



# South Yorkshire FIRE & RESCUE

## Licensing Policy Statement

### **Introduction:**

The primary aim of South Yorkshire Fire and Rescue Authorities (SYFRA) Protection Function is:

To play a key role in maintaining South Yorkshire as a safe place to live and to work. Our aim is to efficiently and effectively work alongside and in partnerships, with local people and partners, to identify and respond to key areas affecting our diverse communities.

We remain committed to providing education and advice to all communities in South Yorkshire, to reduce the likelihood of emergency incidents arising.

Working with our partners we will pursue initiatives and strategies aimed at improving community resilience, business engagement and quality of life. We will continue to seek out ways of working in Partnership with local enforcement partners.

This licensing policy statement sets out the consultation process that has been agreed between SYFRA and each of the South Yorkshire district councils licensing departments.

### **Legislation applicable:**

The legislation that applies to licensing consultations is the Licensing Act 2003. This Act sets out the licensing objectives that must be promoted by the licensing authority in carrying out its duties. These are:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

SYFRA are a Responsible Authority as defined in the Licensing Act 2003.

“Public Safety” is the licensing objective that will be addressed through any consultations with SYFRA.

The legislation that applies to fire safety as part of the consultation process is The Regulatory Reform (Fire Safety) Order 2005. Article 43 of this legislation states:

### **Suspension of terms and conditions of licences dealing with same matters as this Order**

**43.—**(1) Subject to paragraph (3), paragraph (2) applies if—

- (a) an enactment provides for the licensing of premises in relation to which this Order applies, or the licensing of persons in respect of any such premises;
- (b) a licence is issued in respect of the premises (whether before or after the coming into

force of this Order); and

(c) the licensing authority is required or authorised to impose terms, conditions or restrictions in connection with the issue of the licences.

(2) At any time when this Order applies in relation to the premises, any term, condition or restriction imposed by the licensing authority has no effect in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under this Order.

(3) Paragraph (1) does not apply where the licensing authority is also the enforcing authority

In effect this means that SYFRA cannot impose any fire safety conditions as part of consultation under the Licensing Act 2003. Any conditions imposed as part of this process must be done under the Regulatory Reform (Fire Safety) Order 2005.

### **SYFRA Licensing Procedures:**

In order to facilitate the “public safety” licensing objective, SYFRA will review all licensing applications received from each of the South Yorkshire district councils licensing departments.

This review process will include the review of any licence application relating to the following:

- Temporary Event Notices (TEN)
- Grants of Premises Licences
- Variation of Premises Licences
- Minor Variation of Premises Licences

Each of the types of licensing applications listed above has the potential to impact upon the “public safety” licensing objective and also compliance with The Regulatory Reform (Fire Safety) Order 2005.

SYFRA will issue all South Yorkshire district councils licensing departments with copies of the fire risk assessment template for Traders and Food Concessions for them to issue to street trading licence applicants.

SYFRA will issue all South Yorkshire district councils licensing departments with copies of a South Yorkshire Fire Safety Advice for Licensed Premises guide. This can be issued to anyone applying for any Premises Licence.

Any applications that SYFRA identify as having potential areas of concern will be addressed directly with the applicant under the Regulatory Reform (Fire Safety Order) 2005. On these occasions SYFRA will inform the relevant district councils licensing departments of the nature of the concerns.

Any applications for the grant of a new Premises licence received by SYFRA will receive a response directly back to the applicant. This also applies to any postal application received by SYFRA directly from the legal representative of an applicant.

If a licensing application received by SYFRA has no areas of concern under the Regulatory Reform (Fire Safety Order) 2005 then no response will be made to either the applicant or the relevant district licensing department.

SYFRA may liaise with South Yorkshire Police or Local Authorities Environmental Health departments where a TEN application has a potential area of concern under the Regulatory Reform (Fire Safety Order) 2005.

SYFRA will consider attending joint licensing inspections with other responsible authorities where the areas of concern are significant enough to deem it necessary.

Any licensing application that is received by SYFRA and contains areas of concern under the Regulatory Reform (Fire Safety Order) 2005 will be responded to within 10 working days.