounds, a hearing will be held to determine whether or not a licence should be granted.
- 18.7. Where a Personal Licence holder appears before a magistrates' court for a relevant offence, the Licence holder must produce his licence to the court at the first hearing or provide the court with a valid reason why they are unable to produce that licence. The magistrates and/or the crown court will then decide on what action, if any, to take.
- 18.8. Where an applicant for a Personal Licence is convicted of a relevant offence as listed in the Licensing Act 2003, the applicant is required to advise the Licensing Authority as soon as is reasonably practicable so that the Licence can be amended.
- 18.9. The Policing and Crime Act 2017 Section 140 has amended the Licensing Act 2003 to give licensing authorities new powers to act when a personal licence holder is found guilty of a relevant offence (previously only the HMCS had such power). These new powers enable the licensing authority to suspend a personal licence for a period of up to 6 months or revoke it. However, this will be a function for the licensing Sub-Committee not delegated officers. The personal licence holder has a right of appeal to the magistrate's court against any decision of the Licensing Authority to suspend or revoke the licence.
- 18.10. All offences under the Licensing Act 2003 are considered summary offences that normally have to be prosecuted within 6 months of the offence. However, by virtue of Section 186(3) the time limit for the laying of information has been extended from 6 months to 12 months from the date of the offence.

## **PART 6**

### **19. Temporary Event Notices**

- 19.1. The Licensing Act 2003 provides for a light touch authorisation by way of a Temporary Event Notice (TEN) under which any person (aged 18 years or over) may submit a notification to the Licensing Authority to conduct licensable activities on a temporary basis.
- 19.2. A TEN may be given for part of a building such as a single room within a village hall, a plot within a larger area of land or a discrete area within a marquee, as long as the Notice clearly describes the area where the event is to be held. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or beer tent. The premises user who signs the form is legally responsible for ensuring that numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted person limit will not be exceeded.

- 19.3. Although premises users are not required to be on the premises for the event, they will remain liable for any offences that may be committed at the premises whilst the TEN is in place.
- 19.4. As a TEN does not relieve the premises user from any requirements under planning law for the appropriate planning permission, the Licensing Authority recommends the user contact the Planning Authority, Highways and any other relevant authority well in advance of the event to ensure any other permissions are in place.
- 19.5. It is strongly recommended, to avoid the potential of police or environmental health objections to contact both North Yorkshire Police Licensing Officer and the Environment specialist prior to the submission of the TEN and outline any measures in place to promote the Licensing Objectives.
- 19.6. For larger scale or outdoor events, the Licensing Authority encourages event organisers to seek advice from the Safety Advisory Group in advance of submitting their application. The group will be able to offer local advice on other legislative requirements, such as health and safety issues, road closures, the use of pyrotechnics, local byelaws, etc. along with the need to prevent anti-social behaviour.
- 19.7. The Licensing Authority accepts that there is now a provision for a late TEN to be submitted. These must be received no later than 5 working days prior to the event. If objections are received to a late TEN a Counter Notice will be issued and the event will not be allowed to take place.
- 19.8. Event organisers are advised to submit their TEN to the Alcohol Licensing Unit, North Yorkshire Police, Fulford Road, York, YO10 4BY. In addition, event organisers are advised to submit their application to the Licensing Authority and the Environment Specialist (at Ryedale District Council) on a weekday and in any event before 12 midday on a Friday in order to ensure a quick, efficient and timely response.
- 19.9. Temporary Event Organisers are advised to submit their TENS well before the date of the event and in any event, must submit their notifications to the Licensing Authority in accordance with the number of working days currently specified in Regulations. When serving notices, organisers should serve the notice on the Licensing Authority, Police and the Environment specialists at the same time. This then ensures that the Responsible Authorities have sufficient opportunity to consider the notice in line with the Licensing Objectives.
- 19.10. It is a legal requirement for all organisers to assess the Health and Safety and Fire Risk associated with their event and document any significant findings. Guidance on how to conduct such risk assessments may be obtained from the relevant enforcing authority. In any event, the Licensing Authority will notify the Fire Authority of all TENS submitted so that they can offer advice to event organisers if necessary. Members of the Safety Advisory Group will also be notified of all TENS for similar reasons. Organisers are recommended to give thought to the provision of first aid at such events. It should be noted that if the Fire Authority is of the opinion that the use of premises/venue involves, or will involve, a risk to relevant persons so serious, including anything affecting their escape from the premises in the event of fire, the Fire Authority may prohibit or restrict premises use without notice.
- 19.11. Event organisers are reminded of Police powers to close down events without notice, on the grounds of disorder, the likelihood of disorder, or public nuisance. The Licensing Authority, therefore, expects organisers to be aware of the relevant

offences under the Licensing Act 2003, for example, sales of alcohol to children or to drunken individuals. Event organisers are advised to contact the Licensing Authority for further advice.

## **PART 7**

### **20. Club Premises Certificate**

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

## **PART 8**

### **21. Operating Schedule**

- 21.1. The Operating Schedule is a key part of the application form whereby applicants may volunteer appropriate conditions to demonstrate compliance of the licensing objectives by describing the steps they intend to take to promote these objectives. These volunteered conditions will then form conditions on the Premises Licence or Certificate. In completing an Operating Schedule, applicants are expected to have regard to this Policy.
- 21.2. The Licensing Authority encourages applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010. In addition, applicants are expected to include positive proposals in their Operating Schedule on how they will manage any potential risks.
- 21.3. Premises Licence and Club Premises Certificate applicants may wish to refer to their Fire Safety and Health and Safety risk assessments that they will have conducted.

Applicants are advised to seek the views of professional experts in relation to the preparation of these risk assessments. Where a maximum occupancy is set, applicants are advised to have an appropriate method in place to monitor the numbers of people entering and exiting the premises.

- 21.4. In completing their Operating Schedule the Licensing Authority suggest an applicant considers the following:

#### General

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

#### Prevention of Crime and Disorder

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

#### Public Safety

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

### Prevention of Public Nuisance

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

### Protection of Children from Harm

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

21.5. These lists are not exhaustive and advice can be obtained from the relevant responsible authorities. However, applicants are reminded again to contact the relevant Responsible Authorities to seek their expert advice before an application is submitted to the Licensing Authority.

21.6. Where an application is for a vessel, the Licensing Authority strongly recommends advice be sought from the Maritime & Coastguard Agency prior to submitting the application form. This Agency will offer advice on the safety of passengers aboard the vessel.

## **PART 9**

### **22. Enforcement**

22.1. With regard to enforcement action the Licensing Authority will take a graduated approach and work with the licence/certificate holder, DPS and relevant Responsible Authorities in ensuring the premises complies with the licensing laws and promotes the licensing objectives. The Licensing Authority will seek to meet with the licence or certificate holder and/or DPS working closely with them and relevant Responsible

Authorities in implementing a Premise Improvement Plan where appropriate.

- 22.2. Where the premise does not comply with an agreed Improvement Plan and continues to breach the licensing laws and/or licence conditions, the Licensing Authority will consider further sanctions, either by way of a review, formal caution, prosecution or serving of a s19 Closure Notice. In any event, the Licensing Authority will have regard to the Regulators' Compliance Code and the Enforcement Concordat together with the Council's own Enforcement Policy.
- 22.3. However, where the premise continues to flout the law, act irresponsibly, or where serious issues are identified firm action will be taken that may include immediate prosecution, particularly where the licensing objectives have been undermined.
- 22.4. Enforcement action will be:
- Targeted toward those premises presenting the highest risk;
  - Proportional to the nature and seriousness of the risk those premises present;
  - Consistent, so that the Licensing Authority takes similar approaches in similar situations;
  - Transparent, so those who are subject to enforcement action know what to expect; and
  - Accountable so that the Licensing Authority and its officers take responsibility for their actions.
- 22.5. In order to ensure compliance with the law and licensing conditions, the Licensing Authority will carry out with North Yorkshire Police whenever possible unscheduled 'non routine' inspections. After each visit the DPS and licence or certificate holder shall be notified of any concerns and be given an opportunity to rectify any issues. Where one off events take place, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are promoted.
- 22.6. In addition, the Licensing Authority will conduct checks to ensure that official notices for new applications, varied applications, reviews and minor variations are accurate and clearly displayed. Notices for reviews shall be displayed at or near the site of the premises, and where there are concerns these shall be regularly checked and recorded.
- 22.7. The licence/certificate holder is required to ensure that the Premises Licence/Club Premises Certificate, or certified copy of that licence or certificate, is kept at the premises and in the custody, or under the control of, either the licence/certificate holder or a person who works at the premises and whom the licence holder has nominated in writing to have custody of that licence. In addition, the Act requires that a summary, or certified copy, is prominently displayed at the premises together with a notice specifying the name of the person nominated to have custody of the licence. Experience has proved that a number of licensees/certificate holders are not aware of this legislative requirement. With regard to enforcement, where a premises does not display the licence summary or does not have the licence/certificate, or certified copy, on the premises, then the Licensing Authority shall write to the licence/certificate holder giving them an initial warning prior to taking any legal action. Continued failure will result in further sanctions being taken as outlined above.
- 22.8. Any decision to instigate legal proceedings will take account of the criteria set down in

The Code of Crown Prosecution and Attorney General Guidelines.

### **23. Fees: Annual Licence Fees**

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

## **PART 10**

### **24. Licensing Committee**

- 24.1. Decisions on all licensing matters shall be taken in accordance with an approved scheme of delegation. This is aimed at underlining the principles of timely, efficient and effective decision-making.
- 24.2. The Licensing Committee will consist of 10 Members. The Licensing Sub-Committee will hear any relevant representations from Responsible Authorities and any other persons. Any of these individuals or groups may specifically request a representative to make representations on their behalf.
- 24.3. Applications for Premises Licences, Club Premises Certificates or Temporary Event Notices where relevant representations have been received will be dealt with by a Licensing Sub Committee unless such representations are considered irrelevant, frivolous or vexatious or unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary ( usually after mediation/negotiations ).
- 24.4. The decision determined by the Licensing Sub-Committee shall be accompanied with clear and cogent reasons, having had due regard to the Human Rights Act 1998 and all other legislation.

## **PART 11**

### **25. Administration, Exercise and Delegations of Functions**

- 25.1. The 2003 Act provides that the functions of the Licensing Authority, including all its determinations, are to be taken or carried out by its Licensing Committee with the exception of the preparation of this Policy. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee has delegated certain decision and functions and has established Sub Committees to deal with them.
- 25.2. Many of the decisions and functions are purely administrative in nature and the grant of non-contentious applications has in turn been delegated to authorised officers.

- 25.3. The table at Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Licensing Sub Committees and authorised officers.
- 25.4. The Licensing Committee has approved its own rules relating to the procedure of hearings by the Licensing Sub Committee under the Licensing Act 2003.

## **26. The role of District Councillors**

- 26.1. The Licensing Authority recognises that District Councillors play an important role in the local community. They may make representations in writing and speak at the hearing on behalf of any other person such as a local resident or business if specifically asked to do so. They can also make representations in their own right if they have concerns about a premise.
- 26.2. Residents or businesses may wish to contact their local District Councillor in respect of a licence/certificate application. Details of how to contact District Councillors may be obtained from the Council's website. Where a resident or business seeks the assistance of a District Councillor it is helpful if they can send them any evidence that a premise is causing a problem in the area. It is also helpful if a resident or business that makes a representation on an application to send a copy of their representation to the relevant District Councillor. This then helps them to gain an understanding of local feelings.
- 26.3. District Councillors may attend hearings of licensing sub committees considering applications and speak on behalf of local residents and businesses, but only if:
- They have made a personal representation;
  - They have made a representation on behalf of local residents or business as 'community advocates'
  - They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented at the hearing.
- 26.4. District Councillors may however attend a hearing as an observer or as part of training for the Licensing Committee. It should be noted however that local Councillors are subject to the Local Authorities (Model Code of Conduct) Order 2007 (or its equivalent if amended). This Code applies to any elected Council member whether or not they are a member of the Licensing Committee.
- 26.5. A member of the Licensing Committee representing others or acting in their own right, should consider carefully at a Sub Committee meeting whether they had a prejudicial interest in any matter affecting the licence of the premises in question which would require them to withdraw from the meeting when that matter is considered. In addition, a Member with a prejudicial interest in a matter should not seek to influence improperly a decision on the licence/certificate in any other way.
- 26.6. District Councillors wish to be kept informed of licensing related matters within the Ryedale area, such as applications and reviews. The Act does not prevent Licensing Authorities from providing this information to Councillors, for instance by way of regular updates, as long as it is done in a neutral way that could not be seen as "soliciting" representations. Elected members will be signposted to the Councils Website where all current application/review notices can be viewed.

## **PART 12**

### **27. Appeals Against Licensing Authority decisions**

- 27.1. Following a hearing of an application by the Licensing Authority, the applicant or any objector has the right to appeal against that decision to Scarborough Magistrates' Court within 21 days. In hearing an Appeal against the Licensing Authority's decision, the court will have regard to this Policy and the Guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.
- 27.2. Where an appeal has been lodged against a decision of the Licensing Authority, the Licensing Authority will in all cases be the respondent to the appeal and may call as witnesses any other person or Responsible Authorities who made representations against the application if it so chooses. In addition, and provided the court considers it appropriate, the Licensing Authority may also call as witnesses any individual or body it considers may assist in their response to an Appeal. The Licensing Authority shall also provide all parties who were party to the original hearing, but not involved directly in the appeal, with clear reasons for any subsequent decisions where appeals are settled out of court.
- 27.3. In respect of Personal Licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other licences must be made to the Magistrates' Court where the premises or event is situated.

## **PART 13**

### **28. Complaints against licensed premises**

- 28.1. Where the Licensing Authority receives complaints against a licensed premises, complainants are advised in the first instance, whenever possible, to raise their complaint directly with the licensee in order to resolve the matter. The Licensing Authority, however, recognises that it is not always possible or practical for the public to raise complaints directly with the licensed premises. In such circumstances complaints in the first instance should be addressed to: The Principal Specialist (Environment), Ryedale District Council, Ryedale House, Old Maltongate, Malton, YO17 7HH.
- 28.2. Complaints will be dealt with in a timely and efficient manner. However, it is expected that all noise-related complaints are initially raised with the Council's Environment Specialists and complaints regarding unlicensed activities and operating outside the permitted hours are raised with the Licensing Authority or Police Licensing Officer.
- 28.3. On receipt of a licensing complaint, the Licensing Officer shall investigate the circumstances, discussing the complaint with the DPS of the licensed premises, the licence/certificate holder, any relevant Responsible Authority and the complainant. Where it is a valid complaint, the Licensing Authority shall endeavour to seek a resolution through informal means prior to taking any formal sanction.
- 28.4. The Principal Specialist (Environment) is responsible for considering complaints in the context of this Policy and will determine whether or not it is a relevant complaint. The Principal Specialist (Environment) shall authorise suitably qualified officers to discharge

duties as appropriate to their seniority, professional qualifications and/or experience.

- 28.5. Where there is a serious complaint, then the Principal Specialist (Environment) , Council Solicitor and Licensing Officer shall ensure that it is investigated and enforcement action taken where necessary. The Licensing Authority shall act in accordance with the Enforcement Policy available from Licensing Services and in accordance with the Regulators' Code and the Enforcement Concordat.

With regard to whether or not a complaint/representation is relevant, the Licensing Officer in conjunction with the Principal Specialist(Environment) and Council Solicitor shall decide on whether it is vexatious, frivolous, repetitive or not relevant (that is, in line with one or more of the four Licensing Objectives) and there is no right of appeal against this decision. Aggrieved objectors should take their own legal advice. The exclusion of a complaint/representation on the grounds that it is repetitious does not however apply to Responsible Authorities. Responsible Authorities may make more than one request for a review of a Premises Licence/Certificate within the 12-month period or other reasonable interval agreed by the Licensing Authority. Where the decision is made that a complaint is vexatious, frivolous, repetitious or irrelevant, the complainant will be informed of this in writing with full reasons being given for the decision.

## Appendix 1 – DELEGATION OF FUNCTIONS

<b>Matters to be dealt with</b>	<b>Council</b>	<b>Sub Committee</b>	<b>Officer(s)</b>
<b>Licensing Policy approval</b>	<b>All cases</b>		
<b>Application for a Personal Licence</b>		<b>If Police /Home Office objection</b>	<b>If no objection</b>
<b>Application for a Personal Licence with unspent convictions</b>		<b>All cases</b>	
<b>Application for a licence or Club Premises Certificate</b>		<b>If relevant representation made</b>	<b>If no relevant representation made</b>
<b>Application for a Provisional Statement</b>		<b>If relevant representation made</b>	<b>If no relevant representation made</b>
<b>Application to vary licence or Club Premises Certificate</b>		<b>If relevant representation made</b>	<b>If no relevant representation made</b>
<b>Application to vary DPS</b>		<b>If Police objection</b>	<b>All other cases</b>
<b>Request to be removed as DPS</b>			<b>All cases</b>
<b>Application for transfer of premises licence</b>		<b>If Police/Home Office objection</b>	<b>All other cases</b>
<b>Applications for interim authorities</b>		<b>If Police/Home Office objection</b>	<b>All other cases</b>
<b>Application to review licence or Club Premises Certificate</b>		<b>All cases</b>	
<b>Decision on whether a complaint is irrelevant, repetitious, frivolous, vexations or repetitious, etc.</b>			<b>All cases</b>

<b>Matters to be dealt with</b>	<b>Council</b>	<b>Sub Committee</b>	<b>Officer(s)</b>
<b>Decision to object when local authority is a consultee and not the relevant authority considering the application</b>		<b>All cases</b>	
<b>Determination of an objection to a TEN</b>		<b>All cases</b>	
<b>Imposition of existing conditions on a standard TEN (s.106A of the 2003 Act)</b>		<b>All cases</b>	
<b>Determination of application to vary licence at community premises to include alternative licence condition</b>		<b>If police objection</b>	<b>All other cases</b>
<b>Decision on whether to consult other Responsible Authorities on minor variation application</b>			<b>All cases</b>
<b>Determination of minor variation application</b>			<b>All cases</b>
<b>Acting as a Responsible Authority on behalf of the Licensing Authority</b>			<b>Principal Specialist( Environment)</b>
<b>Suspension of a licence or Club Premises Certificate for non payment of annual fee</b>			<b>All cases</b>
<b>Specify the date on which suspension takes effect (min. 2 working days)</b>			<b>All cases</b>
<b>Decision to introduce, vary or end a late night levy</b>	<b>All cases</b>		

<b>Matters to be dealt with</b>	<b>Council</b>	<b>Sub Committee</b>	<b>Officer(s)</b>
<b>Other decisions relating to administration and design of levy</b>	<b>All cases</b>		
<b>Decision to introduce, vary or revoke an Early Morning Restriction Order</b>	<b>All cases</b>		

## Appendix 2 - LICENSING ACT 2003 GLOSSARY

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

<b>Late-Night Refreshment</b>	The supply of hot food and drink between the hours of 11pm and 5am for consumption on or off the premises.
<b>Licence Holder</b>	Licence holder is defined as the Premises Licence Holder or Club Premises Certificate Holder.
<b>Licensable Activities</b>	<ul style="list-style-type: none"> <li>• The sale of alcohol by retail</li> <li>• The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club</li> <li>• The provision of regulated entertainment</li> <li>• The provision of late-night refreshment</li> </ul>
<b>Licensing Objectives</b>	<ul style="list-style-type: none"> <li>• Prevention of Crime and Disorder</li> <li>• Public Safety</li> <li>• Prevention of Public Nuisance</li> <li>• Protection of Children from Harm</li> </ul>
<b>Licensing Qualification</b>	Qualification obtained from for example the British Institute of Innkeeping and a requirement for a Personal Licence.
<b>Occupancy Levels</b>	Safe occupancy limits for a premises or venue is determined by the size of the premises or venue combined with ensuring that escape routes are adequate for the people, and numbers of people, who are likely to use them. This prevents overcrowding which can lead to crime, disorder and concerns over public safety.
<b>'Other Persons'</b>	Defined as any individual, body or business affected by the operation of a licensed premises, regardless of their geographic proximity to the premises.
<b>Operating Schedule</b>	<p>This forms part of the completed application form for a Premises Licence and must promote the 4 Licensing Objectives. It must include:</p> <ul style="list-style-type: none"> <li>• The relevant licensable activities</li> <li>• The times during which the applicant proposes that the relevant licensable activities are to take place</li> <li>• Any other times during which the applicant proposes that the premises are to be open to the public</li> <li>• Where the applicant wishes the licence to have effect for a limited period, that period</li> <li>• Where the relevant licensable activities include the sale by retail of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor</li> <li>• Whether the relevant licensable activities include the supply of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both</li> <li>• The steps which the applicant proposed to take to promote the 4 Licensing Objectives.</li> </ul>
<b>Personal Licence</b>	A Licence to authorise individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a Premises Licence is in force for the carrying on of that activity.

<b>Prejudicial Interest (Members)</b>	An interest that a member of the public would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.
<b>Premises Improvement Plan</b>	An agreed action plan with timeframes agreed between the licence holder and the Responsible Authority.
<b>Premises Licence</b>	A Licence in respect of any premises, such as land or buildings within the community that are to be used for one or more licensable activities. Valid for an indefinite period unless reviewed or revoked.
<b>Proprietary Clubs</b>	Clubs run commercially by individuals, partnerships or business for the purpose of profit.
<b>Provisional Statement</b>	A statement where premises are being constructed or extended or substantially altered that the Licensing Authority would be provisionally minded to grant a Licence on completion of the works.
<b>Proxy Purchases</b>	Illegal purchasing of alcohol on behalf of a person under the age of 18.
<b>Qualifying Club</b>	Where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members. Examples of Qualifying Clubs are: <ul style="list-style-type: none"> <li>• Conservative, Labour and Liberal Clubs</li> <li>• Royal British Legion</li> <li>• Ex-Servicemen's Club</li> <li>• Working Men's Club</li> <li>• Social and Sports Clubs</li> </ul>
<b>Regulated Entertainment</b>	Entertainment that is defined by statute.
<b>Relevant licensed premises</b>	Premises that are authorised to supply alcohol for consumption on the premises by a premises licence or CPC.
<b>Relevant Offences</b>	As set out in Schedule 4 to the Licensing Act 2003.
<b>Relevant Representations</b>	Representations, or objections, are relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives.
<b>Responsible Authorities</b>	This group can make relevant representations and includes public bodies such as: <ul style="list-style-type: none"> <li>• Relevant Licensing Authority</li> <li>• North Yorkshire Police (Chief Officer of Police)</li> <li>• Children and Young People's Service</li> <li>• North Yorkshire Fire &amp; Rescue Authority</li> <li>• North Yorkshire Trading Standards</li> <li>• The Local Enforcement Agency for the Health and Safety at Work, etc. Act 1974</li> <li>• The Local Authority Environmental Health Service</li> <li>• North York Moors Planning Authority/Local Authority Planning Service</li> <li>• Public Health</li> <li>• Home Office</li> <li>• Maritime and Coastguard Agency (if applicable)</li> </ul>

<b>Safety Advisory Group</b>	Safety Advisory Group – a group of officers from Licensing, Highways, Police, Fire, Ambulance, Health and Safety, Emergency Planning formed to offer advice to applicants on carrying out events either under a TEN or a restricted Premises Licence
<b>Special Policy</b>	A policy contained within the Statement of Licensing Policy to deal with cumulative impact.
<b>Temporary Events Notice (TEN)</b>	A Notice served on the Licensing Authority for the temporary carrying on of the sale of alcohol, provision of regulated entertainment or late-night refreshment at a premises not authorised by a Premises Licence or Club Premises Certificate. This Notice is subject to certain limitations as laid down by the Licensing Act 2003.
<b>TEN – 10 working days' notice</b>	10 working days <u>exclusive</u> of the day on which the event is to start <u>and</u> exclusive of the day on which the Notice is given to the Licensing Authority.
<b>Types of Authorisation</b>	<ul style="list-style-type: none"> <li>• Premises Licence</li> <li>• Club Premises Certificate</li> <li>• Personal Licence</li> <li>• Provisional Statement</li> <li>• Temporary Events Notice</li> <li>• Interim Authorities</li> </ul>
<b>Vexatious Representation</b>	A representation may be considered vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.
<b>Vicinity</b>	A term which has been removed from the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011. Previously, the Licensing Authority in making their initial decision on the question of vicinity had to consider whether the individual's residence or business is likely to be directly affected by disorder and disturbance occurring on those premises.

### APPENDIX 3 – RESPONSIBLE AUTHORITY CONTACT LIST

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

The Licensing Team  
Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7HH

Tel: 01653 600666  
Fax:01653 600764  
e-mail: [licensing@ryedale.gov.uk](mailto:licensing@ryedale.gov.uk)

**Please note the Licensing Authority is also a Responsible Authority in its own right.**

**North Yorkshire Police**

Alcohol Licensing Unit  
North Yorkshire Police  
Fulford Road  
York  
YO10 4BY

Tel: 01904 669498

e-mail: [nyplicensing@northyorkshire.pnn.police.uk](mailto:nyplicensing@northyorkshire.pnn.police.uk)

**North Yorkshire Fire & Rescue Authority**

Station Manager  
North Yorkshire Fire & Rescue Service  
Malton Fire Station  
Sheepfoot Hill  
Malton  
YO17 0EB

Tel 01653 692626

**Local Authority Environmental Health Services**

Environment Specialists  
Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
North Yorks  
YO17 7HH

Tel: 01653 600666

**Local Authority Health & Safety Enforcement for all non-Local Authority/County Council-owned and operated premises:**

Environment Specialists  
Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7HH

Tel 01653 600666

**OR**

**Health & Safety Enforcement for all Local Authority/County Council-owned and operated premises**

The Operations Manager  
Health & Safety Executive  
The Lateral  
8 City Walk  
Leeds  
LS11 9AT

Tel: 0113 2834200  
Fax: 0113 2834382

**Planning Services  
Local Authority Planning**

Development Control Manager  
Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7ZG

Tel: 01653 600666

**OR:**

North Yorkshire Moors National Park Authority  
The Old Vicarage  
Bond Gate  
Helmsley  
York  
YO62 5BP

Tel: 01439 770657  
Fax: 01439 770691

## **Social Services**

The Director (FAO Kate Flinton/Julie Parish)  
Children and Young People's Service  
Children's Social Care  
Room 122  
County Hall  
Northallerton  
DL7 8AE  
Tel: 01609 780780

## **Trading Standards**

North Yorkshire Trading Standards  
FAO Greg Chapman  
Unit 4/5, Block B  
Thornfield Business Park  
Standard Way  
Northallerton  
DL6 2XQ  
Tel: 01609 760616

## **Director of Public Health**

Director of Public Health,  
North Yorkshire County Council,  
County Hall,  
Northallerton  
DL7 8AD  
Tel: 01609 780780

## **Home Office**

Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
Alcohol@homeoffice.gsi.gov.uk

## **For vessels only**

### **Maritime & Coastguard Agency**

Surveyor in Charge  
Maritime & Coastguard Agency  
Crosskill House  
Mill Lane  
Beverley  
HU17 9JB

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

Schedule of Responses to Draft Licensing Policy 2018

Reference	Respondent	Comment	Appraisal	Response
Late Night Levy	Respondent A, Premises Licence Holder and DPS.	Was in favour of the introduction of a late night levy for those premises operating with licence extensions eg Temporary Event Notices(TENs)	Spoke to Respondent A and informed him that any late night levy introduced would affect businesses that are licensed to sell alcohol between midnight and 06:00 hours and did not include those utilising TENs.	Leave Policy unchanged.
All of draft policy.	Helmsley Town Council	No comment	None required.	Leave Policy unchanged.
All of draft policy	Respondent B, Premises Licence holder and DPS.	Lots of information to take in, but useful guide to my business and reasoning behind process.	None required	Leave policy unchanged.
Paragraph 3.6	North Yorkshire Police	Change special policy every 3 years as opposed to every 5 years	Reword Section on Cumulative Impact ( see later from Licensing officer)	New Guidance issued on 25 <sup>th</sup> April 2018 means for Statement to be up to date this requires a newly written section which will include the 3 year change as per police comment
Paragraph 3.11/12	North Yorkshire Police	That local authorities also have the powers to close premises for up	Section 76 of the Anti-social Behaviour, Crime and Policing Act 2014 gives	New Guidance (see above) has removed this as an example from guidance therefore

		to a maximum of 48 hours	such powers to local authorities	remove from policy.
Paragraph 5.1	North Yorkshire Police	That the way this paragraph is worded makes it appear that the Committee can only grant or refuse an application.	Disagree with the police interpretation of this paragraph, as the sentence goes on to say "or the imposition of conditions."	However, in order to clarify the point suggest rewording as follows: - "This may result in the grant or refusal of the application or the imposition or modifications of conditions on the licence or to exclude one or more of the licensable activities from the licence.
Paragraph 8.2	North Yorkshire Police	When enacted Section 142(2) (2) of the Policing and Crime Act 2017 will enable a Local Authority to introduce a levy in part of its geographical area.	As this legislation in not yet enacted it cannot be included in the Statement. However, it would be prudent and to also future - proof this policy to alter/reword this part of the policy.	In paragraph 8.1 (second line) remove "to all" and replace with "on". 8.1 (third line), remove "all". 8.2 remove the first two sentences and replace with "The Licensing Authority will give serious consideration to the introduction of such a levy and will ensure compliance with current legislation and guidance".
Paragraph 10.3	North Yorkshire Police	That the relevant, frivolous, vexatious or repetitious test only applies to "other persons"	Agree see Section 11.11 of newly issued Guidance.	Reword Paragraph 10.3 to include after the words been submitted "by other persons"
Paragraph 10.5	North Yorkshire Police	The paragraph needs clarification that once started	Agree, that we should clarify this point	Add the following sentence at the end of

		only the responsible authority or other person can stop the review process.		paragraph 10.5 “However, once an application for a review of a premises licence has started under Section 51 of the Licensing Act 2003, only the Responsible Authority or “other person” who initiated the review can stop proceedings going before a licensing subcommittee.
Paragraph 19.1	North Yorkshire Police	Clarification that persons applying for a Temporary Event Notice must be 18 Years of age or over.	Agree	In paragraph 19.1 after any person add in brackets (aged 18 years or over)
Appendix 2	North Yorkshire Police	Need to add Interim Authorities to types of authorisation	Agree	Add Interim Authorities to types of authorisation in Appendix 2
Late Night Refreshment. New Section 182 Guidance in relation to Late Night Refreshment(April 2018)	Respondent C.	Respondent C believes that the Council should exempt certain categories of premises from the requirement to be licensed for Late Night Refreshment only: - Petrol stations, local authority premises, schools, hospitals, community premises and licensed	Agree, newly issued guidance (April 2018) states that licensing authorities should consider deregulation where possible. However, before implementing such a scheme, the Council should carry out a feasibility study to indicate whether or not such an	Ask Members to approve the officer undertaking a feasibility study following which a report would be brought back to this Committee for consideration.

		premises authorised to sell by retail alcohol for consumption on the premises.	exemption is appropriate, needed or indeed wanted by the premises that would be affected.	
Part 2 Section 3 Cumulative Impact Assessment	Ryedale`s Licensing officer	Central Government introduced new Section 182 Guidance of Licensing Act 2003 in April	The Council was not aware of central Government`s intention to amend this guidance. The amended guidance should be incorporated into the updated policy in order for the Council`s statement of Licensing Policy to be as up to date as possible.	Part 2 Section 3 (Cumulative Impact Assessment) has been rewritten to take account of the updated guidance
Part 3, point 4.2	As above	As above	As above	Before the final sentence add “ As far as reasonably practicable, licensing officers will discuss with their planning counterparts mutually acceptable operating hours”
Part 6, point 19.2	As above	As above	As above	Add the following sentence at this paragraph “In all cases, the premises user should provide a clear description of the area in which they propose to carry on

				<p>licensable activities, including whether the premises are, for example, an open field or beer tent. The premises user who signs the form is legally responsible for ensuring that numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted person limit will not be exceeded”.</p>
Part12, point 27.2	As above	As above	As above	<p>Add at end the following sentence “The licensing authority shall also provide all parties who were party to the original hearing, but not involved directly in the appeal, with clear reasons for any subsequent decisions where appeals</p>

				are settled out of court".
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**REPORT TO:** FULL COUNCIL

**DATE:** 6 SEPTEMBER 2018

**SUBJECT:** PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 26 JULY 2018

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**20 Malton and Norton Infrastructure and Connectivity Improvements Study**

Considered – Report of the Specialist Services Lead

**Recommendation**

That Council:

- (i) Endorses the Malton and Norton Infrastructure and Connectivity Improvements Study and agrees to working in partnership with NYCC, and other stakeholders as appropriate, to prioritise and develop the recommended work streams via the Malton and Norton Connectivity Working Group (cross-authority officer working group];
- (ii) Authorises Officers to immediately progress work, in partnership with NYCC Highways Area Office, to develop and implement the proposals for potential 'quick wins' (see Annex 2) in advance of additional rail services commencing in December 2019;
- (iii) Agrees that the above Working Group considers any supplementary proposals from the public and partners, which were not considered during development of the Connectivity Study, as part of its on-going work stream;

Defers points (iv) and (v) until a later Committee meeting, pending further information from North Yorkshire.

**Voting record**

7 For

3 Abstentions

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>26 JULY 2018</b>
<b>REPORT OF THE:</b>	<b>SPECIALIST SERVICES LEAD GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>MALTON AND NORTON INFRASTRUCTURE AND CONNECTIVITY IMPROVEMENTS STUDY</b>
<b>WARDS AFFECTED:</b>	<b>PRIMARILY MALTON AND NORTON BUT ALL WARDS INDIRECTLY</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 The report provides an update on progress to date on Malton and Norton connectivity issues and seeks support from Members for further project development work, including financial contributions towards the costs of such work.

### **2.0 RECOMMENDATION**

- 2.1 To recommend to Council that:

- (i) Members endorse the Malton and Norton Infrastructure and Connectivity Improvements Study and agree to working in partnership with NYCC, and other stakeholders as appropriate, to prioritise and develop the recommended work streams via the Malton and Norton Connectivity Working Group (cross-authority officer working group);
- (ii) Officers immediately progress work, in partnership with NYCC Highways Area Office, to develop and implement the proposals for potential 'quick wins' (see Annex 2) in advance of additional rail services commencing in December 2019;
- (iii) Any supplementary proposals from the public and partners, which were not considered during development of the Connectivity Study, be considered by the above Working Group as part of its on-going work stream;

Council approve, in principle, the following intervention specific recommendations (as per paragraph 6.12):

- (iv) *C – Walkway & Bridge*: To consider:
  - a. the Council's role in further project development work

- b. an allocation towards the costs of option appraisal and strategic business case;
- (v) *F – Internal Junction Improvement and Traffic Signal Strategy*: To consider allocating up to £80,000 towards the costs of developing proposals for Malton and Norton Internal Junction Improvements (including updated traffic model, options appraisal and business case development for recommended package of improvements) alongside an allocation from NYCC's Complementary Measures budget.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 There is no obligation on the rail operating companies operating existing or new services on the York to Scarborough line to consider the impact of increased frequency of rail services (detailed in 6.1 below) upon the highways network or to invest in any mitigation that may be required. Both train operating companies have, however, been involved in key stakeholder workshops throughout development of this work and it is proposed this close working will continue.
- 3.2 An Air Quality Management Area (AQMA) has been declared in Malton town centre for the area around Butcher Corner. Ryedale District Council has an obligation under the Environment Act 1995, to devise and implement measures in pursuit of improved air quality within the AQMA (working in partnership with other delivery partners, including North Yorkshire County Council).
- 3.3 Whilst on-going monitoring suggests that air quality in the AQMA is improving, there is a risk that, without coordinated action, the increased frequency of level crossing closures could have a negative effect upon both congestion and air quality. The proposals outlined in this report will inform the process of updating the Council's Air Quality Action Plan.

### **4.0 SIGNIFICANT RISKS**

- 4.1 Investment in project early stages of project development is generally 'at risk', with no guarantee that funding to implement proposals will be secured. There is therefore a risk that initial investment does not achieve the ultimate aim. This risk can be mitigated by undertaking project development work in phases, to minimise the potential for abortive work, and to tie these in as closely as possible with the processes and outcomes that likely funding sources would expect to see.
- 4.2 There are several broad work streams emerging from the Malton Norton Infrastructure and Connectivity Improvements Study. Whilst it is not anticipated that the District Council would lead on many of these work streams (with the exception of the Car Parking Strategy), there would still be a requirement for significant officer time to be committed to developing and overseeing these work streams via the cross-authority working group. Progression of this work also be largely be dependant upon NYCC's capacity and prioritisation of this work.
- 4.3 The most significant risk associated with this work would be in not progressing or investing in further project development work as it is almost certain that, without such support, the majority of proposed interventions would not progress further and the issue of congestion and lack of suitable parking close to the station would not be addressed.

4.4 This work has inevitably raised expectations within the community of enhancements and mitigation work being delivered. How the resulting work streams are taken forward, and interventions delivered, is very much dependant upon the priorities of delivery partners. Without the support of such partners, there is a risk of reputational damage if some of these interventions are not progressed, or are not progressed in a timely manner.

## **5.0 POLICY CONTEXT AND CONSULTATION**

5.1 The proposals outlined in this report contribute directly to:

- North Yorkshire County Council's Local Transport Plan 4 (LTP4) – particularly given that Malton and Norton are identified as two or eight towns which are priority areas for tackling congestion;
- the Council Plan's theme of 'Sustainable Growth' priority of the), particularly the priority of "Promoting a strong economy with thriving businesses and supporting infrastructure for future generations";
- the Ryedale Plan's strategy for Malton and Norton as the District's Principal Town, particularly the approach ambition of "Improved accessibility and movement in and between the twin towns including new and improved pedestrian routes, traffic management measures, improved internal junctions and the Brambling Fields strategic junction improvement";
- delivery of the priority project identified in the Ryedale Economic Action Plan, to "Enhance rail parking and measures to reduce congestion at the rail crossing, Norton."

5.2 Work has been developed with colleagues at North Yorkshire County Council (NYCC); this has been on-going through development and delivery of work on the Malton and Norton Infrastructure and Connectivity Improvements Study. It is proposed that this will continue via an existing cross-authority working group.

5.3 Other key delivery partners, including Network Rail (NR), TransPennine Express (TPE) and Northern, have been involved in various meetings and workshops.

5.4 Instead of stakeholder engagement being undertaken by email/phone, wider stakeholders were involved through consultation events on 23 August 2016 and on 18<sup>th</sup> April 2018 as well as via email updates throughout this period.

5.5 At the half-day stakeholder workshop on 18<sup>th</sup> April 2018, WSP described the list of options that were discounted from the long list through the Early Assessment and Sifting Tool (EAST) and why and put forward the options that were 'short listed' for comment.

5.6 An online public consultation followed in May 2018, which was publicised on the Council's website, social media and via press releases.

5.7 NYCC and RDC officers were aware that the Authorities would not normally consult on scheme development / option development at this early stage. However, it was considered appropriate and necessary to involve the public and key stakeholders early in the process because of the importance and relevance of these issues to the local community and the desire to mitigate the impact of the forthcoming additional closures of the rail crossing.

- 5.8 Previous briefings, including with local Ward Members, have stressed that this study will identify a short list of options, most of which will require full design and testing through future studies and commissions before funding bids can be submitted and implementation occurs.

## 6.0 REPORT

### Background

- 6.1 The Department for Transport (DfT) announced new rail franchises in December 2015, which include a commitment from Arriva Rail North (referred to as Northern) for a new hourly service on the York to Scarborough rail line, from December 2019, alongside the existing hourly TransPennine Express (TPE) service. This additional service will increase the frequency of rail services on the York – Scarborough line to two rail services per hour, in both directions, each stopping at Malton. This will result in an effective doubling in the frequency of level crossing closures, with resulting impacts on traffic flows.
- 6.2 Policy and Resources Committee on 02 February 2017 (Minute 45 (ii)) approved the use of £25,000 from the Ryedale Development Fund (Major Projects strand) towards project development / feasibility work to enhance rail parking and measures to reduce congestion at the rail crossing in Norton. This funding, in conjunction with a matching amount from NYCC, has funded this study.

### Appointment of Consultants

- 6.3 In December 2017 WSP were commissioned by Ryedale District Council (RDC) and North Yorkshire County Council (NYCC), to undertake a study into potential options for improvements (both highway and non-highway) to infrastructure and facilities in the towns of Malton and Norton. The study is titled the Malton and Norton Infrastructure and Connectivity Improvements Study – Options Assessment Report (referred to herein as ‘the Connectivity Study’). The Connectivity Study is particularly focussed on identifying measures to mitigate adverse impacts resulting from increased closure of the railway crossing as a result of the doubling in frequency of rail services through Malton from December 2019. However, the Connectivity Study also seeks to identify measures to support use of the improved rail services and considers the impact that poor connectivity and existing congestion may have on future development plans for the area.
- 6.4 The scope of the work undertaken by WSP in undertaking this study is summarised below:
- 1) **A review of earlier studies**, previously proposed schemes and interventions and previous modelling work.
  - 2) **Evidence Review**: Consideration of the current and future situations, in order to identify key issues and problems and determine the need for intervention – to include review of:
    - a) Previous studies;
    - b) Socio-economics and labour markets;
    - c) Current policy;
    - d) Existing travel patterns
    - e) Road congestion, journey times and reliability;

- f) Sustainable transport provision, including operation of the railway and level crossing (the latter to be informed by primary data from new surveys);
  - g) Road safety
  - h) Environmental constraints; and
  - i) Future development.
- 3) **Stakeholder Engagement:** Engagement of key stakeholders, as identified by NYCC and RDC, to feed into the above evidence review;
  - 4) **Objective Setting:** Identification of Strategic and Specific Objectives, based upon the outcomes of the evidence review, to provide a framework for initial high-level assessment of proposed interventions [See Annex 1b, Figures 2 & 3 for Strategic and Specific Objectives respectively].
  - 5) **Long-listing:** Development of a long list of interventions, informed by the outcomes of 1, 2 and 3 above, and through a collaborative workshop between the WSP and client project teams and stakeholders, as identified by NYCC and RDC.
  - 6) **Option Sifting and Intervention Packaging:** An initial, qualitative, sift to identify any interventions not considered feasible or appropriate to be taken forward for detailed sifting. Packaging of the remaining interventions, as an acknowledgement that no single intervention is likely to address the issues in Malton and Norton. EAST\* based assessment on the resulting packages, in line with the DfT's 'Five Case Model'.
  - 7) **Prioritisation:** Identification of the preferred Package(s) of Interventions, based upon the outcome of the 'EAST' appraisal; this is likely to include options that could be implemented in the short term (0-2yrs) as well as medium and longer term. To include a further workshop to present outcomes
  - 8) **Identification of Potential Funding Sources and Routes to Delivery:** Collaborative working with NYCC and RDC to identify how improvements may be funded and delivered in line with existing and future funding streams.

[\* EAST (Early Assessment and Sifting Tool) is a tool developed by the Department for Transport specifically to enable those considering transport related interventions to:

“quickly summarise and present evidence on options in a clear and consistent format. It provides decision makers with relevant, high level, information to help them form an early view of how options perform and compare. The tool itself does not make recommendations and is not intended to be used for making final funding decisions.” (DfT EAST Guidance)]

6.5 Additional traffic count data for junctions near the level crossing was also obtained as an initial stage of task (1) above in early 2018.

### **Connectivity Study Findings**

6.6 The completed Connectivity Study report is a large and very detailed document and is available, along with Appendices, as a background paper (see below). An Executive Summary of the Report is attached (Annex 1).

6.7 The Connectivity Study has highlighted the need for significant enhancement and interventions and has helped to identify and refine a number of proposed interventions

to contribute towards the identified objectives. The proposed highway-related interventions are those that have been assessed as being likely to have a positive impact, when considered against these objectives. It should be noted, however, that at this stage ***no highways modelling has been undertaken*** and so the relative benefits have yet to be demonstrated through technical modelling.

6.8 In brief, the final report identifies:

- i) a number of Potential Quick Wins – i.e. those that have the potential, *subject to further investigation/consultation and identification of funding*, to be implemented prior to additional rail services starting on December 2019 (Annex 2);
- ii) a summary of short-listed interventions which performed best through the EAST process, entitled ‘Preferred Package and Intervention-Specific Recommended Next Steps’ (Annex 3).

6.9 By necessity the list of Potential Quick Wins includes ***only*** interventions which are likely to be relatively simple, straightforward to implement and relatively low cost, however, these may still require a degree of further investigation and/or consultation before it is certain that any individual measure can be implemented. It should be noted that because of their relatively small scale, the Quick Wins were not included in the public consultation online survey (although a copy of the list of Potential Quick Wins was provided for information). The Potential Quick Wins list includes interventions such as:

- Provision of pedestrian crossing between the bus and rail station
- Provision of safe and secure cycle parking / storage near the station and within the towns of Malton and Norton
- Initiatives to encourage safe use of the level crossing
- Link traffic signals between Butcher Corner and the rail barrier signals to reduce impacts of barrier down time

[See Annex 2 for full list and details]

6.10 Interventions, from both the Potential Quick Wins and Preferred Package, will need to be developed and progressed in close partnership with North Yorkshire County Council. It is proposed that this is done via a Malton and Norton Connectivity Working Group (an officer level cross-authority working party) which has already been established to oversee this study.

6.11 Summaries of the Potential Quick Wins and proposed Preferred Package interventions are set out, alongside proposed next steps, in Annexes 2 and 3 respectively.

6.12 In particular it is proposed that the District Council consider making a financial contribution towards project development of the following two interventions:

*C – Walkway & Bridge*: There is no obvious partner that is likely to lead on project development for this intervention, however, it is considered to be one of the interventions with the potential to make a significant contribution by reducing demand for local private motor vehicle journeys and contribute towards safety by reducing the need for pedestrians and cyclists to use the existing level crossing. Officer are seeking a view from members regarding:

- a. the Council’s role in further project development work;

- b. an allocation towards the costs of project development and option appraisal work (total estimated costs could be in the region of £300k to £500k – at this stage the range of possible costs is broad as the scope of potential options to be considered is not yet defined and any appraisal would have to follow detailed process required by Network Rail);

*F – Internal Junction Improvement and Traffic Signal Strategy:* This intervention also includes the development of a new/updated traffic model for Malton and Norton, which is a pre-requisite for any consideration of significant junction or signalling changes. Officers are seeking approval from Members to allocate up to £80,000 towards the costs (total estimated costs could be in the region of £160,000) of developing proposals for Malton and Norton Internal Junction Improvements (including updated traffic model, options appraisal and business case development for recommended package of improvements) alongside an allocation from NYCC's Complementary Measures budget;

- 6.13 The online public consultation undertaken in May 2018 was primarily undertaken to gauge the public acceptability of the above packages, which had already been identified via previous stakeholder consultation and been subject to initial assessment. The findings of this public consultation were then fed into the final report.
- 6.14 Over 290 responses were received as a result of the consultation and the results demonstrated that the majority of respondents supported all of the interventions proposed as part of the Preferred Package, i.e. each intervention received in excess of 50% (ranging between 52% - 83%) of respondents agreed or strongly agreed to their inclusion in the Package. [A summary of the community consultation results is attached at Annex 4]
- 6.15 As a result of the public consultation a number of additional proposals were received from various sources [See Annex 5]. As these proposals were received towards the latter end of the Connectivity Study development, these proposals have not been subject to assessment and sifting and it is therefore proposed that these are progressed as appropriate via the Malton and Norton Connectivity Working Group (an officer level cross-authority working party).
- 6.16 One such proposal has been made by Ryedale Community Transport involving the purchase of two electric buses to provide an electric bus 'hopper' service between Malton and Norton. The proposal would contribute towards package A - Bus Service Connectivity Improvements and is expected to contribute towards a reduction in private motor vehicle trips as well as improvements to air quality. An initial approach has been made to the Council for a funding contribution but further detailed discussions and analysis is required before a decision can be made on this. Further details will be reported to Members once these area available.

#### **Funding and Implementation**

- 6.17 The NYCC Local Highways Office retains the budget that was allocated for the complimentary measures proposed alongside Brambling Fields, of which it is understood that in the region of £650k remains. This provides an obvious source of funding to match the cost of detailed studies and developing the business cases for schemes. It also provides some funding toward implementation of quick wins.
- 6.18 The Council have already agreed to invest up to £75,000 towards commissioning a car parking strategy, in partnership with North Yorkshire County Council (Council 12 April 2018, Minute 84 – ref. P&R Minute 72 (iv)). This will be a critical initial piece of work

upon which many other interventions are likely to be dependant. Work to develop the brief for this work, and discussions with NYCC, have already commenced.

- 6.19 Some of the interventions are ones which the Council, as a District Council, can lead on, however, the majority, particularly (but not exclusively) highway-specific interventions, will inevitably require NYCC to take a lead role in project development.
- 6.20 At this stage the Connectivity Study report has only just been completed and there will be a need for further development of the proposed interventions. This work will require close partnership working with NYCC to develop the business case for the identified measures and to implement any of the Potential Quick Wins that could be in place before the December 2019 doubling of train frequency. Consequently, a cross-authority Malton and Norton Connectivity officer group has been established to progress proposals. This group includes Tim Coyne of the local highway office.
- 6.21 Further project development work will be required to progress individual interventions (e.g. intervention-specific options appraisals, feasibility studies, strategic business cases and detailed business cases) in order to be able to bid for funding towards implementation. Rail and highways schemes have set processes that need to be followed and that must be followed if funding is to be secured.
- 6.22 This work will also assist officers to make recommendations on the prioritisation of the use of Community Infrastructure Levy (CIL) funding, which is designed to help implement infrastructure improvements such as those identified in the report. Officers propose a future report to Members regarding the prioritisation of CIL.
- 6.23 Many of the interventions will also be dependant upon the identification of appropriate external funding sources, as well as successful funding applications.
- 6.24 Officers will work with NYCC, via the Working Group, to prioritise how delivery of these interventions are progressed, seek to ensure alignment with partners' priorities, identify appropriate funding and progress funding applications to enable progress to be made on further project development.
- 6.25 Officers intend to report back to Members on progress by the end of the year.

## **7.0 IMPLICATIONS**

7.1 The following implications have been identified:

a) Financial

In addition to the allocation of funding as set out in the recommendations, there may be a requirement for further contributions towards more detailed project development work as individual proposals progress. At this stage it is not possible to quantify any such requirement and further reports would be taken to Policy and Resources as appropriate.

b) Legal

No specific legal implications relating to the recommendations of this report have been identified

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

The proposed interventions set out in this report, if implemented, would be likely

to have positive impacts in terms of equalities and health and safety by improving accessibility between Malton and Norton. It is also expected that there would be environmental benefits as a result of potential modal shift from private motor vehicles to more sustainable modes of transport.

It may be prudent to consider additional staff resources to ensure an appropriate level of District Council's input into the work to enable this work to proceed in a timely manner.

## 8.0 NEXT STEPS

- 8.1 The next stages of this work will be developed and overseen by the cross-authority working party. Initial next steps for specific Potential Quick Win and Preferred Package interventions are set out in Annex 2 and Annex 3.
- 8.2 NYCC are taking a similar report to their Executive Board in the coming weeks, incorporating parallel recommendations to those set out in this report to ensure a coordinated and partnership approach to future work streams.
- 8.3 Any outcomes from this that need reporting to Members will be included in the update report to be provided to Members before the end of the year.

Author: Howard Wallis, Senior Specialist: Place  
Telephone No: 01653 600666 ext: 274  
E-Mail Address: [howard.wallis@ryedale.gov.uk](mailto:howard.wallis@ryedale.gov.uk)

### Background Papers:

Minute 45 (ii) of Policy and Resources 02 February 2017

<https://democracy.ryedale.gov.uk/ieListDocuments.aspx?CId=119&MId=1670&Ver=4>

Minute 84 (referring to P&R Minute 72 (iv)) of Council 12 April 2018

<https://democracy.ryedale.gov.uk/mgAi.aspx?ID=16924>

Local Transport Plan 4 (LTP4)

[https://www.northyorks.gov.uk/recruitment/media/Local\\_transport\\_plan\\_four\\_\(LTP4\)\\_Part\\_3.pdf](https://www.northyorks.gov.uk/recruitment/media/Local_transport_plan_four_(LTP4)_Part_3.pdf)

The Council Plan

<https://www.ryedale.gov.uk/your-council/council-plan.html>

Ryedale Plan – Local Plan Strategy

<https://www.ryedaleplan.org.uk/local-plan-strategy>

Ryedale Economic Action Plan 2016-2020

<https://democracy.ryedale.gov.uk/documents/s34067/Ryedale%20Economic%20Action%20Plan%202016-2020.pdf>

Malton & Norton Infrastructure & Connectivity Study – Options Appraisal Report & Appendices  
**- TO FOLLOW AS A LATE PAPER**

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# MALTON & NORTON INFRASTRUCTURE AND CONNECTIVITY IMPROVEMENTS STUDY

Options Assessment Report - Executive  
Summary





**North Yorkshire County Council & Ryedale District Council**

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# **MALTON & NORTON INFRASTRUCTURE AND CONNECTIVITY IMPROVEMENTS STUDY**

Options Assessment Report - Executive Summary

**TYPE OF DOCUMENT (VERSION) INTERNAL**

**PROJECT NO. 70040023  
OUR REF. NO. 70040023-002**

**DATE: JULY 2018**

North Yorkshire **County Council & Ryedale District Council**

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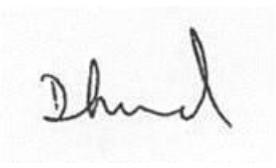
# **MALTON & NORTON INFRASTRUCTURE AND CONNECTIVITY IMPROVEMENTS STUDY**

Options Assessment Report - Executive Summary

WSP  
Dale House  
Mount View Business  
Standard Way Business Park  
Northallerton  
DL6 2YD

[WSP.com](http://WSP.com)

# QUALITY CONTROL

Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks				
Date	July 2018			
Prepared by	David Stannard			
Signature				
Checked by	Richard Jones			
Signature				
Authorised by	Richard Jones			
Signature				
Project number	70040023			
Report number	70040023-002			
File reference				

## OPTIONS ASSESSMENT REPORT - EXECUTIVE SUMMARY

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### 1. INTRODUCTION

The Malton and Norton Infrastructure and Connectivity Improvements Study is led by a partnership of North Yorkshire County Council (NYCC) and Ryedale District Council (RDC).

WSP was commissioned by NYCC to undertake work associated with identifying potential improvement options to address the issues of traffic congestion and poor connectivity in and around the Malton and Norton urban areas. These issues are likely to be exacerbated when planned increases in train service frequencies at Malton Railway Station are implemented in December 2019.

The Options Assessment Report (OAR) considers the existing evidence base to establish the issues and problems experienced in the study area (identified in **Figure 1** in the accompanying Appendix) and how these may change in the future. This evidence review and analysis examines the case for intervention through the preparation of a sound body of evidence to demonstrate the need to develop any improvement intervention(s).

The OAR then seeks to provide the following:

- i Study specific objectives setting out what the interventions are aiming to achieve;
- i Develop a long-list of interventions, informed by numerous sources, which will be subject to a high-level 'sift' to identify any which would be considered undeliverable in the context of the study.
- i Consider the resulting short-list of interventions and undertake detailed sifting to inform early prioritisation, ahead of public consultation.
- i Identify a Preferred Package and Potential Quick Wins.

The study has closely followed the Department for Transport's (DfT) Transport Appraisal Guidance (WebTAG). The guidance sets out the recommended approach to take in understanding the current and future context and conditions, establishing the need for intervention and developing options to address the identified issues through an objective led approach.

### 2. ESTABLISHING THE NEED FOR INTERVENTION

#### Strategies and Policies

A review of relevant policies and strategies has demonstrated strong support for intervention to address issues of traffic congestion and delay in the urban areas of Malton and Norton, and to support economic development and growth.

#### Economic Context

Malton and Norton act as a Principal Town and district-wide Service Centre for the Ryedale District, occupying an important position in relation to the local and regional economy.

The limited skilled job opportunities, predominance of a low wage economy and conflicting high house prices results in local housing potentially being largely unaffordable for many of the people working in the district. This imbalance coupled with the need for some residents employed in more skilled industries having to commute elsewhere is likely to be resulting in commuting in and out of the towns placing additional pressure on the local transport network.

There are aspirations to further grow and diversify Malton and Norton's economy, particularly in relation to higher value sectors, and specifically in the agri-food and bio-economy sectors; Malton has a designated Food Enterprise Zone and is promoted as Yorkshire's Food Capital.

The local transport network is often perceived as a barrier to achieving additional inward investment and realising this growth.

#### Operation of the Local Transport Network

Accessibility between the two towns is impacted by both the railway line and the River Derwent, which run between them. There are two crossing points over the river, at Railway Street and County Bridge on the B1248 Castlegate, while the one level crossing provides a single route over the railway line, immediately south of County Bridge. These limited crossing points create bottle-necks for traffic in these locations; generally considered to be compounded by a combination of a natural increase in traffic, a historic and constrained network and seasonal and 'through' traffic.

The key routes through the towns (B1257 and B1248) carry relatively high volumes of traffic, particularly HGVs, for the standard of road, resulting in issues of delay in both towns.

Butcher Corner is a key junction in Malton, where the B1257 and B1248 meet at a signal controlled crossroads; the junction experiences high volumes of traffic and resulting congestion throughout the day (around 28,000 vehicles per day – including 1,000 HGVs). Average speeds at Butcher Corner range between 25% - 50% of the corresponding free flow speeds (based on journey times recorded between 1am and 5am when traffic flows and densities are typically low). Congestion issues at Butcher Corner have contributed to poor air quality, journey time unreliability and resulting impacts on public transport punctuality. An Air Quality Management Area (AQMA) was declared, by RDC in 2009, for the area around Butcher Corner.

The level crossing is situated to the east of Malton Station and south of Butcher Corner. When the level crossing barriers are down, traffic builds up on the surrounding network resulting in congestion and delay. Typically, there are two closures per hour, with closure times of between 1.5 minutes and 3.5 minutes in each instance. These closures can lead to queue lengths of up to 54 vehicles forming on approach roads. At the level crossing, average daytime speeds range between 33% - 55% of free flow speeds. This analysis suggests that there are significant journey time savings that could be made if the issue of congestion was adequately addressed. Rail service frequencies at Malton are due to increase to two trains per hour in each direction from December 2019, thereby doubling the number of trains stopping in Malton each hour. This will result in the level crossing barriers being down for a greater overall duration across the hour increasing delays to traffic.

Journey to Work data, from the 2011 Census, reveals that almost half of internal commuting trips (i.e. those that remain within the two towns) are made by car despite the short distances involved. These short, internal, trips utilise the local highway network and are likely to be exacerbating issues of local congestion and resulting delay. The quantity of available car parking, and its relatively low cost, is also considered to be a significant contributory factor in the encouragement of driving to, from and within the towns, including the short internal journey to work trips. The resultant congestion culminates in environmental issues, as well as an adverse impact upon quality of life, public health, safety and the general aesthetics of the towns.

## Sustainable Transport

Malton Railway Station is the only rail station in the Ryedale District with regular passenger services. Nearly all rail services operating on the York to Scarborough line call at Malton; the station is used by approximately 350,000 passengers a year, a figure that has increased by 20% in the last five years.

Malton is a single platform station; this presents significant limitations, in terms of capacity, and is a major constraint to the wider Trans-Pennine route. The provision of a single platform means that services travelling in both directions must use the same line on the approaches to, and through, the station, resulting in no current or future potential to operate services travelling in opposite directions concurrently. Any delays to westbound services, because of having to wait for eastbound services to clear the platform, impacts the service times for the remainder of the route e.g. between Leeds and Manchester. The single platform at Malton also impacts the accessibility of the station for rail users, particularly for residents of Norton and areas to the south of the station who currently have to cross the level crossing to access the station.

Journey to Work data for residents in Malton and Norton illustrates that over half of the residents, who are employed within the towns, undertake their journey to work by active modes; the majority of these trips (40%) are on foot while 11% travel by bike. These figures are far higher than regional and national averages; this is likely due to the geographic size of the urban area, making active modes very realistic modes of travel for these trips.

Bus mode share, for all commuting trips undertaken by residents of the Malton and Norton urban area, regardless of destination, is 2.3%. This is substantially lower than the regional and national averages of 3.6% and 8.5%. This highlights that there are opportunities for mode shift to use of public transport in the towns.

The census Journey to Work data also revealed that almost half of internal commuting trips are made by car, despite the short distances involved; these short, internal, trips utilise the local highway network and are likely to be exacerbating issues of local congestion and resulting delay. It is considered that the high level of car use for these trips offers the opportunity for considerable mode shift to more sustainable modes, with the introduction of appropriate supporting interventions; this, in turn, has the potential to bring about significant positive impacts upon issues of local congestion.

### Environmental Evidence

Ryedale, as a district, covers a large and primarily rural area of exceptionally high quality. This is reflected in the number and geographical scale of areas that are formally subject to environmental designations designed to protect the natural and built environment.

As part of the evidence gathering mapping of environmental constraints within the study area has been undertaken, including flooding - some areas of Malton and Norton are at a high risk of flooding.

High traffic flows and existing congestion are contributing to issues of Air Quality on key routes and an AQMA has been declared at Butcher Corner.

### Committed and Planned Development

RDC's Local Plan Strategy sets out a growth policy that seeks to provide, approximately 200 new houses per year in the district (3,000 over the plan period); 50% of these dwellings will be provided in Malton and Norton. In addition, 37ha (net) of additional employment land (plus a further 8ha additional land supply if required) is to be allocated for the district, in addition to existing commitments; 80% of which is to be provided in and around Malton and Norton.

The level of development proposed across Malton and Norton, (employment, retail and housing) will place additional demand on an already constrained local network unless adequate mitigation measures are identified and implemented. Traffic modelling work, undertaken as part of the development of the Local Plan, forecast that approximately 1,000 additional trips will be generated within the towns as a result of the proposed developments.

### 3. THE NEED FOR INTERVENTION

To maximise Malton and Norton's economic potential, there is a need to plan, not only for the expansion of existing businesses, but also to attract the inward investment required to generate new, high value jobs with transport connectivity key to achieving this. Without intervention within the study area the transport network will remain a constraint. Congestion in urban areas and at localised pinch points, such as Butcher Corner and the level crossing between the towns, can negatively impact connectivity resulting in longer and/or unpredictable journey times, constraining access to labour markets and movement of goods and services. In

turn this can influence business decisions to locate elsewhere.

Initial assessments, undertaken for the Local Plan, suggest that traffic associated with development can be accommodated mainly through localised junction improvements or provision of new roads. However, these improvements will only mitigate impact to existing levels and will not improve upon the current situation. In the longer term, the impact of this growth, if left unmanaged, is likely to deter the further inward investment and diversification of the economy that is considered crucial to ensuring resilience of the district and achieving economic growth projections, both locally and regionally.

### 4. IDENTIFICATION OF OBJECTIVES, OPTION GENERATION AND APPRAISAL

#### Setting Objectives

Based upon the outcomes of the evidence review, and informed by stakeholder engagement, a set of Strategic and Specific Objectives have been identified in accordance with the WebTAG process.

These objectives have been developed to align with the current and future issues identified as part of the evidence base review, and provided a framework for initial high-level assessment of the interventions.

In order to identify how each Specific Objective contributes to the Strategic Objectives, a 'mapping' exercise has been undertaken. Objectives are set out in **Figures 2 and 3** in the accompanying Appendix.

#### Developing the Long-List of Interventions

Following the evidence review, and subsequent stakeholder engagement, a long-list of interventions was developed. Interventions were included as part of the long-list if it was considered that they could seek to address the identified issues and contribute towards achievement of the objectives. The 71 interventions identified were from a range of sources including:

- i A review of existing policies and strategies, relating to transportation in Malton and Norton;
- i A review of proposed transport improvements included in existing and previous studies;
- i Previous stakeholder consultations;
- i Consideration of the issues and opportunities identified in the evidence review; and
- i A study specific Options Workshop (March 2018).

At this stage, the interventions are high level concepts only. Given the complex issues in the study area, as well as being considered separately, each of the interventions has also been looked at in terms of its potential contribution as part of a package of interventions.

### Initial Sift and Short-Listing of Interventions

Due to the number of interventions, identified as part of the long-list, an initial 'sift' has been carried out to identify any that would not be taken forward for more detailed assessment as part of this study. This approach is in accordance with the DfT TAG appraisal process and included consideration of the following:

- i Contribution to the Specific Objectives;
- i Deliverability;
- i Dependence upon other interventions;
- i Indicative cost; and
- i Timescales.

Each of the Initial Sift criteria, set out above, was brought together in an overall framework, allowing for an assessment of individual interventions to be considered on an equal and consistent basis.

Following the Initial Sift 46 interventions were taken forward for more detailed appraisal. 11 Potential Quick Wins were also identified. The identification of Quick Wins, as part of this appraisal, is largely linked to the, December 2019, rail service improvements at Malton Station; any intervention categorised as a 'Quick Win' could, theoretically, be implemented ahead of that time albeit dependent upon factors such as funding availability and gaining relevant permissions. Potential Quick Wins are listed in **Table 1** in the accompanying Appendix.

### Packaging of Interventions

It is considered that the complex nature of the traffic issues experienced in the towns of Malton and Norton, which are primarily a result of the historic nature of the towns, severance by rail and river and a large number of trips that are purely internal to the towns (i.e. wholly within the urban areas) are unlikely to be successfully addressed through delivery of a singular intervention. As such, a 'package' approach to interventions has been adopted, with the aim of successfully addressing the combination of factors that result in issues on the highway network within the study area.

A total of eight packages were developed, which represent the grouping of interventions with common themes. The eight packages are:

- i **Package A** – Traffic Management;
- i **Package B** – Level Crossing Area;
- i **Package C** – Public Transport Improvement;
- i **Package D** – Active Mode Improvements;
- i **Package E** – Car Parking;
- i **Package F** – Major Road Improvements;
- i **Package G** – Behavioural Changes; and
- i **Package H** – Land Use Changes

It should be noted that the packaging process was undertaken to enable the assessment of a suite of interventions and to illustrate the benefits that they could provide cumulatively. As the study progressed the best mix of interventions to provide the desired outcomes was sought. As with all of the proposed interventions, there has been no detailed design of the interventions, they are high-level concepts only.

### Detailed Sift of Packages of Interventions

In order to look at the Packages in more detail a second round of sifting was undertaken using the DfT's Early Assessment and Sifting Tool (EAST).

EAST considers a range of metrics, set out in line with the DfT's 'Five Case Model' – this includes the following factors:

- i Strategic;
- i Economic;
- i Financial;
- i Management; and
- i Commercial.

With this in mind a multi-discipline team was involved in undertaking the scoring of each package against the various metrics. The EAST sift was proportionate to this early stage of the study, where complex modelling would not usually be applied, as per the recommended WebTAG approach.

### Summary of Appraisal of Packages

The results of the EAST appraisal demonstrate that Package D (Active Mode Improvements) and Package G (Behavioural Change) generally provide the best level of fit against the EAST metrics. It should, however, be noted that there was no weighting applied to each metric due to the stage of the study; if this was applied the overall scores and subsequent ranking would likely be impacted.

Given the early stage of the process of option development it was not proposed to discount any of the Packages. None of the Packages scored poorly in the detailed EAST appraisal and, as such, it was determined that no particular mode or theme should be discounted at this stage. The results of the EAST based appraisal highlighted that provision of measures targeting a range of themes should be

considered, and that a multi-modal package of interventions would be necessary to address the complex issues experienced in Malton and Norton.

## 5. IDENTIFICATION OF PREFERRED PACKAGE

Based on the outcomes of the sifting processes, an exercise was undertaken to combine the individual intervention scores against the study objectives (established as part of the Initial Sift), and the overall outcomes of the EAST based appraisal in order to formulate a draft Preferred Package for review at a stakeholder workshop.

Feedback provided at the workshop confirmed that the interventions comprising the draft Preferred Package was, overall, well supported, with one additional intervention (a new junction on A64 with Broughton Road (B1257)) being requested by stakeholders for inclusion ahead of the subsequent public consultation. The interventions making up the final Preferred Package are set out in **Table 2**, (in the accompanying Appendix); it includes interventions that are aspirational, with likely long timeframes for delivery, together with interventions where delivery may be possible over a short to medium timeframe. Timeframes and costs, set out in **Table 2**, are indicative high-level estimates only and would need to be determined based upon detailed scopes of work as interventions are brought forward for further work.

## 6. PUBLIC CONSULTATION

An online questionnaire consultation was undertaken, in April/May 2018, to better understand the level of support, from the wider public, for the Preferred Package proposals.

Over 290 responses were received and the results demonstrated that that the majority of respondents supported all of the interventions proposed as part of the Preferred Package, i.e. each intervention received in excess of 50% (ranging between 52% - 83%) of respondents agreeing or strongly agreeing to its inclusion in the Package.

## 7. NEXT STEPS

Further work will be required to move forward the interventions recommended as part of the Preferred Package. As such, NYCC and RDC have set up an officer working group to consider:

- i appropriate next steps and routes for delivery;
- i priority of interventions for progression; and
- i identification of funding.



Dale House  
Mount View Business  
Standard Way Business Park  
Northallerton  
DL6 2YD

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# MALTON & NORTON INFRASTRUCTURE AND CONNECTIVITY IMPROVEMENTS STUDY

Options Assessment Report - Executive  
Summary - Appendix





North Yorkshire **County Council & Ryedale District Council**

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**TYPE OF DOCUMENT (VERSION) INTERNAL**

**PROJECT NO. 70040023  
OUR REF. NO. 70040023-002**

**DATE: JULY 2018**

North Yorkshire **County Council & Ryedale District Council**

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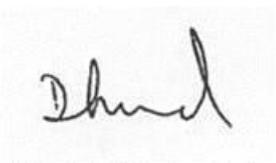
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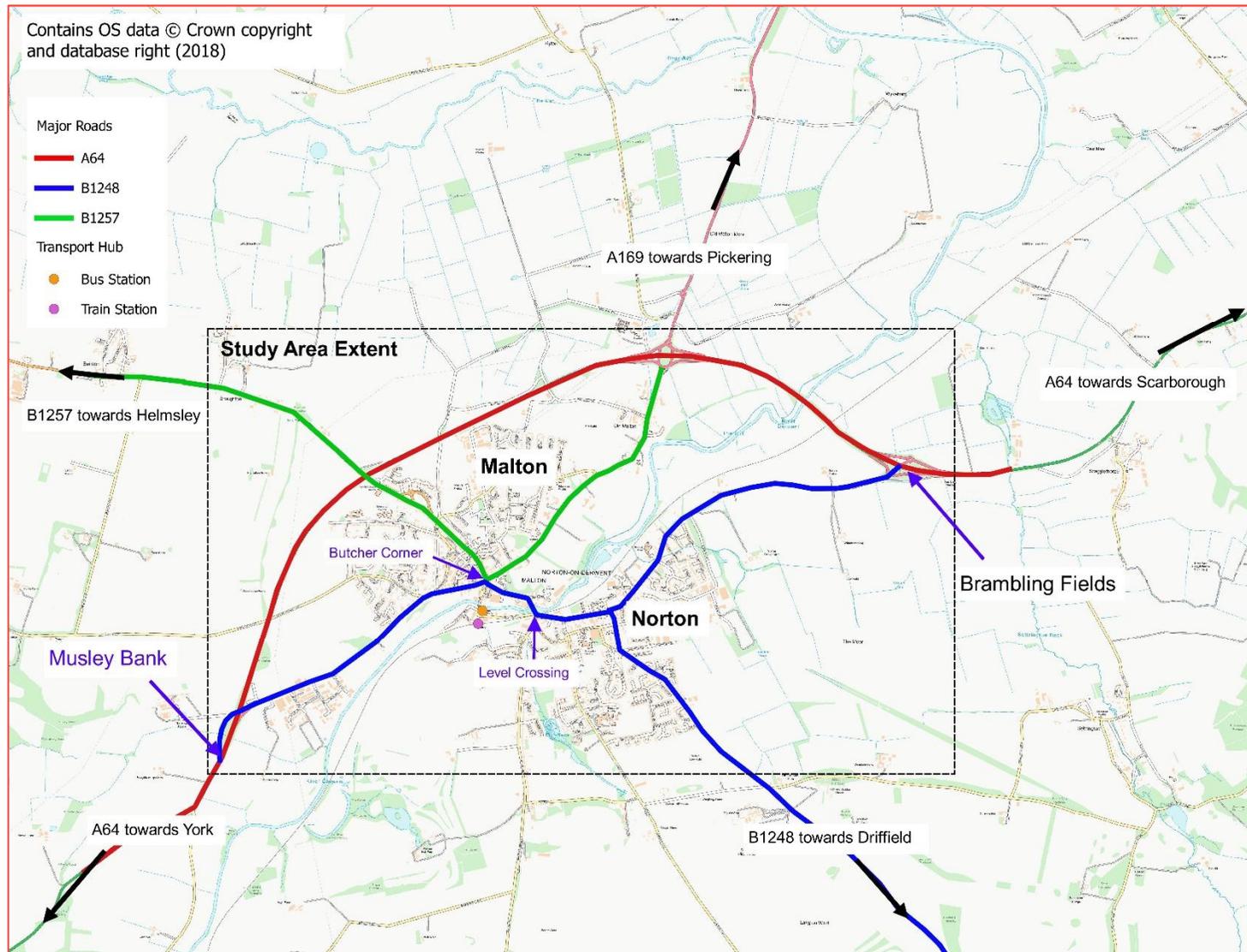
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DL6 2YD

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# QUALITY CONTROL

Issue/revision	First issue	Revision 1	Revision 2	Revision 3
Remarks				
Date	July 2018			
Prepared by	David Stannard			
Signature				
Checked by	Richard Jones			
Signature				
Authorised by	Richard Jones			
Signature				
Project number	70040023			
Report number	70040023-002			
File reference				

**Figure 1 – Study Area**





**Figure 2 – Strategic Objectives**

Ref.	Strategic Level Objectives
Enhance economic performance of the study area and improve opportunities for its residents	
SO-01	Support the sustainable growth of Malton and Norton, in accordance with national, regional and local policies, plans and strategies
SO-02	Support progress towards building a more resilient economy within the towns, by making it a more attractive place for investment, particularly for high value sectors and tourism related industries
SO-03	Support the aspiration for improvements to strategic east-west connectivity within the north
Improve efficiency and resilience of the transport system	
SO-04	Improve connectivity between Malton and Norton, and also between the towns and the wider Ryedale district
SO-05	Reduce traffic congestion in the towns, particularly at the identified 'hotspots' of Butcher Corner and in the vicinity of the level crossing
SO-06	Encourage modal shift to more sustainable modes of transport
Promote and support a sustainable built and natural environment	
SO-07	Improve air quality in the study area
SO-08	Protect and enhance the historical qualities, and the built and natural environment, of the study area
Improve safety and health for residents and visitors in the study area	
SO-09	Improve safety within the study area
SO-10	Contribute to improved health, wellbeing and quality of life of residents of Malton and Norton, and the wider Ryedale District

Figure 3 – Specific Objectives

Ref.	Specific Objective:	Contributes to Strategic Objectives										Supports Strategic Objectives									
		S01	S02	S03	S04	S05	S06	S07	S08	S09	S10	S01	S02	S03	S04	S05	S06	S07	S08	S09	S10
SPD-01	Improve journey times on underperforming sections of the transport network in the study area.			Orange	Yellow			Blue				Red	Red								
SPD-02	Improve network resilience, particularly relating to instances of flooding, accidents, road closures and associated long diversions.			Orange	Yellow	Green							Red						Blue		
SPD-03	Reduce traffic volumes, specifically the number of HGVs, on the local network within Malton and Norton, particularly those entering the AQMA				Yellow	Green		Blue	Blue			Red					Green			Dark Blue	Purple
SPD-04	Reduce the volume of traffic rerouting onto unsuitable roads				Yellow	Green				Dark Blue		Red									Purple
SPD-05	Reduce the number of incidents and casualties, particularly at the identified collision cluster sites and for Non-Motorised Users (pedestrians, cyclists and equestrians)						Green			Dark Blue	Purple	Red			Yellow				Blue		Purple
SPD-06	Increase levels of walking and cycling for utility purposes (non-sport or leisure) within the study area, particularly for shorter journeys undertaken within the towns themselves				Yellow	Green	Green	Blue			Purple	Red							Blue		
SPD-07	Encourage greater use of rail services, particularly for longer distance travel					Green	Green					Red	Red	Orange					Blue		
SPD-08	Improve bus and rail facilities including connectivity between, and to, the bus and rail stations	Red		Orange			Green		Blue						Yellow	Green		Blue			
SPD-09	Reduce existing issues of severance between Malton and Norton				Yellow	Green					Purple	Red	Red								
SPD-10	Contribute to a reduction in NO2 emissions, particularly within the AQMA							Blue	Blue												Purple
SPD-11	Enhance streetscapes and provide 'Greener' routes through the towns					Green	Green	Blue	Blue		Purple	Red			Yellow				Dark Blue		
SPD-12	Maximise accessibility of proposed development sites in the study area, particularly by more sustainable modes	Red	Red		Yellow	Green	Green											Blue	Blue		Purple
SPD-13	Improve access and connectivity, to and through Malton and Norton, from the wider district and beyond, by all modes of transport	Red	Red		Yellow												Green				
SPD-14	Improve provision and availability of affordable parking in appropriate locations across the study area, in particular to cater for the expected growth in rail usage		Red			Green						Red							Blue		Purple



**Table 1 – Potential Quick Wins**

Intervention Reference	Intervention Description
<b>QW01</b>	Provision of pedestrian crossing between bus / rail station (e.g. zebra crossing)
<b>QW02</b>	Provision of dropped kerb on north side of Norton Road opposite level crossing for wheelchair/accessibility scooters (to cross over Castlegate)
<b>QW03</b>	Provision of advanced stop lines and filter cycle lanes at key junctions and on routes to schools.
<b>QW04</b>	Provision of safe & secure cycle parking / storage near the station and within the towns of Malton & Norton
<b>QW05</b>	Improved parking signage to manage traffic flow from different directions and direct traffic to most appropriate car park
<b>QW06</b>	Sat Nav to use specific routes avoiding level crossing
<b>QW07</b>	Initiatives to encourage safe use of level crossing e.g. education / PR / enforcement
<b>QW08</b>	Measures to improve management / operation of level crossing – including consideration of, but not limited to: <ul style="list-style-type: none"> <li>i Improve communication between signaller and rail service;</li> <li>i Rail Infrastructure improvements and remodelling of the track layout to optimise speeds and crossing barrier down time (PT07).</li> <li>i Increase rail speed on the railway line through Malton - to reduce impact of barrier down time (PT08).</li> </ul>
<b>QW09</b>	Implementation of permanent Heavy Duty Vehicle Restriction <i>(Temporary/experimental order implemented in Feb 2018)</i>
<b>QW10</b>	Link traffic signals between Butcher Corner and the rail barrier signals to reduce impacts of barrier down time.
<b>QW11</b>	Provision of signage on the A64 to encourage routes that avoid Butcher Corner / Level Crossing

**Table 2 - Preferred Package**

**Short Term Interventions**

Intervention Reference	Intervention Description	Timeframe for delivery & Indicative Cost	Package/Assessment Comments
A	<p><b>Bus service connectivity improvements.</b></p> <p>This intervention will review current bus services and, where applicable, will seek additional service provision, in particular a service connecting key destinations within the towns and consideration of the potential for providing services that avoid impacts of the level crossing either through timetabling and/or routing. In addition, to ensure coordination of bus and rail timetabling to provide for onward connections.</p> <p><b>Potential Outcome</b></p> <p>This intervention aims to encourage use of public transport which would reduce impacts of congestion, and issues of poor air quality, in the towns by reducing the number of short trips being made by car.</p>	<p><b>Short timescale (&lt; 2 years)</b></p> <p>Unlikely to be significant timeframes involved, consultation with various stakeholders required.</p> <p><b>Medium cost: £150k – £300k</b></p>	<p><b>High score against objectives and formed part of the Public Transport Improvements package in the EAST sifting process.</b></p> <p>This intervention may encourage use of public transport which would reduce impacts of congestion and issues of poor air quality in the towns.</p> <p>Benefits provided by improved journey times and better accessibility to/from the towns by public transport, by enabling use of both bus and rail modes for longer travel through improved coordination of timetabling.</p> <p>There may be some deliverability issues relating to the need for agreement from different service providers and possible interactions with wider network of services. However, the doubling of train service frequencies should make co-ordinating rail and bus timetables easier.</p>



<b>B</b>	<p><b>Behaviour Change Measures</b> targeting local businesses, schools and new residential developments.</p> <p><b>Description</b></p> <p>Behaviour change education and measures would look to target local businesses, schools, and new housing developments, to encourage a change in travel behaviour for shorter journeys. This can also include, but is not limited to:</p> <ul style="list-style-type: none"> <li>i Working with businesses to manage their operations to reduce congestion e.g. reduce / restrict deliveries to times outside of level crossing closure hours;</li> <li>i Working with schools, businesses and new residents to promote alternatives to the car, helping to plan individual journeys and delivery of initiatives such as cycle training.</li> </ul> <p><b>Potential Outcome</b></p> <p>Walking, cycling and public transport have the potential to effectively substitute for short journeys currently being undertaken by car. Encouraging travel by more sustainable modes can remove these unnecessary car trips from local roads, helping to tackle congestion and poor air quality.</p>	<p><b>Short timescale (&lt; 2 years)</b> Could be implemented quickly.</p> <p><b>Very low cost:</b> <b>£10k</b> dependent upon delivery mechanism.</p>	<p><b>Mid-level score against objectives and formed part of the Behavioural change package in the EAST sifting process.</b></p> <p>Benefits resulting from reduced traffic volumes on the network, and reduction in associated adverse impacts. In particular in terms of reducing traffic volumes/congestion in the AQMA and improving journey efficiency.</p> <p>Engagement with employees and schools could encourage use of active modes for short journeys and make travel through the towns safer.</p> <p>There are no significant land or engineering issues affecting delivery.</p>
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### Medium Term Interventions

Intervention Reference	Intervention Description	Timeframe for delivery & Indicative Cost	Package/Assessment Comments
<b>C</b>	<p><b>Walkway and Bridge</b> to cater for pedestrians, cyclists and provide access for people with disabilities, over the railway line in the vicinity of Malton Station.</p> <p>The proposal is for a new bridge, for pedestrians and cyclists, over the railway line in the vicinity of the rail station. This would provide a pedestrian / cycle link between the towns, avoiding the need to use the level crossing.</p> <p><b>Potential Outcome</b></p> <p>A new bridge would provide an additional link across the railway line, improving walking and cycling trips within and across the towns. This is likely to reduce the number of short car trips and overall number of vehicles in the town centres, and within the Air Quality Management Area (AQMA), as well as at the level crossing. A bridge would also improve accessibility to the rail and bus stations, encouraging use of these modes.</p>	<p><b>Medium timescale (2 to 5 years)</b></p> <p>Planning, approvals, identification of land and construction will make the provision of the bridge a medium timescale measure.</p> <p><b>High cost: £1.5-3m</b></p>	<p><b>Very high score against the objectives and formed part of the Active Mode package in the EAST sifting process.</b></p> <p>This intervention will complement other elements, included in this package, which support / enable improvements at the station; this includes the provision of a second platform (PT6) and provision of a bus/rail interchange (LU1/PT2).</p>
<b>D</b>	<p><b>Improved Footpath and Cycle Links:</b> Walking and Cycling Strategy.</p> <p><b>Description</b></p> <p>A Strategy approach to considering walking and cycling improvements is proposed in order to ensure a coordinated approach for footpath and cycle provision and linkages across the towns. This will holistically</p>	<p><b>Medium timescale (2 to 5 years)</b></p> <p>Identification and implementation (design and build) of infrastructure may extend timeframes for delivery.</p>	<p><b>High score against the objectives and formed part of the Active Mode package in the EAST sifting process.</b></p> <p>Improved pedestrian and cycle links to the town centres and the station can encourage walking and cycling as well as use of bus and rail services due to easier connections and perceptions of improved safety. This can reduce private car trips, particularly for short trips and overall number of vehicles in the town centres providing improvements in relation to congestion, safety, the environment and reduced</p>



	<p>consider provision and possible improvements to include, but not limited to:</p> <ul style="list-style-type: none"> <li>i Way finding signage, between Norton and Malton and to and from the rail station.</li> <li>i Identify footway improvement requirements.</li> <li>i Identify cycle routes and infrastructure provision including consideration of routes on and off the main road network i.e. 'greener routes'.</li> </ul> <p><b><u>Potential Outcome</u></b></p> <p>Improved pedestrian and cycle links to the town centres, and to the rail and bus stations, has the potential to encourage walking and cycling, as well as use of bus and rail services, due to easier connections and improved safety. This could reduce car trips, particularly for short journeys, and therefore the overall number of vehicles in the town centres.</p> <p>Encouraging travel by active modes (walking and cycling) also provides benefits in terms of health and wellbeing.</p>	<p><b>Medium cost:</b> <b>Walking and Cycle Strategy including development and design of prioritised schemes: £50-60k</b> (Provision of routes off highway land will increase cost of delivery)</p>	<p>issues of severance. Encouragement of active mode use also provides benefits in terms of health and the economy therefore has multiple benefits</p> <p>There are issues relating to delivery due to lack of space (both on and off highway) within the towns to provide for new cycle/footway routes. This will need further investigation to test/consider provision of active mode enhancements so an overarching holistic strategy for walking and cycling to investigate viable options is suggested – possibly developing a Local Cycling and Walking Infrastructure Plan (LCWIP).</p>
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<b>E</b>	<p><b>Car Parking Strategy for the Ryedale District</b></p> <p><b>Description</b></p> <p>The proposed Car Parking Strategy would include a review of both on- and off-street car parking. It is acknowledged that a holistic strategy is required, rather than changes in individual parking locations, as alterations in one location can have impacts on car parking at other locations.</p> <p>A review of car parking, and implementation of recommended proposals, would aim to improve coordination of parking, and reduce the need to drive across the towns and the recognised congestion points, e.g. Butcher Corner and the level crossing. The Strategy would also recommend potential new parking regimes and additional provision requirements, in particular to support the additional rail services in the towns.</p> <p><b>Potential Outcome</b></p> <p>Specific car parking proposals arising from this study to be considered in the Strategy include, but are not limited to:</p> <ul style="list-style-type: none"> <li>i Potential for additional car parking north and south of the rail station.</li> <li>i Changes to the operation of St Nicholas Street Car Park.</li> <li>i Improved pick/up and drop off facilities at the railway station.</li> <li>i Provision of EV charging points across the towns.</li> </ul>	<p><b>Medium timescale (2 to 5 years)</b></p> <p>Relevant consultations, consents and legal issues required to prepare, design and adopt a parking strategy. Implementation of findings will extend timescales (likely beyond 5 years).</p> <p><b>Low Cost for provision of Car Parking Strategy: £65k - £90k</b> (depending upon level of data collection required)</p>	<p><b>Medium score against objectives and formed part of the Car Parking package in the EAST sifting process.</b></p> <p>A review of car parking, if then implemented, would improve coordination of parking within the towns, reducing demand for driving across the towns and managing the need for people to cross identified pinch points, e.g. Butcher Corner and the level crossing. It would also identify potential new parking regimes and additional provision requirements, and the locations to support this and the additional rail services.</p> <p>Car parking improvements would also encourage trips into the towns from further afield, promoting its position as a local service centre and visitor destination.</p> <p>Deliverability of a review/strategy is achievable in relatively short timeframes and some elements of parking changes can be low cost. Implementation of the strategy findings would extend delivery timescales and potentially increase costs.</p>
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	<p>i Consideration/review of Traffic Regulation Orders (restrictions) in place that impact car parking provision.</p> <p>Car parking improvements could also encourage more trips into the towns from further afield, promoting its position as a local service centre and visitor destination, with positive implications for the local economy.</p>		
<p style="text-align: center;"><b>F</b></p>	<p><b>Internal Junction Improvements and Traffic Signal Strategy</b></p> <p>The proposed Strategy would consider improvements to various junctions across the towns. An overarching strategy is required as changes to any one junction will impact the operation of others, and therefore measures need to be considered and tested as part of a towns-wide package.</p> <p><b><u>Potential Outcomes</u></b></p> <p>The Strategy will test and identify a package of improvements to junctions in order to improve operation and to optimise flows through the towns, including consideration of, but not limited to:</p> <ul style="list-style-type: none"> <li>i Junction improvements around the area of the level crossing.</li> <li>i Potential new traffic signals to manage traffic approaching level crossing from all directions.</li> <li>i New junction arrangement at Morrisons' access road / Castlegate junction to improve traffic flow.</li> </ul>	<p><b>Medium timescale (2 to 5 years)</b></p> <p>It will take time to gather data and model/test each junction in order to identify preferred options, consult and implement changes.</p> <p><b>Medium cost (for strategy only): £140k – £160k</b></p> <p>(Data collection, additional junction analysis and model runs would increase costs further, Implementation of recommendations is outside of the scope of this proposal)</p>	<p><b>Medium score against objectives and formed part of the Traffic Management package in the EAST sifting process.</b></p> <p>Junction improvements could provide benefits through increased capacity and improved road safety, facilitating traffic flow through the towns, and reducing impacts of congestion and poor journey times, in addition to reducing adverse impacts in the AQMA.</p> <p>No significant delivery or cost issues but testing of appropriate measures that complement each other will need to be undertaken in order to establish the most appropriate measures to be implemented.</p> <p>Alternatively, junctions can be amended to favour sustainable transport modes (likely to the detriment of vehicle flows) to encourage their use and reduce demand/attractiveness of driving in the towns.</p> <p>As any changes to junctions will interact/impact the operation of other junctions these measures need to be considered and tested as a holistic package.</p>

	<p>i Coordinated traffic light management system to ensure optimal operation of signals across the towns (e.g. SCOOT) in order to better manage traffic flows.</p> <p>Junction improvements could provide benefits through increased capacity and improved road safety, facilitating traffic flow through the towns, and reducing impacts of congestion and poor journey times.</p>		
<p><b>G</b></p>	<p><b>Relocation of Livestock Market</b></p> <p>This proposal is for the relocation of the Livestock Market to an out of town centre location.</p> <p>There is outline planning consent for this use at Eden Camp; the intervention is included in this package as it is considered an important element of improvements to the town centre and public realm.</p> <p><b><u>Potential Outcome</u></b></p> <p>Relocation of the Livestock Market would remove vehicle trips from the town centre, particularly large agricultural vehicles and HGVs, providing benefits in terms of reduced congestion, improved safety and a reduction in impacts within the AQMA.</p> <p>Removal from the town centre would also open up opportunities for redevelopment of the area (which experiences ad-hoc car parking) to complement other improvements in the town centre and the Car Parking Strategy.</p>	<p><b>Medium timescale (2 to 5 years)</b></p> <p>Time needed for design, consultation and gaining relevant permissions and consents for provision of new market at proposed new location.</p> <p><b>Medium cost:</b></p> <p>Costs would be borne by the developers/owners of the site</p>	<p><b>Medium score against objectives and formed part of the Land Use package in the EAST sifting process.</b></p> <p>Relocation of the Livestock Market would remove vehicle trips from the town centre, particularly large agricultural vehicles/HGVs, providing benefits in terms of reduced congestion, improved safety and a reduction in adverse impacts in the AQMA. However, it should be considered that this may displace issues elsewhere.</p> <p>There is outline planning consent for this use at Eden Camp, and therefore a route to delivery; removal from the town centre would open up opportunities for redevelopment of the area (which experiences ad-hoc car parking) to complement other improvements in the town centre and the Car Parking Strategy.</p>



**Long Term Interventions**

Intervention Reference	Intervention Description	Timeframe for delivery & Indicative Cost	Package/Assessment Comments
H	<p><b>Transport Hub / Interchange Masterplan</b></p> <p>It is proposed to carry out a Masterplanning exercise for the area around the bus and rail stations, including Norton Road, with the aim of developing an attractive transport interchange / hub.</p> <p><b>Potential Outcome</b></p> <p>It is considered that providing a more attractive area around the bus and rail stations would increase uptake of public transport, helping to reduce the impacts of congestion and poor air quality in the towns as a result of car trips, as well as providing enhancements to the attractiveness of the towns' gateway.</p> <p>The proposal also complements other interventions involving the rail station, increased service frequencies, and improved accessibility in this area.</p>	<p><b>Medium timescale (2 to 5 years)</b></p> <p>Medium timescales involved in developing a masterplan for the area around the bus and rail stations, involving significant consultation.</p> <p>Construction and permission required for development and changes of use would extend timescales and costs further.</p> <p><b>Medium cost for Masterplan: £100k – £150k</b></p>	<p><b>Very high score against objectives and formed part of the Public Transport Improvements and Land Use packages in the EAST sifting process</b></p> <p>This intervention scored 'very high' against objectives as it could provide multiple benefits from increased uptake in use of public transport, helping to reduce the impacts of congestion and poor air quality in the towns as well as provide enhancements to the attractiveness of the gateway to the town.</p> <p>The proposal also complements other interventions involving the rail station and improved accessibility in this area.</p>

<p>I</p>	<p><b>Provision of Second Platform at Malton Railway Station</b></p> <p>This intervention considers the potential for the introduction of a second platform on the southern side of the railway line, together with access, particularly for cyclists and pedestrians. Vehicular access and potential additional parking would be investigated, including an assessment of highways impacts, to identify deliverable measures.</p> <p><b><u>Potential Outcome</u></b></p> <p>A second platform would facilitate a reduction in vehicle trips across the level crossing, by providing direct access to the railway station from Norton and other areas to the south. This may, in turn, result in greater uptake of walking and cycling in the town as well as the use of rail services.</p> <p>This intervention complements a number of other proposals relating to the improvement of the railway station in particular access to the station.</p>	<p><b>Long timescale (5 to 10 years)</b></p> <p>Long timeframes involved in delivery due to identification of appropriate access, land acquisition and gaining relevant permissions.</p> <p><b>Very high cost: £4-£5m</b> (footbridge costs are not included – see Intervention C)</p>	<p><b>Very high score against objectives and formed part of the Public Transport Improvements package in the EAST sifting process.</b></p> <p>A second platform would reduce trips across the level crossing by providing direct access to the railway station from Norton and areas to the south. This may in turn result in greater uptake of walking and cycling in the town as well as use of rail services.</p> <p>High costs and potential difficulties in providing access, as well as the need for support from Network Rail in order to deliver, results in this being an aspirational scheme which would have a long timescale for delivery.</p> <p>This intervention complements a number of other proposals relating to the improvement of access to the railway station, adding combined benefit/greater impact.</p>
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<p><b>J</b></p>	<p><b>Provision of a New All Movements Junction between A64 and Broughton Road</b></p> <p>This intervention is for the provision of a new all movements junction between the A64 and Broughton Road (B1257).</p> <p><b><u>Potential Outcome</u></b></p> <p>This scheme has been proposed as it would provide access to A64 for areas to the northwest of the towns, while avoiding the need to travel into / through Malton in order to access the A64. This could potentially reduce levels of traffic within the towns, leading to reduced congestion and improvements in air quality and safety.</p>	<p><b>Long timescale (5 to 10 years)</b></p> <p>Time consuming to achieve all relevant consents and permissions and to identify and secure funding, as well as design and build timescales.</p> <p><b>Very high cost: £10m-£15m</b></p>	<p><b>Very high score against objectives and formed part of the Major Road Improvements package in the EAST sifting process.</b></p> <p>This intervention can provide benefits through provision of alternative routes in the town avoiding the need for travel across some of the identified pinchpoints e.g. level crossing and Butcher Corner. This would reduce traffic volumes (particularly HGVs) in the towns and would improve journey times and reduce congestion and resulting impacts on the AQMA. The scheme would also result in resilience benefits by providing greater accessibility to/from the towns and the wider area.</p> <p>This intervention was added to the preferred package following stakeholder/public feedback. However, it is noted that deliverability of this scheme may be problematic as provision of additional junctions to the Strategic Road Network are usually only supported where it would be essential for the delivery of strategic planned growth, additionally, the design and cost of a new junction may be prohibitive. The creation of new accesses to the Strategic Road Network (including the A64) can impact its ability to fulfil the function of facilitating the safe and effective movement of goods and people in support of economic growth by compromising traffic movement and flow.</p>
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<p><b>K</b></p>	<p><b>Upgrade A64 Musley Bank Junction - to provide an all movements junction</b></p> <p>This proposed scheme consists of improvements that would result in an all-movements junction at the existing Musley Bank / A64 / York Road (B1248) junction, to the west of Malton.</p> <p><b><u>Potential Outcome</u></b></p> <p>This scheme would provide improved connections to the A64 enabling some journeys to avoid the need for travel through the towns, across the level crossing and through Butcher Corner. This would reduce traffic volumes within the towns, improve journey times, reduce congestion and provide benefits within the AQMA. The scheme would also provide better access to and from the towns from the wider district.</p>	<p><b>Long timescale (5 to 10 years)</b></p> <p>Time consuming to achieve all relevant consents and permissions and to identify and secure funding, as well as design and build timescales.</p> <p><b>Very high cost: £5m-£7.5m</b></p>	<p><b>Very high score against objectives and formed part of the Major Road Improvements package in the EAST sifting process.</b></p> <p>This intervention will deliver benefits by providing improved connections to the A64, enabling some journeys to avoid the need for travel through the towns and across the identified pinch points e.g. level crossing and Butcher Corner. This would reduce traffic volumes (particularly HGVs) in the towns and would improve journey times and reduce congestion and resulting impacts on the AQMA. The scheme would also result in resilience benefits by providing greater accessibility to/from the towns and the wider area.</p> <p>There are high costs associated with implementation. HE would need to deliver the scheme and, as such, it would require their relevant approval/support, leading this to be a long term aspirational scheme.</p> <p>This scheme is included rather than provision of a new junction on the A64 (i.e. Broughton Road) as improving an existing junction may be more acceptable to HE and other stakeholders, with additional junctions potentially creating delay on the strategic network.</p>
<p><b>L</b></p>	<p><b>Link road between Beverley Road and Hugden Way</b></p> <p>Provision of this link road is a requirement of the proposed housing allocation in the emerging Local Plan (<i>under Policy SD3 Housing Allocation - Land to the east of Beverley Road, Norton: Development Principles</i>) but could potentially be delivered earlier if funding could be identified.</p> <p><b><u>Potential Outcome</u></b></p> <p>The proposed link road would improve accessibility to and from a number of</p>	<p><b>Long timescale (5 to 10 years)</b></p> <p>Time needed for design, consultation and gaining relevant permissions and consents for provision of infrastructure.</p> <p><b>High cost: £2.5-4.5m</b></p>	<p><b>High score against objectives and formed part of the Major Road Improvements package in the EAST sifting process.</b></p> <p>The main benefits of this scheme are the improved accessibility to/from proposed development sites and the contribution to a reduction of traffic volumes through the town centres through providing alternative routes away from the town centre.</p> <p>The scheme could also offer resilience to flooding/road closures by providing greater permeability of the towns.</p> <p>The route to delivery is primarily via the development of the proposed housing allocation at this location, as set out in</p>



	<p>proposed development sites, and would contribute to a reduction in traffic through the town centres by providing alternative routes.</p>		<p>the Local Plan (unless alternative funding becomes available).</p>
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Dale House  
Mount View Business  
Standard Way Business Park  
Northallerton  
DL6 2YD

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## Annex 2 – Summary of Quick Wins & Proposed Next Steps

Ref	Potential Quick Win	Proposed Lead	Next Steps / Implementation
QW01	Provision of pedestrian crossing between bus / rail station (e.g. zebra crossing)	NYCC	Site surveys, initial designs, cost estimates & consultations
QW02	Provision of dropped kerb on north side of Norton Road opposite level crossing for wheelchair/accessibility scooters (to cross over Castlegate)	NYCC	Site surveys, initial designs, cost estimates & consultations  (This intervention is about small-scale improvements to accessibility at this junction in the short term)
QW03	Provision of advanced stop lines and filter cycle lanes at key junctions and on routes to schools.	NYCC	Site surveys, initial designs, cost estimates & consultations
QW04	Provision of safe & secure cycle parking / storage near the station and within the towns of Malton & Norton	NYCC / RDC	TPE have already installed additional cycle parking facilities at Malton Station with contributions from RDC and NYCC  Identify additional appropriate locations, site surveys, designs, cost estimates
QW05	Improved parking signage to manage traffic flow from different directions and direct traffic to most appropriate car park	NYCC	Review of existing parking signage and develop improvements as appropriate
QW06	Sat nav to use specific routes avoiding level crossing	NYCC	Contact Sat Nav providers to request default routes avoid level crossing

QW07	Initiatives to encourage safe use of level crossing e.g. education / PR / enforcement	NYCC	Develop proposals for education / PR / enforcement
QW08	<p>Measures to improve management / operation of level crossing – including consideration of, but not limited to:</p> <ul style="list-style-type: none"> <li>• Improve communication between signaller and rail service;</li> <li>• Rail Infrastructure improvements and remodelling of the track layout to optimise speeds and crossing barrier down time (PT07)</li> <li>• Increase rail speed on the railway line through Malton - to reduce impact of barrier down time (PT08)</li> </ul>	<p>NYCC (initial approach)</p> <p>Network Rail (implementation)</p>	Develop initial proposals, detailed work with Network Rail to identify/agree practical / deliverable measures
QW09	Implementation of permanent Heavy Duty Vehicle Restriction (temporary/experimental order implemented in Feb 2018)	NYCC	<p>Undertake early review of operation of existing temporary restriction</p> <p>Prepare to implement permanent restriction prior to temporary restriction expiring (subject to findings of review)</p>
QW10	Link traffic signals between Butcher Corner and the rail barrier signals to reduce impacts of barrier down time.	NYCC	Develop proposals – potentially for temporary trial to assess impact (rather than await development of new traffic model), consultation with Network Rail

QW11	Provision of signage on the A64 to encourage routes that avoid Butcher Corner / Level Crossing	NYCC (initial approach) Highways England (future work)	Review existing signage and develop new signs as appropriate
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### Annex 3 – Summary of Preferred Package and Intervention-Specific Recommended Next Steps

Ref	Package Title	Proposed Lead	Next Steps / Implementation
A	Bus Service Connectivity Improvements	NYCC	<p>Seek further details / analysis and consider potential connectivity improvements prior to decision on potential funding contribution.</p> <p>[Suggestions received for an Electric Hopper local bus service – for which a contribution has been requested from RDC]</p>
B	Behaviour Change Measures	NYCC	Identify and secure external funding as appropriate
C	Walkway & Bridge for pedestrians & cyclists to access Malton Station from the South	<p>RDC</p> <p>Or Joint RDC / NYCC</p>	<p>Initial options appraisal work required to identify appropriate location – would require allocation of funding</p> <p>Working with NYCC, an approach to rail industry (DfT, Network Rail, Transport for the North etc.) to establish level of support, scope for project development, funding sources [potential to link with I]</p> <p>Initial indications are that estimated costs could be in the region of £300k to £500k (at this stage the range of possible costs is broad as the scope of potential options to be considered is not yet defined and any appraisal would have to follow detailed process required by Network Rail)</p> <p>Members' views are requested regarding:</p> <ul style="list-style-type: none"> <li>i) The Council's role in further project development role</li> <li>ii) An appropriate funding allocation towards the cost of project development</li> </ul>
D	Improved Footpath & Cycle Links via Walking & Cycling Strategy	NYCC	<p>Commence development of Cycling &amp; Walking Strategy for Malton / Norton</p> <p>NYCC to prioritise Malton and Norton in future funding rounds of the national LCWIP approach</p>

E	Car Parking Strategy for Ryedale District	RDC	<p>Work in partnership with NYCC to develop joint on and off-street parking strategy for the District</p> <p>Potential to focus on Malton / Norton as initial phase to tie in with rest of project development work and Public Sector Hub development</p> <p>Car Parking strategy is closely linked to the transport modelling and junction improvements below as the outcomes are likely to have an impact on traffic flows</p> <p>[Contribution requested from NYCC and development of brief commenced and being progressed with a view to appointing WSP to develop strategy]</p>
F	Internal Junction Improvements & Traffic Signal Strategy	NYCC	<p>NYCC to approve use of remaining A64 Brambling Fields 'Complimentary Measures' budget towards project development and implementation, including implementation of quick wins and the proposed detailed studies</p> <p>Commence development of brief for strategy – including development of new/updated traffic model for the towns (including initial data gathering) which is required before the potential impacts of proposals can be fully assessed</p>
G	Relocation of Livestock Market out of Malton Town Centre	RDC	<p>Continue ongoing work with partners to secure relocation of the LSM</p> <p>[Separate report to P&amp;R refers]</p>
H	Transport Hub Interchange	RDC	An approach to landowners and partners to explore appetite to progress and submit future request to Council for funding a master plan if there is local support
I	Provision of second rail platform	<p>Joint RDC/NYCC (initial approach)</p> <p>Network Rail (future work)</p>	Working with NYCC, approach the rail industry (DfT, Network Rail, Transport for the North etc.) to establish level of support, scope for project development, funding sources [potential to link with C]

J	Provision of a new All Movements junction between a64 and Broughton Road	Joint RDC / NYCC (initial approach) Highways England (future work)	Working with NYCC, approach to Highways England to seek formal their formal view given public consultation outcomes on the Connectivity Study  [The HE would normally only support a NEW junction on the Strategic Road Network where this facilitates strategic levels of growth – which is not the case in this instance]
K	Upgrade A64 Musley Bank Junction to an All Movements Junction	Joint RDC / NYCC (initial approach) Highways England (future work)	Working with NYCC, approach to Highways England to seek formal their formal view
L	Link Road between Beverley Rd and Hugden Way	RDC	Continue on-going discussions with developer to provide this link as part of a housing scheme in this area

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## Annex 4 – A Summary of the Community Consultation Results

Level of Agreement	Intervention											
	Bus Service Connectivity Improvements	Behaviour Change Measures	Walkway and Bridge (for pedestrians and cyclists)	Improved Footpath & Cycle Links – Walking and Cycling Strategy	Car Parking Strategy for the Ryedale District	Internal Junction Improvements and Traffic Signal Strategy	Relocation of Livestock Market	Transport Hub/Interchange masterplan	Provision of Second Rail Platform at Malton Station	New All Movements Junction between A64 and Broughton Road	Upgrade A64 Musley Bank Junction	Link road between Beverley Road and Hugden Way
<b>1. Strongly Agree</b>	80	71	167	109	93	142	106	70	95	189	177	152
<b>2. Agree</b>	96	79	73	92	109	99	64	91	69	55	57	69
<b>3. Neutral</b>	95	102	33	60	67	35	81	97	90	26	50	57
<b>4. Disagree</b>	22	29	16	25	18	11	22	24	28	15	4	5
<b>5. Strongly Disagree</b>	1	9	6	7	7	4	18	10	10	8	3	8
<b>Agree</b>	176 (60%)	150 (52%)	240 (81%)	201 (69%)	202 (69%)	241 (83%)	170 (58%)	161 (55%)	164 (56%)	244 (83%)	234 (80%)	221 (76%)
<b>Neutral</b>	95 (32%)	102 (35%)	33 (11%)	60 (20%)	67 (23%)	35 (12%)	81 (28%)	97 (33%)	90 (31%)	26 (9%)	50 (17%)	57 (20%)
<b>Disagree</b>	23 (8%)	38 (13%)	22 (7%)	32 (11%)	25 (9%)	15 (5%)	40 (14%)	34 (12%)	38 (13%)	23 (8%)	7 (2%)	13 (4%)

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## Annex 5 – Summary of supplementary proposals received following public consultation

Nature of Proposal	Summary of proposal	Submitted by	Date Added
<b>Potential Short / Medium Term Proposals:</b>			
<b>Community / Public Transport</b>	Half-hourly electric 'hopper' bus trial	John Patten (on behalf of Ryecat)	24/05/2018
<b>Junctions, traffic signals etc</b>	Alter Welham Road/Church Street/Castlegate junction to non-standard mini roundabout (with priority for those entering from Castlegate	Tim Coyne (based on previous proposals from Traffic Team)	24/05/2018
<b>Junctions, traffic signals etc</b>	One-way system (various options) - Castlegate, County Bridge, Norton Road, Railway Street	Steve Mason (on behalf of Lib Dems)	24/05/2018
<b>Junctions, traffic signals etc</b>	One way system - Church Street, Langton Rd, St Nicholas Street	Steve Mason (on behalf of Lib Dems)	24/05/2018
<b>Car Park Strategy</b>	Electric charging points at station / car parks	Graham North	24/05/2018
<b>Grants / Licencing</b>	Encourage taxis at rail station to adopt electric vehicles	Graham North	24/05/2018
<b>Junctions, traffic signals etc</b>	Reconsider railway crossing priorities	Malton Town Council	21/06/2018
<b>Major road/junction improvements</b>	Four-way junction from Broughton Road to A64	Malton Town Council	21/06/2018
<b>Major road/junction improvements</b>	York Road / Musley Bank junction should be improved	Malton Town Council	21/06/2018
<b>Junctions, traffic signals etc</b>	A one-way system in Malton town centre should be investigated	Malton Town Council	21/06/2018
<b>Development Management</b>	No additional development beyond the numbers specified in Ryedale Local Plan should be allowed until the infrastructure issues have been resolved	Malton Town Council	21/06/2018
<b>Review Local Plan</b>	The Ryedale Plan requires amendment, so as to ensure that country areas take their fair share of new development	Malton Town Council	21/06/2018
<b>General</b>	Subject to the above, Malton Town Council supports the additional rail services in principle	Malton Town Council	21/06/2018

<b><i>Longer Term or 'Blue Sky Thinking' Proposals:</i></b>			
<b>Major rail infrastructure project</b>	Raise railway through towns on a viaduct to allow vehicles to pass underneath, with raised platforms	Graham North	24/05/2018
<b>Major Town Centre infrastructure project</b>	New raised roundabout (opposite current station), road ramp from Railway Street, road bridge over railway and new link road to Welham Road, closure of level crossing (inc demolition of station buildings and buildings on 'island' defined by Railway Street, Yorkersgate, Castlegate, Wells Lane)	Gerald Cosens	
<b>Major change to Planning Policy</b>	"New Malton Green" - New Town 'island' built in flood-plain to sustainable principles, with tramway to Malton	Simon Thackray	24/05/2018



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**REPORT TO:** FULL COUNCIL

**DATE:** 6 SEPTEMBER 2018

**SUBJECT:** PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 26 JULY 2018

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**21 Malton Livestock Market**

Considered – Report of the Specialist Services Lead

**Recommendation**

2.1 That the Council approves in principle to lead the development of a relocated Livestock Market for Ryedale conditional upon:

- a) the preparation of a business case for the new Malton Livestock Market and
- b) the preparation of a detailed specification for the new Malton Livestock Market, to include additional facilities to support sustainability and deliver a return to the Council and a revised cost plan based upon this.

2.2 That £150,000 to be made available to support the development of a business case, specification and procurement exercise for the preferred Option 2.

**Voting record**

6 For  
3 Against  
1 Abstention

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>26 JULY 2018</b>
<b>REPORT OF THE:</b>	<b>SPECIALIST SERVICES LEAD GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>MALTON LIVESTOCK MARKET</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 The report seeks support from Council to develop a relocated Livestock Market for Ryedale.

### **2.0 RECOMMENDATION**

- 2.1 That the Council approve in principle to lead the development of a relocated Livestock Market for Ryedale conditional upon:
- a) the preparation of a business case for the new Malton Livestock Market and
  - b) the preparation of a detailed specification for the new Malton Livestock Market, to include additional facilities to support sustainability and deliver a return to the Council and a revised cost plan based upon this.
- 2.2 That £150,000 to be made available to support the development of a business case, specification and procurement exercise for the preferred Option 2.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 The Malton Livestock Market is the last remaining livestock market in Ryedale and is greatly valued by the local farming and wider community. The livestock market is considered to be integral to the District's economy, its cultural heritage and its identity. Its presence in Ryedale provides a sustainable focus for the sale and purchase of livestock, helping to reduce food miles and it encourages the trend towards local food production. The local livestock market also helps to reduce the distance that livestock is transported which is considered to be beneficial in terms of animal welfare matters.
- 3.2 The retention of a livestock market within the District is considered to be a vital part of the Council's approach to the land based economy which seeks to support the

traditional components of economic activity based around agriculture and associated businesses.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 Residual value of the asset should the relocated livestock market fail. This risk is mitigated by the Council owning the land, which would be transferred from the current owner to RDC as part of the development. The value of the additional facilities, the office block, would remain. The site of the proposed relocated livestock market has a higher value as serviced land than as a functioning livestock market.
- 4.2 The ability of the Auctioneers to pay the rent for the new livestock market. The business plan will make clear that the rent of £20k is reasonable and achievable and may be increased as the livestock market develops the business through the new facility.
- 4.3 Failure to rent the office facilities. Pre-lets would be agreed for the facility.
- 4.4 An indicative plan and elevation of the new livestock market facility showing the pens, sale ring, associated offices and retail letting space and café is attached at Annex 1 to this report.
- 4.5 A new livestock market for Ryedale will not be possible without the support of and investment by the Council. Without this level of investment to relocate it is unlikely that the Malton Livestock Market operating in its current location in the centre of Malton is sustainable.

#### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 Council Plan – Priorities - Sustainable Growth.

The Council seeks to promote a strong economy with thriving businesses and supporting infrastructure for future generations. Capitalising on our culture, leisure and tourism opportunities.

- 5.2 LDF – The Ryedale Plan - Local Plan Strategy was adopted in September 2013.

Para 2.28 of the plan states,

Within Ryedale a significant proportion of the workforce is employed in traditional manufacturing and agricultural sectors. Although these activities have experienced decline over the past decade they remain core elements of Ryedale's economy and are likely to experience further restructuring in the future.

The Aspirations and Strategy section of the plan goes on to state,

Aim 1.

To create opportunities to retain and create jobs, skills and prosperity and to develop adverse and resilient economy that supports an ability to live and work in Ryedale.

Objective 8.

Support new and existing businesses with the provision of a range of employment sites and premises, including higher quality purpose built sites, principally at the market towns.

## Ryedale Plan Local Plan Strategy - Section 5 The Economy

- 5.1 A strong and healthy economy is integral to the quality of life, prosperity and sense of personal security of residents of the District.
- 5.2 A large part of Ryedale's economy is inextricably linked to its geography. As a predominantly rural area, agriculture is a traditional sector of the economy across the District. Tourism has a strong presence particularly in northern Ryedale where it is centred on specific visitor attractions, the picturesque settlements of Helmsley, Pickering and Thornton-le-Dale and attractive landscapes, including the North York Moors National Park. Throughout history the District's Market Towns have been hubs of economic activity. They are the main centres of manufacturing, retailing and service and leisure based economic activity. The City of York exerts influence in the southern and western parts of Ryedale in terms of commuting patterns and retail expenditure.
- 5.3 Ryedale's economy appears strong; enjoying relatively high levels of business start-ups and low levels of unemployment. Underlying these headline figures however, the District's economic base remains dependent on traditional sectors or a small number of large businesses which are vulnerable to wider national and international changes. To help to increase local wage levels, retain and attract young people, reduce out commuting and ensure a more skilled workforce in the longer term, it will be essential to diversify the District's economy to reduce dependence on vulnerable sectors and to foster a wider choice of employment opportunities. Lifting wage levels locally will also assist in addressing some of the significant housing needs of young and working people through the open market.

Paras 5.34 -36 go on to state;

- 5.34 Land-based economic activity is integral to the District's economy, cultural heritage and identity. Farming, forestry and the equine industry, in particular horse racing, have all been longstanding and traditional components of economic activity. Many of these activities have helped to ensure that Ryedale's valued landscapes are carefully and sensitively managed. In Ryedale the role of local Estates has been a significant factor in influencing rural economic activity and management of the landscape.
- 5.35 However the land-based sector, and in particular agriculture, has undergone considerable restructuring over the post war period, and is set to continue to restructure as a consequence of both local and global changes. These changes are happening at a rapid rate, can be difficult to predict and are likely to exert a combination of positive and negative pressures on the District's rural economy. This Strategy is intended to support and be flexible to the needs of those who rely on the land-based economy. It also supports new opportunities that may arise from future changes. These range from alternative cropping to renewable energy schemes. It is essential that these new land uses and economic activity must be supported and encouraged where appropriate if Ryedale's countryside is to continue as the living and working countryside that is intrinsic to Ryedale's cultural identity.
- 5.36 Malton Livestock Market is the last remaining livestock market in Ryedale and is greatly valued by the local farming and wider community. It provides a local sustainable focus for the sale and purchase of livestock, reducing food miles and encouraging the trend towards local food production. The Council

considers that the current livestock market is an important use that should be retained in Ryedale. Following the grant of outline planning consent for redevelopment of the current livestock market site, it is very likely that the livestock market will vacate its current location. It is important that any new site for a livestock market reflects the balance of maintaining links to a Market Town in Ryedale but also ensures that it is acceptable taking into account other matters such as highways, amenity, visual impact, character and setting.

Policy SP6 of the Local Plan Strategy makes the focus for employment allocations at Malton and Norton on sites within and adjacent to the built up areas of the towns,

Policy SP9 The Land Based and Rural Economy goes on to state that the land based economy will be sustained and diversified with support for ....new buildings that are necessary to support land based activity and in a working countryside, including farming. A copy of Policy SP9 is attached together with the explanatory text at Annex 2

And indirectly by supporting.... The retention of a livestock market within Ryedale on a site which is convenient to users, well related to the road network and in allocation which is close to a market town but will not harm its character, landscape setting or the amenities of nearby residents.

### 5.3 Ryedale Economic Action Plan 2016-20

The Plan was first developed in conjunction with the Local Enterprise Partnership (LEP). Local Growth funding has been achieved at Eden Camp for an agri-business park and there has been a Food Enterprise Zone (FEZ) designated.

The current Plan focuses on “Doing what Matters for Ryedale”-dealing with concepts and priorities that have a particular resonance for Ryedale. Delivery of the FEZ is one of the identified priority projects for between now and 2020.

### 5.4 Financial Strategy – use of assets for income generation

The Council’s Financial Strategy notes that:

“The Council’s policy is to maintain its contingencies, balances and reserves at levels that are prudent but not excessive. With the outlook for 2017/18 and beyond being very tough, and the scale and risk of achieving cost reduction being high, any reserves identified as being surplus should be prioritised to invest-to-save schemes and, if required, to smooth the curve of cost reduction in the light of timescales needed to drive costs out.”

The Council’s Commercialisation and Income Generation Policy notes that:

“Developing business opportunities for the Council and optimising income” is a Council priority and that to maximise business opportunities and income generation, the Council’s action will include:

- Supporting investment opportunities including in major projects to deliver a return on investment to support the revenue budget
- Developing new opportunities for chargeable services, which are competitive within the local market

- 5.5 Regular briefings held with Resources Working Party and Group Leaders, a number of meetings with all interested parties

## REPORT

### 6.0 REPORT DETAILS

- 6.1 In addition to the policy context set out above Members will be aware that planning permission was granted in March 2015 for a new livestock market and associated commercial development on an extensive site at Land off Edenhouse Rd, Old Malton under planning permission reference 14/00426/MOUTE. This was an outline planning permission and to date no reserved matters have been submitted in respect of the livestock market element of the proposal. The permission however has an extended period for the submission of reserved matters and remains extant. A copy of the decision notice and the submitted illustrative layout plan is at Annex 3 to this report showing the various parcels of land covered by the outline permission. The livestock market is shown on the western parcel of land annotated as 'Western Site' on the plan which remains the location of the proposed livestock market and associated facilities.
- 6.2 The above mentioned planning permission was the subject of 'linked' developments elsewhere in the town and is the subject of a s106 agreement which derived a significant developer contribution toward the relocation of the livestock market and associated infrastructure at Eden Camp. A sum of £500k remains available towards the provision of the livestock market and this is referred to in the costings set in more detail in the report below.
- 6.3 The FEZ Local Development Order (LDO) was adopted in February 2016. The effect of the order is to grant detailed planning permission to particular classes of development which are specified in the order. Subject to meeting the requirements of the LDO and the accompanying design code this means that there are greater freedoms for business on the site. Nevertheless despite initial infrastructure being carried out on site, including significant roadworks and a new roundabout together with a surface water attenuation lagoon, development on site and take up of the FEZ Local Development Order has been slow.
- 6.4 The cost of a new livestock market is estimated to be in the region of £3m. A number of previous studies have been undertaken to scope the design and cost of a livestock market. These are however now aged and it is proposed that a costing exercise be undertaken if Members were to support the principle of investing in a livestock market. Further the two options detailed below serve to illustrate that investment in a basic livestock market will not deliver an acceptable level of return on the investment required for the Council. There are therefore two options outlined below, one for a new livestock market and the other for a livestock market with ancillary facilities which deliver an improved return on investment.
- 6.5 Option 1 – Livestock Market

This option would require investment of an estimated £2.2m from the Council. The Council would be given the land and would own the livestock market on behalf of the community. The livestock market would pay £20k in rent initially with the potential for this to increase, depending on the success of the market. The land is estimated to have a value of £0.75m. The operators of the livestock market would be the auctioneers.

Estimated build cost	£3m
Section 106 contribution	£0.5m
Auctioneers Pledged capital Contribution	£0.3m
RDC Funding requirement	£2.2m
Rental from LSM Operator – the auctioneers’	£20k pa
Rate of return on investment of less than 1%	

#### 6.6 Option 2 – Livestock Market Plus Ancillary Facilities

This option would require an investment by the Council estimated to be £3.2m. The Council would be given the land and would own the livestock market facility and the ancillary facilities on behalf of the community. The ancillary facilities would include an office block to include businesses and education providers to compliment the operation of the livestock market. The rental from the operator of the livestock market, the auctioneers would initially pay £20k per annum. The rental to be achieved from the ancillary facilities would be an estimated £80k per annum

Estimated build cost	£3m
Ancillary buildings	£1m
Section 106 contribution	£0.5m
Auctioneers Pledged capital Contribution	£0.3m
RDC Funding requirement	£3.2m
Rental from LSM Operator – the auctioneers’	£20k pa
Rental from ancillary buildings	£80k pa
Rate of return on investment of at least 3%	

Other livestock markets which have been developed recently, such as those at Thirsk and Skipton, sustain their livestock sales with other events and activities. This would have to be the case at a new livestock market facility in Malton. This does however require a higher specification of building than was perhaps originally envisaged for the relocated livestock market.

#### 6.7 Option 3 – Do Nothing

This option would involve no input from the Council whatsoever. There is however a serious risk that in this scenario that the Malton Livestock Market will be unable to continue to operate from its current site in the centre of Malton and no other alternative site has been identified. The loss of the livestock market from Ryedale would have serious economic impacts and have a significant adverse effect on the District’s cultural heritage and identity.

#### Preferred Option

The preferred option is Option 2. The reasons are that the Livestock Market Plus Ancillary Facilities option enables a reasonable rate of return on investment for the Council. The basic livestock market option does not have the same potential to deliver a return on investment and is not recommended by officers. The ancillary facilities at a cost of £1m are likely to deliver a return on investment at a rate of 8%, compensating for the return on investment of less than 1% for the investment of £3m required for a new livestock market.

If Members are minded to support the principle of investing in the development of a new livestock market facility on the site, a detailed specification and costing exercise would be undertaken to confirm the estimated costs of the preferred scheme.

- 6.8 Discussions have taken place with the Council's s151 officer and a return on investment of 3% is considered a reasonable return to be achieved for the investment required in the current financial investment climate. The facility would be included in the Council's Asset Register and managed as part of the Council's property portfolio.
- 6.9 If Members are minded to support the principle of investing in the development of a new livestock market for Ryedale, a business case would be prepared by the auctioneers who would be the operators of the market facility.
- 6.10 It is a future option to consider a share option for the livestock market once the facility is operating successfully.

## **7.0 IMPLICATIONS**

7.1 The following implications have been identified:

a) Financial

The Council's earmarked reserves are £12.8m as at 31 March 2018. Over the last year these have increased from £8.7m, largely as a result of the in-year revenue underspend (£2.1m) and New Homes Bonus (£1.3m). Although a review of reserves and commitments will take place in the coming months, it is expected that funding the livestock market proposal entirely from reserves is possible, subject to a review of those commitments and an expectation that the revenue budget will continue to underspend in 2018-19, as it has done in the previous two years.

The current return on our cash investments is low – 0.46% in 2017-18 and 0.76% to date in 2018-19. By investing in a new livestock market, the potential return on this investment is higher, perhaps in the region of 3%-4%, as set out in section 6 above.

The main issue is the level of financial risk that the Council is willing to take in terms of achieving the income generation and this, alongside the impact on reserves, can be set out in more detail in the proposed business case.

b) Legal

The Council would own the new livestock market, including the site and all assets.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

All other implications have been accounted for in the report.

## **8.0 NEXT STEPS**

- 8.1 Development of a detailed specification for the new livestock market and office facilities
- 8.2 Based on this specification, a costing exercise and plan be developed with a view to a procurement process
- 8.3 A further report to Council via Policy and Resources Committee to confirm support.

Author: Gary Housden, Specialist Services Lead  
Telephone No: 01653 600666 ext: 307  
E-Mail Address: [gary.housden@ryedale.gov.uk](mailto:gary.housden@ryedale.gov.uk)

**Background Papers:**

[Council Plan](#)

[Ryedale Plan – Local Plan Strategy](#)

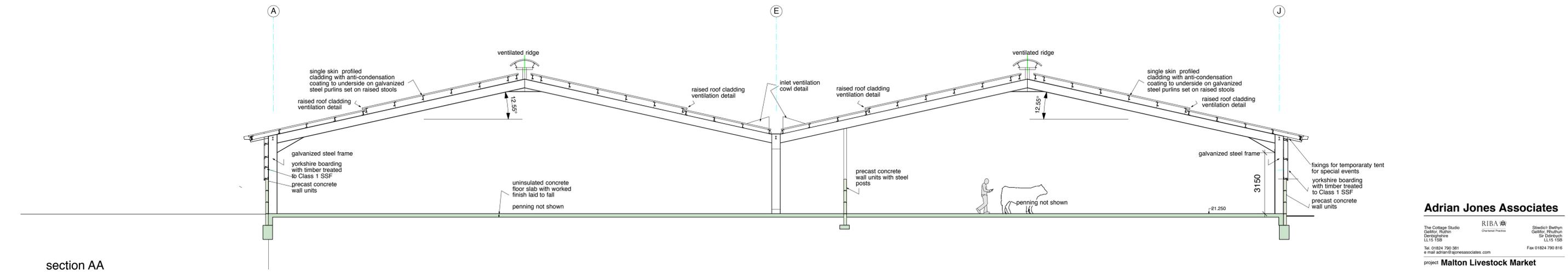
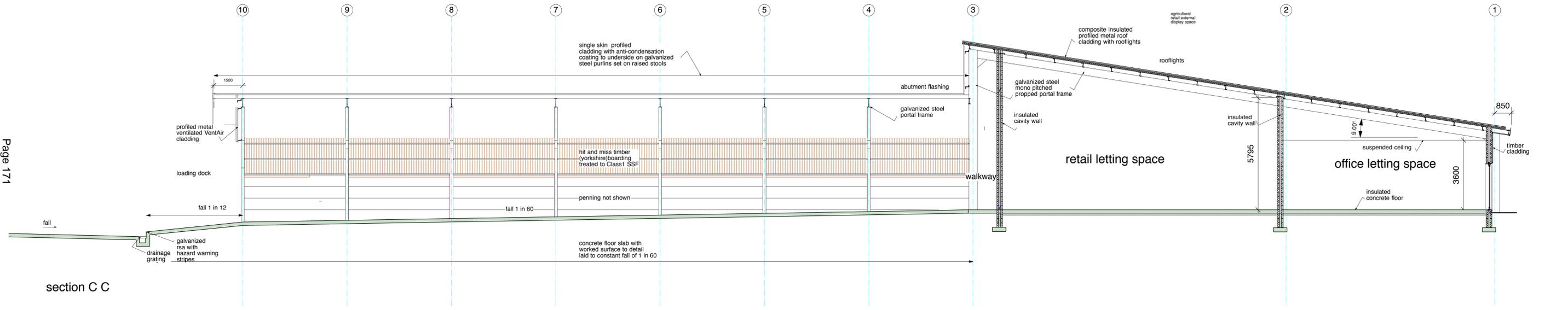
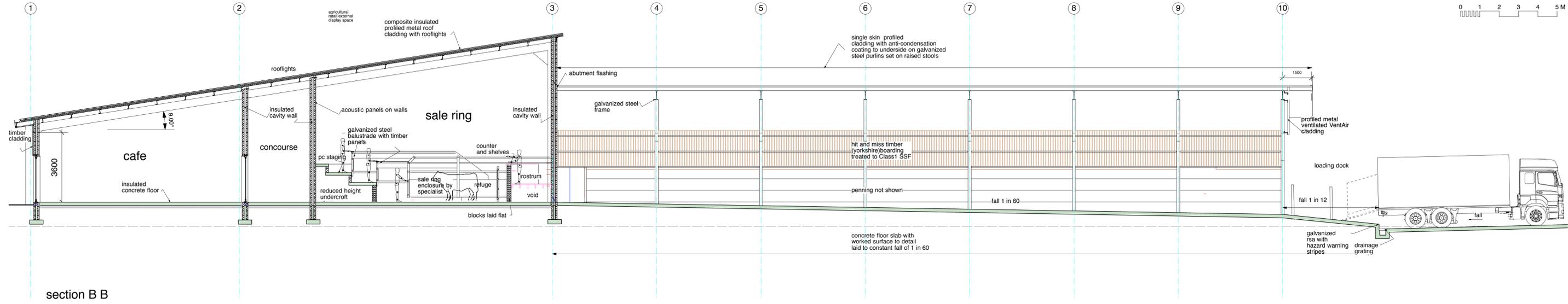
[Economic Action Plan](#)

[Financial Strategy](#)

[Food Enterprise Zone Local Development Order](#)

[Planning Application reference 14/00426/MOUTE](#)

[Livestock Markets in the 21<sup>st</sup> Century](#)



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**Adrian Jones Associates**

The Cottage Studio  
Gatford, Rotherham  
Derbyshire  
S61 5 5B

RIBA #  
Chartered Practice

Studio 101  
Gatford, Rotherham  
Derbyshire  
S61 5 5B

Tel: 01824 790 381  
e-mail: adrian@ajonesassociates.com

Fax: 01824 790 816

project: **Malton Livestock Market**

title: **Sections AA BB CC**

status:	preliminary	job no.:	2104
scale:	1:100@ A1	date:	Jan 17
drawing no.:	AL(p)07-2	revision:	01
drawn:		checked:	

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### The Land-Based and Rural Economy

5.34 Land-based economic activity is integral to the District's economy, cultural heritage and identity. Farming, forestry and the equine industry, in particular horse racing, have all been longstanding and traditional components of economic activity. Many of these activities have helped to ensure that Ryedale's valued landscapes are carefully and sensitively managed. In Ryedale the role of local Estates has been a significant factor in influencing rural economic activity and management of the landscape.

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### SP9 The Land-Based and Rural Economy

Ryedale's land-based economy will be sustained and diversified with support for:

- New buildings that are necessary to support land-based activity and a working countryside, including for farming, forestry and equine purposes
- Replacement dwellings for land management activity if no other existing available buildings suitable or capable of conversion
- Replacement of non-traditional general-purpose storage buildings to support farming, forestry or equine related activity
- Conversion of traditional buildings for tourism or residential uses (subject to the occupancy conditions set out in Policy SP21)
- Conversion of existing buildings and provision of new buildings to support appropriate small-scale rural economic activity in line with Policy SP6
- Appropriate farm and rural diversification activity including innovative approaches
- Local food production and sales. Farm shops which will meet a demand for local produce and which contribute to the local economy will be supported where they do not adversely affect easily accessible convenience shopping.
- Appropriate new uses for land including flood management and energy production related research and education in this field
- Small-scale extraction of local building stone and limited aggregate provision\*

And indirectly by supporting:

- The retention of a livestock market within Ryedale on a site which is convenient to users, well related to the main road network and in a location which is close to a Market Town but will not harm its character, landscape setting or the amenities of nearby residents
- Local weekday and Saturday markets, farmer's markets and events
- Proposals or actions that would assist in utilising and retaining traditional rural skills including land and woodland management, farming, conservation, local traditional building techniques

\*To be determined by the Minerals and Waste Joint Plan (North Yorkshire County Council, City of York Council and North York Moors National Park Authority)

## SP9 Implementation and Monitoring

Implementation	Action/Mechanism	Responsibility	Timing
Conversion of rural buildings	Supplementary Planning Document on Conversion of Rural Buildings	Ryedale District Council	On-going
New development and land use proposals	Development Management/Planning Application Process	Ryedale District Council and North Yorkshire County Councils	On-going
Rural Land Management	Grants/Advice and Programmes	DEFRA; Natural England; Environment Agency; public sector land owners; Local Authorities; private landowners;	On-going
Support for markets and events	Planning Application Process; Temporary Highway restrictions; Licensing, where necessary	Town Councils; Landowners; Ryedale District Council; North Yorkshire County Council	On-going
Monitoring	Data Source	Responsibility	Relevant Target/Trend
Number of farm/rural diversification schemes granted permission by type	In-house monitoring	Ryedale District Council	No target

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**RYEDALE DISTRICT COUNCIL**

**TOWN & COUNTRY PLANNING ACT 1990**

**OUTLINE APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT**

**RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED THAT IT SHOULD BE APPROVED SUBJECT TO THE CONDITIONS STATED BELOW:**

**Application No:** 14/00426/MOUTE

**Proposal:** Erection of new livestock market (sui generis) comprising circa. 2,850 sq m floorspace: Agricultural Business Centre comprising circa. 6,010 sq m of floorspace for uses within Use Class A1, A2, A3, D1, B1, B2, B8 and agricultural vehicle sales (sui generis); and new Business Park comprising circa. 19,040 sq m of floorspace for uses within Use Class B1, B2, and B8 including premises for The Ginger Pig comprising 1,790 sq m of floorspace (for uses falling within Class B1, B2, B8 and A1) along with (in respect of all elements) all associated development including drainage, provision of services, landscaping, boundary treatments, attenuation ponds and access and associated highway works. (Site area 17.8ha).

**at:** Land At Edenhouse Road Old Malton Malton North Yorkshire

**for:** Commercial Development Projects & Fitzwilliam Trust Corp

**Decision Date:** 24 March 2015

**REASON FOR APPROVAL**

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy  
Local Plan Strategy - Policy SP6 Delivery and Distributing of Employment Land and Premises  
Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy  
Local Plan Strategy -Policy SP10 Physical Infrastructure  
Local Plan Strategy - Policy SP12 Heritage  
Local Plan Strategy - Policy SP13 Landscapes  
Local Plan Strategy - Policy SP14 Biodiversity  
Local Plan Strategy - Policy SP16 Design

Commercial Development Projects & Fitzwilliam Trust Corp  
C/O Freeth Cartwright LLP (Mr P Brailsford, Planning Director)  
Cumberland Court  
80 Mount Street  
Nottingham  
Nottinghamshire  
NG1 6HH

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**WESTERN SITE**  
Livestock market and agri-business centre

**EASTERN SITE**  
Industrial, office and associated workspace

**NEW INFRASTRUCTURE**  
Roundabout created and Edenhause Road upgraded

**SOUTHERN SITE**  
Surface water retention pond

Notes

**EASTERN SITE**

Industrial/Workplace: 13,250m<sup>2</sup>  
Ginger Pig: 1,790m<sup>2</sup>  
Offices: 4,000m<sup>2</sup>

Industrial Parking: 185  
Ginger Pig Parking: 35  
Office Parking: 100

**WESTERN SITE**

Livestock Market: 2,850m<sup>2</sup>  
Agribusiness: 6,010m<sup>2</sup>

Livestock Market + Agribusiness Parking: 290 cars, 75 Car&Trailers, 39 Lorries

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**RYEDALE DM**  
29 APR 2014  
DEVELOPMENT  
MANAGEMENT

14/00426/wate

**Malton**

**EDEN CAMP**  
Site Layout  
Option 5a

Dwg 044c  
1:1250@A3  
Malton  
Marshall CDP

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