

# **Licensing Act 2003**

## **Statement of Licensing Policy**

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# **Licensing Act 2003 - Statement of Licensing Policy**

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## **DURHAM COUNTY COUNCIL - STATEMENT OF LICENSING POLICY**

### **1. Introduction**

1.1 The County of Durham is located in the heart of the North East of England. From its western boundary high in the Pennine Hills, to the limestone cliffs of its North Sea coastline, County Durham features a rich diversity in lifestyle and culture including a historic University, a World Heritage Site, Beamish and Bowes Museums, Durham City, Lumley and Lambton Castles, designated areas of Outstanding Natural Beauty, and historic villages and market towns. Approximately 4 million visitors are attracted to the County each year.

1.2 The County currently has a resident population of around 493,500 with more than half of the residents living in villages of less than 10,000 people. Many of the County's 12 main towns and 240 other small towns and villages are associated with its proud coal mining heritage.

### **2. Main Principles of the Licensing Policy**

2.1 This statement has been prepared pursuant to Section 5 of the Act by Durham County Council in its capacity as the Licensing Authority and as such is referred to as the Licensing Authority throughout this policy.

2.2 The purpose of the policy is to promote the Licensing Objectives and set out the general approach to be adopted by the Licensing Authority when exercising licensing functions in order to:

- Reinforce to elected Members on the Licensing Committee and any subcommittee the boundaries and power of the local authority and to provide them with parameters within which they should make their decisions. The Committee should be able to test the application against criteria set out in the policy and if necessary add conditions to those set out in the Operating Schedule.
- Inform the licence applicants of the parameters within which the Authority will make licence decisions and therefore how a licensed premises is likely to be able to operate within an area. (Note however that each case must be examined on an individual basis.)
- Inform residents and businesses of the parameters within which the Authority will make licence decisions, and therefore how their needs will be addressed.
- Support decisions made by the Licensing Authority when these decisions are challenged in a Court of Law.

2.3 The Policy has been written in accordance with the provisions of the Act and the guidance issued by the Secretary of State for the Department of Culture, Media and Sport (DCMS).. It replaces the statement of Licensing Policy adopted by Durham County Council on 1<sup>st</sup> April 2009

NB – Since July 2010 The Home Office taken over full responsibility for alcohol licensing and enforcement with the DCMS retaining responsibility for regulated entertainment (i.e. Schedule 1 LA03) only

2.4 In adopting this Licensing Policy, the Licensing Authority recognises that residents need to live and work in a safe and healthy environment. Also, that it is important licensed premises are safe and well run and that they add to both the local economy and vibrancy of the County. The Licensing Authority's aim is to facilitate well managed premises with licence holders displaying sensitivity to the impact of their premises on local residents. The Licensing Authority wishes to encourage the provision of a wide range of entertainment activities within County Durham throughout the opening hours of any licensed premises and to promote live music, dance, theatre, circus and street arts etc. for the wider cultural benefit of the community.

2.5 The Licensing Policy takes into account all shared priorities and plans, for instance the Community Strategy, the County Durham Alcohol Harm Reduction Strategy, the Safe Durham Partnership Plan and key ambitions in terms of national, regional and local priorities. The Policy will take into consideration Durham County Councils Corporate Objectives

2.6 The main licences and permissions considered by this Policy are as follows:

- The licensing of individuals for the retail sale of alcohol (a Personal Licence).
- The licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (a Premises Licence).
- The supply of alcohol or the provision of regulated entertainment at certain clubs (a Club Premises Certificate).
- The permitting of certain licensable activities on a temporary basis (a Temporary Event Notice).

2.7 The Policy does not seek to undermine the rights of any person to apply under the Act for a variety of permissions, or have their application considered on its individual merits. Nor does it override the rights of any person making representations on any application or seeking a review of a licence where they are permitted to do so under the Act. The Licensing Authority will only depart from the Policy if the individual circumstances of any case merits such a decision in the interests of the promotion of the Licensing Objectives.

2.8 In determining this Policy the following have been consulted:

- Responsible Authorities
- All persons / bodies throughout the County holding Premises Licences or Club Premises Certificates including pubs, clubs, off licences, supermarkets, takeaways, restaurants and mobile food vendors
- Persons / bodies representative of local holders of Personal Licences
- Persons / bodies representative of businesses and residents in the County
- Safeguarding Children Board
- All Elected Members of Durham County Council

- Clerks of Town and Parish Councils throughout Durham County
- Safe Durham Partnership
- Durham CIU
- The British Beer and Pub Association
- The Federation of Licensed Victuallers
- British Institute of Inn Keeping (BIIB)
- Alcoholics Anonymous
- The Association of Licensed Multiple Retailers
- Equity
- County Durham Primary Care Trust
- North East Musicians Union
- Global Online Assessment for Learning (GOAL)
- NOCTIS
- Security Industry Authority
- Local MP's and MEP's
- Area Action Partnerships
- Citizens Panels
- County Durham Area Taxi Working Groups
- Safety Advisory Groups
- Business Support Managers
- Town Centre Managers
- Residents Associations
- Disability Groups
- North East Chamber Of Commerce
- Night Time Economy Managers
- Local Multi Agency Problem Solving Groups
- Streetscene
- Safer Communities Team
- Anti Social Behaviour Team
- BALANCE

2.9 The Licensing Authority is required to review its Policy every 3 years, and for the purposes of that review it will undertake consultation with appropriate residents, businesses and licence holders. In addition to this requirement, the policy will be kept under continuous review and where revisions (either technical or strategic) which support the licensing objectives are required, an appropriate level of consultation will be undertaken.

2.10 In formulating this Policy the Licensing Authority has had regard to the provisions of:

The European Convention on Human Rights  
The Human Rights Act 1998  
The Crime and Disorder Act 1998  
The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000  
The Crime and Security Act 2010  
Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982  
The Clean Neighbourhoods and Environment Act 2005

The Violent Crime Reduction Act 2006  
Durham County Council's Enforcement Policy  
The Police & Crime Act 2009  
The Health Act 2006  
County Durham Alcohol Harm Reduction Strategy 2009 - 2012

The Government's National Alcohol Strategy has been considered in relation to crime and anti-social behaviour and the effect of binge drinking on the health of the population.

Evidence identifies the links between the consumption of alcohol and binge drinking, crime and anti-social behaviour. In County Durham rates of binge drinking are significantly higher than the rest of England and the North East region. There are also high levels of increasing risk and high risk drinkers which contributes to increasing pressure on our hospitals and Community Alcohol Service. Over 40% of crime and anti-social behaviour in our communities is believed to be alcohol related. This figure increases considerably when we talk about violent crime and domestic abuse. Through the regulation of alcohol licensing and increasing standards of premises which are licensed to sell alcohol, the Local Authority Licensing Policy can contribute to reducing alcohol related harm at a local level.

Key objectives within the Alcohol Harm Reduction Strategy for County Durham 2009-12 are to:

- target the offenders of alcohol fuelled crime; and
- improve the management, planning and control of all aspects of liquor licensing

This policy will seek to support the implementation of the Alcohol Harm Reduction Strategy for County Durham in as much as the current legislation allows.

The Licensing Authority has also taken into account the Home Office 'Safer Clubbing Guide'.

- 2.11 The licensing service works almost exclusively with, through and for people. It is passionate about promoting a just society that gives everyone an equal chance to learn, work and live free from discrimination and prejudice. As a service within a Local Authority it is taking action to ensure all aspects of service delivery addresses equality and diversity issues. In addition the policy aims to contribute to addressing issues of health inequalities and poor outcomes for the people of County Durham.
- 2.12 The policy recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, this places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. Where applicable the Licensing Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.
- 2.13 The policy recognises the Disability Discrimination Act 1995. The licensing authority will have regard to this legislation when determining applications.

### 3.0 Scope of the Policy

3.1 The Licensable activities specified in the Act and covered by this Policy, include:

- The retail sale of alcohol
- Supply of alcohol to club members
- Supply of hot food or drink from premises between 23:00 hours and 05:00 hours (“late night refreshment”)
- Provision of entertainment listed below (known as “regulated entertainment”) to
- the public, to club members or with a view to profit:
  - i. Film exhibitions
  - ii. Performances of a play
  - iii. Indoor sporting events
  - iv. A boxing or wrestling entertainment
  - v. Live music performances
  - vi. Playing of recorded music
  - vii. Dance performances
  - viii. Provision of facilities for making music
  - ix. Provision of dancing facilities

### 4.0 The Licensing Objectives

4.1 The Act requires that the Licensing Authority carries out its various Licensing functions so as to promote the following four Licensing Objectives:

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

4.2 Each Objective is of equal importance. There are no other Licensing Objectives. The four Objectives are, therefore, to be of paramount consideration at all times.

4.3 Licensing law is the key means of control and will be part of an holistic approach to the management of the evening and night time economy. It is, however, only one means of securing the delivery of the Licensing Objectives and should not therefore be seen as a means of solving all problems within the community. The Licensing Authority will work in partnership with, amongst others, neighbouring local authorities, the Police, local businesses and local people in pursuit of the promotion of the Licensing Objectives. The Policy does not seek to regulate matters which are provided for in other legislation e.g. Planning, Environmental Health, Health and Safety issues etc.

4.4 This policy seeks to promote not only the Licensing Objectives but also good standards of premises management, covering the arrival of customers all the way through to their departure.

#### Promoting management standards

- On Arrival at premises: With the implementation of practices such as; queue management through the use of barriers, door supervisors the use of metal detectors and search wands, search policies to for drug and weapon detection and confiscation, Challenge 25/PASS card schemes etc.
- At the Premises: By designing out crime risk through assessment, notifying the police of promoted events, maintaining staff training records, internal patrols to ensure safe capacities to reduce noise leakage. The introduction of anti-spiking measures, designated driver schemes the creation and maintenance of incident logs and refusal registers. The use of polycarbonates rather than glass for use both inside and outside the premises.
- Outside the premises: Through effective management of external areas such as beer gardens, forecourts and smoking areas. The use of CCTV and door supervisors and regular glass collection and disposal.
- Leaving the premises: By means of a clear dispersal policy including neighbour courtesy and, get home safely posters, winding down periods, access to taxi services, door supervision.
- Promotion and support of other initiatives: Such as, Purple Flag, Cardiff model (for violence prevention), Best Bar None, Pub Watch, Street Pastors, Community Alcohol Partnerships, Community Wardens, Taxi Marshals, Refuges and Safe Transport corridors.

4.5 The Licensing Authority also recognises that there are a number of other mechanisms for addressing issues such as anti-social behaviour and nuisance once customers are away from the vicinity of licensed premises. These include:

- The provision of CCTV surveillance, together with sufficient taxi ranks and the provision of public conveniences open late at night.
- Powers of the Local Authority to designate parts of its area as places where alcohol may not be consumed in public.
- Police enforcement of crime, disorder and anti-social behaviour, including the issue of fixed penalty notices and the confiscation of alcohol from children and adults in designated areas.
- Police and /or Local Authority powers to immediately close down for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.



- The Responsible Authorities, Elected Members and interested parties right to seek a review of a Premises Licence or Club Premises Certificate.

## **5.0 The Prevention of Crime and Disorder**

5.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will actively participate in established "Pubwatch" schemes where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures.

5.3 The Licensing Authority considers the effective and responsible management of the premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25', to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

5.4 The application for premises selling alcohol must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years, and so that the Licensing Authority and Police can discuss any problems or issues arising from the licensable activities offered on the premises. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.

- At all times when the premises is a “vertical drinking establishment” where little or no seating is provided.
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

5.5 The Licensing Authority will only impose a maximum number of people that can attend a premises or an event where there is a clear and justifiable need in respect of that particular premises or event, any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council’s Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded. The Licensing Authority expects that additional safeguards will be considered and implemented in vertical drinking establishment to promote the licensing objectives.

5.6 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA) or other appropriate body. If a licensee directly employs security operatives they will need to be licensed by the SIA or other appropriate body as a supervisor/manager.

5.7 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

5.8 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

### ***Cumulative impact of Licences on the amenity of particular areas***

5.9 The Licensing Authority recognises that the cumulative effect of the number, type and density of premises selling alcohol for consumption on the premises in a given area may cause serious problems of nuisance and disorder outside or some distance from Licensed premises.

5.10 Where there is evidence that such a problem exists, the Licensing Authority may decide it is no longer appropriate for any further Licensed premises to be established or variations to existing licences to be made in the area and that a Policy relating to cumulative impact should be adopted.

5.11 The effect of a Cumulative Impact Policy would be that applications for new Premises Licences or Club Premises Certificates would normally be refused if relevant representations to that effect are received, unless it can be demonstrated

that the operation of the premises involved would not add to the cumulative impact already being experienced.

5.12 Applicants would need to address the Cumulative Impact Policy issues in their Operating Schedules.

5.13 If such a policy is to be considered the Licensing Authority will take into account the following:

- Concerns relating to crime and disorder or public nuisance must be identified
- Consideration must be given as to whether it can be evidenced that incidents of crime and disorder and nuisance are arising from and caused by the customers of licensed premises. If so, identify the area from which problems are arising or whether risk factors are such that the area is reaching a point when a cumulative impact is imminent
- Consultation must take place with the prescribed statutory consultees on the content of the policy.
- Any special policy will be published as part of the statement of licensing policy
- Any policy must stress that the presumption against grant does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its special policy. Therefore: if no relevant representation is received, the application must be granted.
- The Licensing Authority must regularly review any special saturation policies to see whether they are still needed or should be expanded

5.14 The absence of a Cumulative Impact Policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a Licence on the grounds that the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.

5.15 There is a significant difference between commercial need and the cumulative impact of premises within an area and It cannot be taken into account when considering an application.

5.16 A special policy will not impose quotas on either the number of premises or the capacity of those premises nor will it restrict the consideration of any application on its individual merits.

5.17 Applicants are advised to seek advice from the Durham Constabulary and incorporate any recommendations in their Operating Schedule before submitting their applications.

## **6.0 Public Safety**

6.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

6.2 Applicants are advised to seek advice on such matters as the examples outlined below from the Council's Occupational Safety and Health team, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building Safety
- Transport
- Drink driving issues
- Occupancy levels

## **7.0 Prevention of Public Nuisance**

7.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

7.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The Licensing Authority will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style and characteristics of the premises and events.

7.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or smoking, the applicant will be expected to offer measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

7.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will be required. Enquiries for consents should be directed to the Council's Licensing team. In predominantly commercial areas such as

shopping centres the Licensing Authority will normally allow the use of tables and chairs outside but will expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

7.5 Applicants should give consideration to reducing potential noise nuisance by, for example:

- Assessment of likely noise levels in the premises.
- Assessment of likely noise levels if outdoor drinking is allowed.
- The sound insulation the building would provide (e.g. double glazing, openable windows, double doors / lobbies to entrances).
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises).
- Dispersal of patrons – where necessary the Licensing Authority will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits.
- Ways to limit noise / disorder from patrons leaving the premises.

7.6 The extent to which the above matters will need to be addressed will be dependant on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

7.7 Applicants are advised to seek advice from Durham County Councils Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.

## **8.0 Protection of Children from Harm**

8.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm.

8.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises

- the Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

8.3 The Licensing Authority may consider the following when dealing with a Licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four Licensing Objectives.

8.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards Service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

Events which are aimed at children under the age of 18 years on licensed premises will not be looked on favourably by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of all forms of alcohol advertising.

8.5 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales.

8.6 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all Licensed premises.

### ***Access to Cinemas***

8.7 In the case of premises which are used for film exhibitions, applicants should include in the Operating Schedule arrangements for restricting access only to those children

who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

- 8.8 The Act provides that it is mandatory for Licensing Authorities to include a condition in all Premises Licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.
- 8.9 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

### ***Children and Public Entertainment***

- 8.10 Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.
- 8.11 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.
- 8.12 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.
- 8.13 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications.

### **9.0 Licensing Hours**

- 9.1 The Licensing Authority recognises that longer licensing hours for the sale of alcohol could avoid large numbers of people leaving premises at the same time, which in turn could reduce the potential for disturbance at late night fast food outlets, taxi ranks, minicab offices and other sources of transport.
- 9.2 The Licensing Authority considers that licensing hours should not inhibit the development of safe and thriving evening and night-time local economies which are both important for investment and employment locally, and attractive to tourists and

visitors alike. The Licensing Authority considers that providing consumers and the Licensing trade with greater choice and flexibility is an important consideration.

- 9.3 Fixed pre-determined closing times within designated areas otherwise known as 'zoning' will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the potential for concentrations of disturbance and noise. This would treat residents in one area less favourably than those in another, as well as causing the peaks of disorder and disturbance the Act is trying to avoid.
- 9.4 Restrictions on trading hours will only be considered where necessary to meet the Licensing Objectives.
- 9.5 The Licensing Authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given in appropriate circumstances to imposing stricter conditions or limitations in respect of noise control where premises are situated in noise sensitive areas.
- 9.6 Applicants must carefully consider the hours of opening which they consider appropriate for the future operation of their business, and in particular their requirements to accommodate special events and celebrations. Where an applicant wishes to apply to extend their current opening hours beyond midnight, the Licensing Authority will expect their Operating Schedule to detail measures that will ensure the Licensing Objectives are addressed and that there will be no significant disturbance to members of the public, living, working or otherwise engaged in normal activity within the vicinity of the premises concerned.
- 9.7 The Licensing Authority will generally consider licensing retail premises to sell alcohol for consumption off the premises at any times they are open for trade. But such could be restricted if relevant representations have been made, for example, if premises are known to be the focus of disorder and disturbance.
- 9.8 Applicants for Premises Licences will also be expected to take into consideration any operating hours that are stipulated as part of a Planning Permission, the granting of a licence under the Licensing Act does not remove the need to obtain any other necessary legal provision such as planning permission.

## **10 Drugs/Knives/Weapons**

- 10.1 The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.



## **11.0 Integrating Strategies and Avoiding Duplication**

- 11.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 11.2 Many of their strategies deal in part with the licensing function and the Licensing Authority will, wherever appropriate, participate in multi-disciplinary working groups to ensure proper integration of local crime prevention, planning, transport, tourism and cultural strategies and also to obtain information on the effects of this Policy on local regulated entertainment.
- 11.3 The Licensing Authority recognises the need to avoid as far as possible duplication with other regulatory regimes. Whilst having regard to the Planning regime, the Council recognises that there should be a clear separation of the Planning and Licensing regimes, and Licensing applications should not be a re-run of the Planning application. The granting of a Licence under the Licensing Act does not relieve the applicant of the need to apply for Planning Permission or Building Regulation approval where appropriate. Nor does the grant qualify as, or remove the need for, any form of consent or release, for example, from covenants imposed in the title to the property whether or not such were imposed by the Local Authority.

## **12 Live Music, Dancing and Theatre**

- 12.1 The Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. The Licensing Authority will not therefore discourage the promotion of such events but will, when considering such applications for such events and the imposition of conditions on licences or certificates, carefully balance the cultural needs with the necessity of promoting the Licensing Objectives.
- 12.2 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.
- 12.3 Durham County Council may consider seeking Premises Licences for public spaces in the community, for example, open spaces and parks in the city, towns and villages which are in their ownership.
- 12.4 In places for which the Council holds a Premises Licence, entertainers will be able to give a performance without the need to serve Temporary Event Notices or to apply for a Premises Licence. This approach will make it more possible for cultural diversity to thrive and will be a far simpler process for many types of entertainment that use numerous venues each year such as street artists. Entertainers will, however, need to obtain approval of the Council (as Premises Licence holder) and comply with any conditions that might be imposed. Any charges related to this approval will be reasonable and proportionate.

- 12.5 Temporary Event Notices (TEN) enable licensable activities to take place outside the scope of a Premises Licence. Although applicants are legally required to give a minimum of 10 working days notice of a temporary event to the Police and the Licensing Authority, a period of notice of at least 28 days notice is recommended to enable any issues e.g. health and safety and Safety Advisory Groups etc. to be dealt with in a timely manner. The Licensing Authority will record and monitor the number of TEN's served
- 12.6 Where a Temporary Event Notice is served which relates to events that the Local Authority consider to be unsafe, unsuitable or inappropriate, applicants need to consider that as well as complying with the Licensing Act there is other legislation they may need to comply with which may cover their event.
- 12.7 In respect of private events to which the public are not admitted, entertainment will be considered by the Licensing Authority to be regulated only if it is provided for consideration and with a view to profit.
- 12.8 The impact of this policy on regulated entertainment, particularly live music and dancing, will be monitored. Where there is any indication that such events are being deterred by Licensing requirements, the Policy will be revisited with a view to investigating how the situation might be reversed
- 12.9 The impact of this policy on regulated entertainment, particularly live music and dancing, will be monitored. Where there is any indication that such events are being deterred by Licensing requirements, the Policy will be revisited with a view to investigating how the situation might be reversed.

### **13 Community Premises**

- 13.1 Persons in control of premises such as church or chapel halls, village or parish halls, community halls and buildings of a similar nature may find the permitted annual number of Temporary Event Notices too restrictive. They should consider whether applying for a Premises Licence would be more beneficial, in the event that a premises such as this makes an application for a Premises Licence they may, at the same time, make an application for the dissipation of the mandatory condition relating to Designated Premises Supervisors).
- 13.2 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 created an exemption for the requirement for a Designated Premises Supervisor for community premises, who may make application to the Licensing Authority to apply the alternative Mandatory Condition to their licence.
- 13.3 The alternative Mandatory Condition is that every supply of alcohol under the Premises Licence must be made, or authorised by, the Management Committee.
- 13.4 Where there is doubt as to whether a premises is a community premises, the Licensing Authority will consider each case on its merits, with primary consideration being given as to how the premises are predominantly used.

- 13.5 The fact that a school or private hall is made available for hire by the community would not in itself be sufficient to qualify the premises as “community premises”. Though this may be provision of a service to the community, the Licensing Authority will consider whether halls used largely for private hire by individuals or private entities are genuinely by their nature “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use, and not only at the usefulness of the premises for members of the community for private purposes.
- 13.6 The Licensing Authority expects the Management Committee to be a formally constituted, transparent and accountable body. The Committee should provide sufficient oversight of the premises to minimise any risk to the licensing objectives. This could include management committees, executive committees and boards of trustees. The application form requires the applicants to provide the names of the management committee’s key officers e.g. the Chair, Secretary, Treasurer.

#### **14 Minor Variations**

- 14.1 Under the minor variation process the applicant must send the application to the Authority and must display the relevant details of the application on a white notice for a period of ten working days, beginning with the day after the application was given to the authority. The applicant is not required to advertise the application in a newspaper or circular or copy it to responsible authorities.
- 14.2 On receipt of a minor variation application, the authority will consider and consult the relevant responsible Authority as appropriate, as well as considering relevant representations.
- 14.3 If the Authority fails to determine the application within 15 days, the application will be treated as refused and the fee refunded.

#### **15 Adult and Sex Related Activities**

- 15.1 The Licensing Act makes no specific provision with respect to certain activities such as “lap”, “table” and “pole” dancing these and similar forms of sexual entertainment are not themselves designated as licensable activities under the Act
- 15.2 Following adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, which relates to Sex Establishments and Sexual Entertainment Venues, Durham County Council has produced a policy relating to the licensing of such premises.
- 15.3 Because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act, premises for which a sexual entertainment venue licence is held do not also require a premises licence, club premises certificate or temporary events notice in order to provide adult or sexual entertainment. However, if the premises also carry on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment that is not sexual entertainment), they will require a premises licence, club premises certificate or temporary events notice under the Licensing Act for those other activities.

- 15.4 Where the activities proposed under the licence application include those of an adult or sex related nature but do not require licensing under the Local Government (Miscellaneous Provisions) Act 1982. the exemption from requirements of the Licensing Act for live music or the playing of recorded music which is integral to relevant entertainment will not apply and the Licensing Authority may impose conditions which promote the Licensing Objectives whenever it is appropriate to do so.
- 15.5 Where a premises intends to provide regulated entertainment of an adult or sexual nature but does not meet the requirements of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 applicants will be expected to have regard to the policy issued in respect of Sexual Entertainment Venues.

## **16 Administration, Exercise and Delegation of Functions**

- 16.1 Applicants are strongly advised to consult with Council Officers before preparing and submitting their applications for Licences and other permissions. Any application not properly made will be returned to the applicant and the timescales contained in the Act will not begin until a properly made application is received.
- 16.2 Nothing in this Policy will prevent the Council from making applications in its own name for the grant of licences. The Council will, before any such licence is granted, be subject to the same considerations and application of the same scrutiny as any other applicant.
- 16.3 All relevant representations, either opposing or supporting an application, will be considered during the decision making process. Guidance relating to the submission of representations will be made available on the Council's website. Any subsequent Licensing Hearings will be conducted in accordance with the Council's Procedure for Licensing Hearings which is also available on the Council website.
- 16.4 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Decisions and functions will therefore be taken or carried out by the Licensing Committee, Licensing Sub-Committees or officers of the Local Authority in accordance with an approved scheme of delegation. The form of delegations is without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case or where required by law.
- 16.5 Participation on the Licensing Committee by elected Council Members will be in accordance with the Local Authority's Code of Conduct for Elected Members.
- 16.6 The Committee and Sub Committees will determine each case before it on its merits. Blanket or standard conditions (other than mandatory conditions) will not be imposed under the Act. Conditions will not be attached to licences unless they have been either volunteered by the applicant or are determined by the Licensing Authority as appropriate following a Licensing Hearing. Although the Licensing Authority is required to have regard to the Department for Culture, Media and Sport

(DCMS) guidance it may, if it considers it appropriate, deviate from the guidance where there are good reasons which can be justified.

## **17 Conditions**

17.1 Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will be used to ensure the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity. They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity unless information to the contrary is available to the licensing authority.

17.2 Conditions on premises licences and club certificates are determined by:

- The measures put forward on the Operating Schedule
- Mandatory conditions within the Act
- Measures decided at a hearing by the Licensing Sub Committee

**Mandatory conditions** determined by the Act are:-

### Sales of Alcohol

No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence

No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended

Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence

### Films

The admission of children shall be restricted according to the classification given by the British Board of Film Classification for the film being shown.

### Door Supervisors

All Door Supervisors employed at the premises shall be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of section 4 of that Act.

## **New mandatory conditions**

The following mandatory conditions were introduced in 2010:-

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

**The following conditions are expected to be in force from Oct 2010**

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

4(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

## **18 Enforcement**

18.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the Licensing Objectives and compliance with the Act. To ensure that licensable activities are carried out in accordance with Licence Conditions and therefore promote the Licensing Objectives, Council Officers will carry out appropriate monitoring at licensed premises and activities. They will investigate complaints and allegations of unlicensed activities and ensure that the conditions are complied with. They will seek to work actively with Durham Constabulary and other responsible authorities in enforcing licensing legislation in accordance with any Memorandum of Understanding and Joint Enforcement Protocol that may be created with such bodies.

18.2 Inspections of premises will be carried out when and if they are justified with resources being directed towards high risk, poorly run premises as opposed to lower risk, well – run premises.

18.3 All enforcement actions taken by the Licensing Authority will be in accordance with Durham County Council's Enforcement Policy.

## **19 Reviews**

19.1 The Licensing Act provides a mechanism for reviewing a Premises Licences and Club Premises Certificates where problems associated with a premises undermine the Licensing Objectives following grant or variation eg persistent sales of alcohol to under 18s, sale of smuggled, non duty paid or counterfeit alcohol.

19.2 At any stage during the life of a Premises Licence or a Club Premises Certificate, an application for a review can be made to the Licensing Authority by any Responsible Authority, Elected Member or Interested Party. However, where an application for a review is considered to be frivolous vexatious or repetitious or where an application for a review is considered not relevant to the Licensing Objectives the Licensing Authority will reject it

- 19.3 The proceedings set out in the Act for reviewing Premises Licences and Club Premises Certificates represent a key protection for the community. Unless the application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the Licensing Objectives, the Licensing Authority will hold a Hearing and take any necessary steps to promote the Licensing Objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the Licence for up to 3 months or the revocation of the Licence.
- 19.4 The Licensing Authority will not expect a Premises Licence to be reviewed more than once within any 12 month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.

## **20. European Union Services Directive**

The EU Services Directive provides a mechanism for its citizens to apply for alcohol licenses in other member states. That mechanism allows an applicant to make an application, electronically, through the Licensing Authority's web site. Payments can also be made electronically. Where applications are made through this system the Licensing Authority will notify all responsible authorities on behalf of the applicant.

The Licensing Authority's EU Services Directive web pages can be found at [www.durham.gov.uk](http://www.durham.gov.uk).



## Definitions

**‘Challenge 25:** the ‘Challenge 25’ initiative encourages Licence holders who sell or supply alcohol to require sight of evidence of age from any person appearing to be under the age of 25 and who is attempting to buy alcohol. The Licensing Authority supports the acceptance of all proof of age schemes which carry the PASS (Proof of Age Standards Scheme) hologram logo.

**“Community Premises”** is a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building. It applies also to premises that form part of such buildings

**‘Designated Premises Supervisor’ (DPS):** means the person (who must be a Personal Licence holder) in the case of premises selling alcohol who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself. The DPS does not have to be present on the premises at all times when alcohol is being sold, however the DPS and Premises Licence Holder remain responsible for the premises at all times.

**‘Interested Party’:** means any of the following:

- 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.
- A body representing persons who live in that vicinity e.g. a residents association, or a parish or town council.
- A person involved in a business in that vicinity i.e. has business interests that might be affected by the authorised activities. This is not confined to trade and commerce and includes the functions of charities, churches and medical practices and Local Authorities.
- A body representing persons involved in such a business e.g. a trade association.

Interested Parties can make representations relating to licensing applications or apply for a review of an existing Licence. Representations to the Licensing Authority must state the name and address of the Interested Party.

Anonymous representations will not be accepted by the Licensing Authority.

The Licensing Authority does, however, accept that in exceptional circumstances e.g. fear of reprisals, an Interested Party may not wish for his/ her personal details to be disclosed to the applicant. In such circumstances the Licensing Authority will consider withholding the name and address of the interested party from the copy of the representation that is provided to the applicant.

Where a person or body is acting on behalf of Interested Parties to make representations on their behalf then such person or body must provide details of the names and

addresses of the persons being represented to ensure that such persons qualify as Interested Parties.

**'Late Night Refreshment'**: means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 23:00 and 05:00.

**'Licensing Authority'** means: A Licensing Authority is a Council of a District in England; the Council of a County in England in which there are no District Councils; the Council of a County or County Borough in Wales; the Council of a London Borough; the Common Council of the City of London; the Sub-Treasurer of the Inner Temple; the Under-Treasurer of the Middle Temple; or the Council of the Isles of Scilly. The relevant Licensing Authority is the authority in whose area the premises are situated, subject to Section 12(3) of the Licensing Act 2003.

**'Licensed Premises'**: means premises in respect of which a Premises Licence has effect.

**'Licensable Activities'**: means:

- The sale by retail of alcohol.
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.
- The provision of Regulated Entertainment.
- The provision of Late Night Refreshment i.e. the supply of hot food or drink between 23:00 hours and 05:00 hours.

**"Management Committee"** means a committee or board of individuals with responsibility for the management of the premises.

**"Minor Variations"** In August 2009, the Government introduced a process for making minor variations to premises licences and club premises certificates, that could have 'no adverse impact' on the promotion of any of the four licensing objectives.

Minor variations cannot be used to;

- (a) extend the period for which the licence or certificate has effect;
- (b) specify, in a premises licence, an individual as the premises supervisor;
- (c) add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- (d) authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- (e) authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- (f) authorise an individual to supply alcohol at a community premises, as this must be made or authorised by the management committee;
- (g) vary substantially, the premises licence or club premises certificate, to which the premises relates.

Minor variations can be used to:

- (a) make minor changes to the structure or layout of a premises;
- (b) make small adjustments to the licensing hours;
- (c) remove out of date, irrelevant or unenforceable conditions;
- (d) add or remove licensable activities;
- (e) Add volunteered conditions to a premises licence or club premises certificate.

**‘Operating Schedule’:** means a document containing a statement of the following matters (and any others that may be prescribed):

- The relevant Licensable Activities.
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public.
- Information regarding the person who will be specified in the Premises Licence as the Designated Premises Supervisor.
- Where the Licensable Activities involve the supply of alcohol, and whether it is for the supply on and / or off the premises.
- The steps being taken to promote the Licensing Objectives.

**‘Personal Licence’:** is a Licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a Premises Licence. The Licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A Personal Licence Holder is not required where the premises concerned does not supply alcohol as one of its licensable activities. A Personal Licence Holder is also not required for the supply of alcohol in a club which holds a Club Certificate. Only the Police can object to the grant of a Personal Licence. Personal Licence Holders are responsible for every supply of alcohol under the Premises Licence. The Licensing Authority will take the following factors into consideration when considering or not proper authorisation has been given to supply alcohol in accordance with the Premises Licence:

- The person authorised to sell alcohol should be clearly identified.
- The authorisation should specify the acts which may be carried out by the authorised person.
- The authorisation should be in writing. *N.B. written authorisation is not a requirement of the Act and its absence alone could not give rise to enforcement action.*
- The Personal Licence Holder should monitor the activities of the authorised person.

**‘Portman Group Code of Practice’:** this Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel’s decisions are published on the Portman Group’s website, in the trade press and in an annual report. If a product’s packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in Licensed premises in a manner which may appeal to or attract minors. The Code is supported by virtually the whole Industry including producers, importers, wholesalers, retailers and trade associations.

**‘Premises Licence’:** is a Licence granted by the Licensing Authority which authorises the use of any premises, which includes any place or part of premises, for Licensable activities described in Section 1 (1) and Schedules 1 and 2 of the Act. A Licence holder wishing to amend a Licence will, in most cases, be able to apply for a variation rather than having to make a new application. An application to vary a Premises Licence will be required in the following cases:

- Varying the hours during which a Licensable activity is permitted.
- Adding or removing Licensable activities.
- Amending, adding or removing conditions within a Licence.
- Altering any aspect of the layout of the premises which is shown on the plan. In respect of areas on the plan which are not required to be shown on the plan e.g. beer gardens, the Licensing Authority will take into account the impact on the Licensing Objectives should these areas be utilised for the purposes of accommodating smoking shelters.

**‘New Premises Licence’:** applications will be required (under Section 17 of the Act) when applications are received to:

- Extend a time limited licence.
- Transfer the Licence from one premises to another.

**‘Provisional Statement’:** is a procedure by which the Licensing Authority can give a statement approving for Licensing purposes, proposals for a premises being built For the period or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full Licence must normally be granted once the premises are completed.

**‘Regulated Entertainment’:** means:

- A performance of a play.
- An exhibition of a film.
- An indoor sporting event.
- A boxing or wrestling entertainment.
- A performance of live music.
- Any playing of recorded music.
- A performance of dance.
- Entertainment of a similar description falling within the last three of the categories listed above, but only where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

**‘Licensing Exemptions’:**

- Advertising and Educational Films.
- Films at Museums and Art Galleries.
- Incidental Live and Recorded Music.
- Television or Radio Broadcasts.
- Religious meetings or services.
- Secular entertainment in places of public religious worship.
- Garden Fetes.
- Morris Dancing.
- Vehicles in motion – but not vessels.
- Small events in licensed premises (Section 177).

**‘Responsible Authority’:** means any of the following:

- The Chief Officer of Police.
- The Fire Authority.
- The enforcing authority for Health and Safety at Work.
- The local Planning authority.
- The local authority responsible for minimising or preventing the risk of Pollution of the environment or of harm to human health.
- The body representing matters relating to the protection of children from harm
- In relation to a vessel, Navigation Authority, the Environment Agency or the British Waterways Board.
- The Local Weights and Measures Authority.

**‘Temporary Event Notice’:** means a permitted temporary activity involving one or more Licensable Activities, subject to the following various conditions and limitations:

- Duration – they are limited to events lasting for up to 96 hours.
- Scale – they cannot involve the presence of more than 499 people at any one time.
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used.
- The number of notices given by an individual within a given period of time is limited. A Personal Licence Holder is limited to 50 notices in one year, and any other person to five notices in a similar period.

(If these conditions are not fulfilled, the Temporary Event would require a Premises Licence if it were currently unlicensed for the activity involved.)

**‘Vicinity’:** means being sufficiently close enough to be affected by the activities associated with a Licence or other permission e.g. Premises Licence, temporary event.

**‘Vertical Drinking Establishment’:** means premises used primarily or exclusively for the sale and consumption of alcohol where the majority of customers are forced to stand while drinking because of the lack of or absence of seating.

## Contacts

<b>Responsible Authority</b>	<b>Name</b>	<b>Contact Details</b>
<b>Licensing Authority</b>	Durham County Council	Durham County Council County Hall Durham DH1 5UL Telephone: 0191 3834567
<b>Durham Constabulary</b>	Chief Constable	Durham Constabulary Police Headquarters Aykley Heads Durham Co. Durham
<b>County Durham and Darlington Fire and Rescue Service</b>	Chief Fire Officer	Fire and Rescue Service Headquarters Framwellgate Moor Durham DH1 5JR Telephone: 0191 3324303 e-mail: firesafety@ddfir.gov.uk
<b>Durham County Council Local Safeguarding Children's Board</b>		Durham County Council County Hall Durham DH1 5UL Telephone: 0191 3834567
<b>Planning Services Durham County Council</b>		Durham County Council County Hall Durham DH1 5UL Telephone: 0191 3834567
<b>Preventing risk of pollution of environment or harm to human health Durham County Council</b>		Durham County Council County Hall Durham DH1 5UL Telephone: 0191 3834567
<b>Except for applications in respect of premises operated by the Local Authority, Government Agencies, or Statutory Bodies. Health and Safety Executive</b>		Arden House Regent Centre Regent Farm Road Gosforth Newcastle upon Tyne NE3 3JN
<b>Enforcing Authority for the Health &amp; Safety at Work etc. Act 1974 Durham County Council</b>		Durham County Council County Hall Durham DH1 5UL Telephone: 0191 3834567
<b>In relation to vessels Maritime and Coastguard Agency / Environment Agency</b>		Maritime and Coastguard Agency Newcastle Marine Office, Compass House, Unit 1 Tyne Dock, South Shields Tyne & Wear NE34 9PY Tel: 0191 496 9900  Environment Agency, Tyneside House, Skinnerburn Road, Newcastle Business Park Newcastle upon Tyne NE4 7AR
<b>Local Weights and Measures Authority Head of Trading Standards</b>		Durham County Council County Hall Durham DH1 5UL Telephone: 0191 3834567