

RESPONDANT		
Consultation response from Alcohol Harm Reduction Group of the Safe Durham Partnership		Licensing Comments
Para	Introduction	
1	No comments	
	Main principles of Licensing Policy	
2	2.3 This paragraph needs to be updated to reflect that that the Department of Culture, Media and Sport no longer exists and Licensing is now the responsibility of the Home Office	The guidance which is being referenced in this paragraph was produced by DCMS – however a reference to the change in Government Department has been added.
	2.5 The “Nightsafe” Strategy does not exist as one entity	Noted (Amended Accordingly)
	The Crime and Disorder Reduction Strategy has been replaced by the Safe Durham Partnership Plan	Noted (Amended Accordingly)
	Mention needs to be made of the County Durham Alcohol Harm Reduction Strategy	Noted (Amended Accordingly)

	<p>2.8 Crime and Disorder Reduction Partnership needs to be replaced with either Community Safety Partnership or the Safe Durham Partnership</p> <p>Community Safety team needs to be replaced with Safer Communities Team</p> <p>2.10 Add County Durham Alcohol Harm Reduction Strategy 2009-12 to list.</p> <p>The paragraph beginning “The Government’s National Alcohol Strategy” would read better if it commented upon the impact that licensing can have on crime, anti-social behaviour etc. It should also mention high risk drinking and increasing risk drinking as well as binge drinking. It may be better to reflect the local picture in relation to this as the national picture will be changing in the near future. Contact Kirsty Wilkinson, Alcohol Harm Reduction Coordinator kg.wilkinson@durham.gov.uk for more information on the local strategy.</p> <p>2.11 It would be beneficial to have in this paragraph about the fact that the Licensing Policy can contribute to addressing issues of health inequalities and poor outcomes for people of County Durham.</p>	<p>Noted (Amended Accordingly)</p> <p>Noted (Amended Accordingly)</p> <p>Noted (Amended Accordingly)</p> <p>Noted (Amended Accordingly)</p> <p>Noted (Amended Accordingly)</p>
3	Scope of the Policy	

	<p>3.1 should the first bullet point be explicit that it covers the retail sale of alcohol for consumption both on and off the premises?</p> <p>We believe that the wholesale suppliers of alcohol, including cash and carry's should be subject to the licensing policy if not already.</p>	<p>The licensable activity is the sale by retail of alcohol as such no amendment made. This is taken directly from the Licensing Act</p> <p>Wholesalers may need a licence, depending on who they sell alcohol to. Any sales to members of the public or to business proprietors for personal use will be licensable regardless of the quantity supplied. Only sales of alcohol to other wholesalers or to holders of Premises Licences, Club Premises Certificates and TENS for the resale under their own licences will be exempt.</p>
	The Licensing Objectives	
4	<p>Promoting management standards seem to relate directly to the standards in on-licensed premises. It would be beneficial to incorporate some management standards applicable to off-licensed premises also. It would be helpful if we could promote the standards within the Best Bar None scheme as minimum standards for consistency purposes as this is the scheme being endorsed by DCC and its partners.</p> <p>This is the only section that refers to Challenge 25. We feel that it would be beneficial for the document to consistently promote the Challenge 25 scheme and NOT the Challenge 21 scheme.</p>	<p>Noted (No changes planned at this time)</p> <p>Noted (Amended Accordingly)</p>
5	The Prevention of Crime and Disorder	
	5.2 We feel that it would be beneficial for the	Elements mentioned elsewhere in the Policy

	<p>Licensing Authority to be promoting that in Operating Schedules applicants demonstrate how they will manage:</p> <ul style="list-style-type: none"> • Capacity • Security • Drunkenness and promotion of “sensible” drinking • Drugs issues • Thefts and burglaries • Disorder (both in and out of the premises) • Proxy Sales of alcohol • Conflict <p>5.3 Replace Challenge 21 with Challenge 25. In relation to training it should be regular training (not one off!) Add on to the end that they should keep training records which should be accessible to enforcement agencies for inspection if required.</p> <p>5.4 We should be saying in this policy that we do not look favourably on vertical drinking establishments and we will expect those establishments who promote vertical drinking to provide additional safeguards to promote the licensing objectives.</p> <p>5.13 Should this be explicit that the onus for the</p>	<p>Noted (Amended Accordingly)</p> <p>Noted (Amended Accordingly)</p> <p>This outlines the processes the authority will follow in determining a Cumulative Impact Policy – reference for Licensing Authority added.</p>
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	process is on the applicant to carry out?	
6	Public Safety	
	<p>We feel that it would be beneficial for the Licensing Authority to be promoting that in Operating Schedules applicants demonstrate how they will manage:</p> <ul style="list-style-type: none"> • First Aid • Public security • Event control • Glass – making it explicit that we look favourably on the use of polycarbonate glasses • Fire • Building Safety • Transport • Drink driving issues <p>It is not simply enough for on-license premises to negate their responsibility for getting people home safe.</p>	Noted and amended
7	Prevention of public nuisance	
	<p>We feel that it would be beneficial for the Licensing Authority to be promoting that in Operating Schedules applicants demonstrate how they will manage:</p> <ul style="list-style-type: none"> • Noise • Community Engagement • Litter and waste 	This is considered to be adequately addressed throughout paragraph 7

	<ul style="list-style-type: none"> • Urination outside of premises <p>7.4 it would be beneficial if the policy could be explicit as to where people apply to for tables and chairs on pavements.</p>	Policy amended to identify the Licensing Authority
	Protection of Children from Harm	
8	<p>We feel that it would be beneficial for the policy to highlight that applications for events for ONLY Children and Young People under the age of 18 on on-licensed premises will not be looked upon favourably by the licensing authority unless the applicant can convince the Authority that all safeguards for children have been addressed such as the removal of all forms of alcohol advertising.</p> <p>8.4 Challenge 21 is not a proof of age scheme it is a proof of age policy. The final sentence should simply say “The currently accepted verifications for proof of age are a passport, photo driving license or a PASS accredited card”. If we mention Challenge 21 we should again be consistent and referring to Challenge 25.</p>	<p>Where this refers to Temporary Events the Licensing Authority has no power to attach any conditions to a Temporary Event Notice. However the policy has been amended to reflect these comments.</p> <p>Noted (Amended Accordingly)</p>
9	Licensing Hours	
	No comments	
10	Drugs, Knives and Weapons	

	<p>We feel that it would be beneficial for the policy to encourage licensees to obtain training for their staff on drugs, knives and weapons; to have policies for dealing with possession of drugs, knives and weapons and supply of drugs.</p> <p>We would also expect that they would log details of any incidents.</p>	Noted (Amended Accordingly)
11	Integrating Strategies and Avoiding Duplication	
	No comments	
12	Live Music, Dancing and Theatre	
	<p>12.5 Should this policy not change the flow of this paragraph to read that we require 28 days for a TEN but will consider those applications up to 10 days before the event.</p>	<p>The 28 day notice is only a recommendation to allow for other departments to address any issues particular to them, we cannot make it a mandatory requirement. With TENs we are only required to acknowledge them, we do not approve them. The law requires a TEN to be submitted to the licensing authority and police at least 10 working days before the event (<i>exclusive of both the day the notice is given and the (first) day of the proposed event</i>)</p>
13	Community Premises	
	No comments	
14	Minor Variations	

	No comments	
15	Adult and Sex Related Activity	
	No comments in relation to this policy, however, we feel that these establishments should not be endorsed in County Durham	Noted, However this will be addressed with the Sexual Entertainment Venue policy
16	Administration, Exercise and Delegation of Functions	
	No comments	
17	Conditions	
	17.1 This appears to negate the responsibility of the licensed premises as a contributor to crime and disorder once people have left their control. We do not believe this is the case. We believe that the 4 th sentence should be removed. Especially with the increasing use of the Cardiff Model data.	This sentence is written with the following in mind: Conditions may only be attached to a Premises Licence or Club Premises Certificate which are necessary for the promotion of the licensing objectives, such conditions must be reasonable, necessary, enforceable and proportionate. However, an amendment has been made to the 4 th sentence.
18	Enforcement	
	Do we need to be explicit that DPS and PLH's information will be kept on a database?	No.
19	Reviews	

	<p>There are some typing error on 19.2</p> <p>We believe that there is a need to be explicit about the threat of a license if a premises persistently sells alcohol to under 18s. We also believe that it would be beneficial to highlight that the Licensing Committee will not look favourably on anyone who sells smuggled, non-duty paid or counterfeit alcohol.</p>	Noted (Amended Accordingly)
20	European Union Services Directive	
	No comments	
	Definitions	
	Amend Challenge 21 to Challenge 25	Noted (Amended Accordingly)
	General Comments	
	<p>We feel that this policy document relates to on-licensed premises and provides little in the way of policy direction in relation to off-licenses premises and we would be keen to see this element strengthened.</p> <p>We feel that there should be some restrictions on the transfer of licenses to family members to avoid legal action</p>	<p>Noted. This policy is applied to all premises offering licensable activities and regulated entertainment</p> <p>Nothing in the Licensing Act allows for this, where applications to transfer are made the Police receive copies of the application and can where it is considered necessary to promote the licensing objectives, make representation.</p> <p>.</p>

	Brancepeth Community Association	
	General Comments	
	On the occasions we use the TEN system we find that because our numbers of attendees are small by most standards (perhaps 50 to 80) people, any profit on sale of wine is overtaken by the disproportionate TEN fee of £21	Noted
	Angela Sheen – Vulnerability Group – Safe Durham Partnership	
5	5.2 The policy could include a requirement for premises in problematic areas to use polycarbonate glasses to reduce the potential for physical harm	This recommendation is included at para 4.4
	5.3 The policy could include a requirement for doorstaff to wear body cams to assist in any prosecutions following incidents in and around licensed premises	Noted (No changes planned at this time)
	15 The policy needs to be more explicit in respect of DCC view towards premises given they do not fit in with two of the stated objectives of the policy, namely to promote tourism and prevent crime and disorder. Such premises contribute to perpetuating negative attitudes towards women and the subsequent issues they face, such as domestic and sexual violence. The policy should state that applications for any licences associated with such premises will be opposed	Noted. No amendments will be made to this policy as the issues highlighted will be the subject of separate policy. (notwithstanding any licensable activity not amounting to that requiring to be licensed as a sexual entertainment venue)
	Blackhall Community Association	

2	2.12 & 2.13 Why have you given no reason for these changes. Assuming its statutory and part of the big picture	Reference to these acts has been included to demonstrate that the Licensing Authority will have regard to them in their decision making when discharging its function under the Licensing Act
	2.8 Who on earth else will you consult to enhance clarity. The list looks very comprehensive. Would be nice to know who so we can give our opinion.	It would appear that the respondent has mis understood this paragraph. The list provides the clarity in respect of exactly who we have consulted with on the draft policy
4	4.4 There is no 4.4 in the document	This comment is incorrect.
5	5.9 Imposed some accountability for non compliance	
12	12.10 and 12.11 Don't exist	They have been removed as indicated in the table of proposed changes
13	13 Bit confusing	
14	14 No proposal for change listed	This section has been removed and replaced as indicated in the table of proposed changes
18	18.1 Doesn't exist	18.1 relates to Enforcement
	19 & 20 New	
	Sedgefield Town Council	
	General Comments	
	Whilst accepting the overall information in the policy, Members would still like to re iterate their request to be informed – not consulted – on changes to individual licences as they occur.	Noted
	Shildon Town Council	
	General Comments	
	The proposed revisions to the Licensing Strategy were considered by the Town Council at its meeting held on 27 th September and it was resolved to accept the proposed policy changes and updates and	

	therefore there are no comments to be made.	
	Barnard Castle Town Council	
	General Comments	
	The document was considered at a full Council meeting on 6 th September, 2010 and accordingly advises that this Council agrees with the policy.	
	Brandon & Byshottle Parish Council	
	General Comments	
	the Parish Council would like to receive notification of new applications for licenses for premises within the Parish Council area	Noted
5	5.2 Would like to have a clearer definition of vicinity. Apparently complaints are quite often received about disturbance from residents who do not live within close proximity of the premises	This is addressed in the definitions section of the draft policy “A person living in the vicinity of the premises i.e. lives sufficiently close to the premises that they are likely to be affected by the authorised activities”
	National Association of Disc Jockeys	
	General Comments	
	The comments made by this organisation related in the main to the abuse of music file copying and the improper use of file sharing software	A representative of the respondent was advised that their concerns were unable to be addressed in this policy.
	Great Aycliffe Town Council	
	General Comments	
	No comments, however they expressed a wish to be informed of licences granted in their area	Noted
	Peter & Lesley Gilroy – 2 Castle Mews, Barnard Castle, DL12 8LZ	
	General Comments	
	It is not appropriate to facilitate the expansion of the	Noted

	night time economy at a time when reductions of 25 – 40% to police services and local authority personnel are being made	
2	2.8 Reference to Consultation carried out	
	<p>In developing the policy – although the policy makes reference to residents groups, citizens panels, and the like, there are no such bodies in certain localities (eg Barnard Castle – according to customer services at Teesdale House and the town council office)</p> <p>If residents are not organised or poorly informed through limited notices in newspapers and small signage outside premises, it is hard to make comment.</p> <p>Recommendation – More active steps need to be taken to solicit the views of local residents and business owners – all residents and businesses within a 400 metre radius of premises for which applications have been lodged should be directly contacted to make comment (along similar lines to the Witham consultation)</p>	<p>Noted. However it is not considered appropriate to carry out actions which go beyond that which is required by law. A recent case considered by the high court (involving the Royal Albert Hall and Westminster Council, highlights the problems associated with this practice and the risk of challenge from both the applicant and residents who may not be “solicited”. It is worthy of note that nationally the majority of Licensing Authorities do not notify local residents.</p>
4&18	<p>4.3 Management structures monitoring</p> <p>18 Enforcement</p> <p>It is hard to see how this will be carried out in practice when we are talking about premises that do not close until 3 or 4 in the morning, and at a time of reduced resources for both local authority and police services</p>	<p>Enforcement is the subject of a separate policy</p>
	5.9 Pleased to see this included	Noted

	Roberta Blackman-Woods MP (City of Durham)	
5	<p>5.9 to 5.19 I disagree with the approach taken in the draft which seeks to justify the reasons for not having a cumulative impact policy in place. At the very least I think consideration needs to be given to the possibility of such a tool helping the County Council assess the full impact of licensed venues, particularly in Durham City Centre. I therefore urge the County Council to give this subject further consideration.</p>	<p>Evidence of a need for a cumulative impact policy must exist and be presented to the Licensing Authority before consideration can be given to a policy on cumulative impact. Our policy outlines this. There is no need to justify not having one only that there is a need for one. A cumulative impact survey was carried out in Durham City 2008 with the resulting recommendation being that there was no evidence supporting a need for a policy – licensed premises numbers in Durham City have (I believe) slightly decreased since that survey therefore substantially weakening any argument in favour of a policy.</p>
	Licensing Hours	
	<p>I think the Licensing Policy could go much further in terms of matching the policy to the needs of specific communities. I therefore totally reject the premise of this section of the policy that seeks to treat the County as an homogenous whole rather than identifying the needs of particular areas with regard to licensing.</p>	<p>The policy applies equally throughout the County and takes all situations into account and aims to address issues which affect all local communities.</p>
9	<p>9.3 I therefore disagree with the reasons given for rejecting 'zoning' which would enable specific areas to have pre-determined closing times. The problem with rejecting zoning on these grounds is that the paragraph absolutely describes the situation that currently prevails in Durham City. Therefore, 'zoning' could not create this situation as it already exists! Instead, what we need is a more balanced approach to licensing in the City Centre that gives more weight, than is the case at present, to the needs of City</p>	<p>Government guidance suggests that arbitrary restrictions that would undermine the principal of flexible opening hours should be avoided.</p>

	Centre residents. A blanket refusal of licences after 1pm would be particularly helpful in this regard.	
12	12.5-12.9 relating to Temporary Event Notices are encouraging although I would like to see the operation of these kept under review	Noted
15	I would like to congratulate Licensing Officers on Section 15 of the draft relating to Adult and Sex Related Activities which is a significant improvement on policies of the past	Noted