

**CITY OF DURHAM**

**COUNCIL**  
**11<sup>th</sup> JULY 2006**

**REPORT OF THE CHIEF EXECUTIVE**

**CORPORATE PERFORMANCE PLAN 2006-2009**

1.0 **Background**

1.1 The Local Government Act 1999 requires all best value authorities to prepare an annual Performance Plan. This statutory requirement provides an opportunity for the Authority to detail its:

1.1.1 Strategic objectives and priorities for improvement which reflect the corporate/business planning processes and community strategy.

1.1.2 Arrangements for addressing the Authority's improvement priorities, particularly the opportunities and weaknesses identified in CPA, and the outcomes that are expected to be achieved.

1.1.3 Performance over the past year on all Best Value Performance Indicators, including targets for future performance

1.2 The Corporate Performance Plan 2006-09 has been produced in accordance with these requirements, and copies have been placed in the Members Room or can be viewed on the Council's website [www.durhamcity.gov.uk](http://www.durhamcity.gov.uk).

2.0 **Recommendation**

That members agree the content of the Corporate Performance Plan 2006 – 2009.

CITY OF DURHAM

COUNCIL  
11 July, 2006

REPORT OF THE DIRECTOR OF LEGAL AND ADMINISTRATION SERVICES

**1. AMENDMENTS TO THE CITY COUNCIL'S CONSTITUTION**

The Council is recommended to approve the following changes to the Constitution:-

**Part 3 – Responsibility for Functions**

Paragraph 12 – Page 28C – Cabinet Member for Housing

Portfolio Holders have requested that item 12 as set out below be transferred to the responsibility of the Leader of the Council.

“to advise the Cabinet on strategic planning issues”

**Part 4 – Rules of Procedure**

Paragraph 11.5 – P 12D Petitions by the Public

The Leader has requested the following amendment to Paragraph 11.5 of the Constitution in relation to Petitions by the Public.

Delete 2<sup>nd</sup> paragraph and replace with

“A response to the petition may be given by the appropriate Portfolio Holder or Chairman of the relevant Committee **and** the petition **will** be referred to the next meeting of Cabinet or appropriate Scrutiny Committee/Panel for detailed consideration.”

Paragraph 23 – P 21D Recording of Council Proceedings

Further to Minute 42 of the Cabinet Meeting held on 17<sup>th</sup> May, 2006, amendments have been proposed to the Constitution to reflect the Recording of Council Meetings.

Attached at Appendix 'A' is a copy of the amendments to be made.

It is recommended that the Constitution be amended to reflect these changes.

**Background Papers:**

- *Minute 42, 17<sup>th</sup> May, 2006*

**2. LICENSING STRATEGY**

**Purpose of Report**

The purpose of this report is to approve the first annual review of the Council's Licensing Strategy. The Strategy was first approved at the Council meeting held on 11<sup>th</sup> July 2005.

## **Background**

Good management of the entertainment and alcohol industry, particularly the night-time economy and street environment, is essential to attracting a wide range of people who want to come to the City of Durham district to live, study, work and visit.

A Licensing Strategy Group (composed of Council Officers and representatives from Residents' Associations, Durham Constabulary, PubWatch, the Fire Authority, Taxi Associations, etc.) was formed in 2000 to consider a Licensing Strategy.

The aim of the Licensing Strategy is to develop, promote and create an environment within the district that is safe, accessible and friendly, during the day and at night-time. The City Council's vision (to improve the quality of life for all people who live and work in, or visit, the Durham City Council District) is at the heart of the strategy and it addresses issues such as licensing guidance and developing a cohesive approach to licensing.

The Licensing Strategy is therefore linked with many other initiatives and documents, including the guidance on licensed establishments in the Council's Local Plan. It is also closely linked with the Council's Statement of Licensing Policy that addresses the four licensing objectives of the Licensing Act 2003 (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm).

## **Review**

2005/06 was a busy and challenging year for all Licensing Authorities, with the transfer of liquor licensing from local Magistrates' Courts. During the year the City of Durham Licensing Section also took on responsibility for the administration of all animal licences and street trading consents (previously carried out by Environmental Health) and street collection permits (previously administered by Democratic Support).

The additional work is reflected in that the number of licences issued increased from 714 in 2004/05 to 1454 in 2005/06.

Future challenges relate to preparing for the implementation of the Gambling Act 2005 and Charities Act 2006.

## **Conclusion**

The revised Licensing Strategy is attached as appendix B. As before, it focuses on local concerns relating to local authority licensing, other organisations involved in the licensing process, and provides a framework to enable all interested parties to have a clear understanding of licensing matters from each other's perspective. The Licensing Strategy will continue to be reviewed at least once a year.

The main revisions refer to the type and number of licences issued, changes in legislation, updates in contact details, and progress relating to the action plan.

## **Recommendations**

It is recommended that the revised Licensing Strategy be approved.

### **Reasons for Recommendation**

To continue to follow a Licensing Strategy driven by an action plan, setting tasks for Licensing Strategy Group members and imposing a timeframe to be monitored and reviewed.

### **Background Papers**

Statement of Licensing Policy

*Local Plan Guidance for the Development of Licensed Premises within the City Centre*

**23. RECORDING OF COUNCIL PROCEEDINGS**

23.1 *Meetings of the Council Cabinet and Development Control may be sound recorded for the purposes of assisting with the recording of decisions. The sound recording, which shall not be available to the press and public, shall be erased as soon as the Minutes of the relevant meeting have been approved at a subsequent meeting.*

23.2 *The Chief Executive or Director of Legal and Administration Services may authorise the sound recording of other meetings of committee and sub-committees where it is considered this would be useful or appropriate in the conduct of the business of the council.*

23.3 *Otherwise, the taking of photographs or the recording of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings, whether at the time or later, or the making of any oral report on any proceedings as they take place is prohibited without the express consent of the council having first being obtained.*

*Any person acting in contravention of this council procedure rule maybe required to leave the proceedings immediately by the person presiding thereat.*

**24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**24.1 Suspension**

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

**24.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

**25. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All the Council Rules of Procedure apply to meetings of the full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4-7 and 18-23 (but not Rule 21.1) apply to meetings of Committees and Sub-Committees.

**26. INTERPRETATION OF STANDING ORDERS**

The ruling of the Mayor as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.



# **LICENSING STRATEGY**

**June 2006**

If you require this Strategy in a different language or format please contact the Licensing Section  
Tel: (0191) 3018730.

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## 1. **ROLES AND CONTACTS**

### 1.1 **CITY OF DURHAM LICENSING**

#### **Role**

The administration and enforcement of the following:

- Premises Licences
- Club Premises certificates
- Personal Licences
- Temporary Event Notices
- Hackney Carriage and Private Hire Vehicle Licences
- Hackney Carriage and Private Hire Driver Licences
- Private Hire Operator Licences
- Lottery Registrations
- Gaming Machine Permits
- Prize Bingo Permits
- Hypnotism Consents
- Sex Establishment Licences
- Street Trading Consents
- Street Collection Permits

And also the administration of the following:

- Animal Boarding Establishment Licences
- Dangerous Wild Animal Licences
- Dog Breeding Establishment Licences
- Pet Shop Licences
- Riding Establishment Licences

#### **Contacts**

Jane Kevan (Licensing Manager) .....	0191 3018786
Trudy Anderson (Licensing Assistant) .....	0191 3018863
Ann Armitage (Licensing Assistant).....	0191 3018791
Kath Chapman (Licensing Admin Asst) .....	0191 3018439

All licensing responsibilities listed above are statutory functions. A licensing service must be provided. However, the quality of the service and how the work is done is optional, subject to limited resources. For instance, in addition to the statutory administration and enforcement, the service includes a licensing page on the Durham City Council website with links to the licensing strategy, licensing FAQs, the licensing policy relating to the Licensing Act, details of licence fees, the hackney carriage fares scale, and guidance notes on the Licensing Act 2003, temporary event notices, local authority licensing relating to fund raising, lotteries, and hackney carriage and private hire licensing. There is also a [licensing@durhamcity.gov.uk](mailto:licensing@durhamcity.gov.uk) email address for enquiries.

The Licensing Section is in Legal and Administration Services. This service advises the Authority of the legal implications of any business or activity carried out by the Authority, including advising the Licensing Panel and Licensing Committee when they sit, along with any subsequent appeals in the Magistrates' Court, Crown Court or by Judicial Review.



The service is also responsible for taking appropriate action when any licence has been breached, which may include prosecution in the Magistrates' Court. And the service is represented on the Safety Advisory Group, which is a group committed to the safety of the public in Durham. This Group also has representatives from the Fire Authority, Police, University, Council, Cathedral, etc. and co-ordinates public events such as the Miners' Gala.

**Contacts**

Lesley Blackie (Director of Legal and Administration Services) .....0191 3018878  
Clare Greenlay (Legal & Democratic Services Manager).....0191 3018880

The Licensing Section also liaises with officers in Development Control, Building Control, and Environmental Health, to process applications for new licensed premises and alterations to existing premises, and inspect premises for safety, noise control, etc.

**Other Council Contacts**

Allan Simpson (Development Control Manager) ..... 0191 3018704  
Stuart Bell (Building Control Manager) ..... 0191 3018785  
Michael Yeaden (Environmental Protection Manager) ..... 0191 3018803  
Neil Laws (Environmental Health Manager) ..... 0191 3018767  
John Dodds (Technical Officer) ..... 0191 3018249

Environmental Health Officers administer and enforce licences for houses in multiple occupation and registrations for food premises and premises in which acupuncture, electrolysis, tattooing or ear-piercing is carried out.

**1.2 DURHAM CITY FORUM**

**Role**

Durham City Forum is a partnership between local businesses, Local Authorities and community sectors. It was developed to encourage partnership working, aiming to:

- Encourage a prosperous, vibrant, safe and accessible City Centre.
- Help to increase the use of the City Centre by both residents and visitors.
- Encourage sustainable inward investment and increase job opportunities.
- Help to protect the City's unique environment.
- Improve the quality of life for all who live, visit and work in the City.
- Encourage an increase in civic pride.

**Contact**

Durham City Forum.....0191 3832932

**1.3 CITY OF DURHAM POLICE**

**Role**

To provide a measured police response to licensing matters and consider the impact of licensing applications on crime and disorder, police resources and residential amenity.

- Assessing all applications under the 2003 Act on the objective of Crime and Disorder.

- Advising the Licensing Authority on fitness of applicants and suitability of premises and bringing to its attention any police concerns.
- Objecting to any unsuitable applicants and/or premises.
- Collating evidence and seeking the review of licensed premises and personal licence holders breaching the new licensing legislation.
- Assessing the likely impact of new licensed premises and working with developers and breweries to generate safe drinking environments.
- Carry out a continuing process of test purchase operations on licensed premises to identify errant licensees and deal with accordingly.
- Conduct passive drug dog visits to licensed premises to reassure and support licensees and promote the drugs strategy.
- Assessing the likely impact of alterations to existing licensed premises.
- Consideration of temporary event notices.
- Provide, when staffing dictates, a Licensing Unit for Friday and Saturday nights to visit licensed premises in the district area, particularly the City Centre 7.00pm to 2.00am.
- Collate all incidents in licensed premises.
- Provide regular high visibility visits to licensed premises.
- Regular joint visits with Fire Officers and City of Durham Council officers to licensed premises.
- Representation on the Safety Advisory Group.
- Facilitate meetings between applicants and residents upon request, and develop with our partners a safer drinking environment.

To do all of the above in consultation with other interested parties, particularly local residents and the City of Durham Council.

**Contacts**

North Area Licensing Unit .....0191 3752308  
 Durham City Police .....0845 60 60 365

**1.4 DURHAM SAFETY ADVISORY GROUP**

**Role**

The Durham Safety Advisory Group was established in 1999. Its aim is to standardise the approach to all organised events stages in a public place, on all public highways and private land open to the public.

It creates an environment where, through consultation and partnership, events can take place safely. Organisers and other agencies involved will be aware of their individual and joint responsibilities. Through such a focused approach, better planning will result and hopefully therefore a safer event will take place.

The Durham Safety Advisory Group will act as a first point of reference for all those who are intending to organise a public event on or off the highway.

Whilst there is no legal requirement for the organisers to refer events to the Safety Advisory Group, it is considered best practice to do so. Similarly, there is no legal requirement for the organisers of a public event to comply with the advice and guidance given by the Safety Advisory Group. However, all policies of the Safety Advisory Group and advice given will be recorded and made available at any subsequent inquiry into the event.

**Contact**

Ken Sinclair (Health & Safety Manager) ..... 0191 3018754

**1.5 COUNTY DURHAM & DARLINGTON FIRE & RESCUE SERVICE**

**Role**

- Advising on the suitability of premises in relation to the safety of occupants in the event of fire, for licensing/registration purposes.
- Advising licensees on matters affecting fire safety under the Fire Precautions (Workplace) Regulations 1997 (as amended).
- Objecting to granting of licence/registration of any premises considered as unsuitable in relation to the safety of the occupants in the event of fire.
- Carrying out inspections of premises on receipt of complaints regarding overcrowding or unsafe management practices.
- Regular joint visits to licensed premises with Police and City of Durham Council officers.
- Representation on the Safety Advisory Group.

**Contacts**

Alan Gibson .....0191 3324304  
Neil Smith.....0191 3324304

## **2. THE EXISTING SITUATION**

- 2.1** The City of Durham district is located at the centre of Durham County in the heart of the North East region of England. The district features a rich diversity in lifestyle and culture, with a historic city centre, which includes a World Heritage Site, and numerous rural and former colliery villages surrounding the urban centre. The City of Durham covers some 18,700 hectares and has a resident population of 87,709. The ethnic minority population of the City of Durham District accounts for 2.3% of the total population (2001 census). The University has 11,000 students, and the area attracts approximately 3.5 million visitors per year.
- 2.2** Adults of working age make up the largest section of the population, but there is a projected rise over the next 20 years of over 6,500 people in the 65+ age group and a 69% increase in people aged 80 and over. It is estimated that one in three households are families with children under sixteen.
- 2.3** Durham city centre contains some of the highest priced property in the North East. The cost of housing in the city and the comparably low cost of housing within some villages have attracted people to set up home within the villages and commute to work. Some villages remain traditional communities with less investment, and face issues of an ageing population and an underdeveloped social and economic infrastructure. However, urban and rural renaissance programmes are beginning to effectively tackle the different economies evident in the city and villages.
- 2.4** Quality of life in the area is generally perceived to be good, with the district catering for every kind of lifestyle from quiet rural living to a vibrant city centre. Unemployment is falling, there is a low level of poor quality housing and local statistics on community safety show crime rates below the national average.
- 2.5** Despite this the district faces challenges. There is public concern over antisocial behaviour. The City Council believes that good management of the entertainment and alcohol industry, particularly the night-time economy and street environment, is essential to attracting a wide range of people who want to come here to live, study, work and visit.
- 2.6** The licensing strategy must complement the Council's Statement of Licensing Policy, addressing the four licensing objectives of the Licensing Act 2003: the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.
- 2.7** Over recent years a problem of antisocial behaviour has developed. This is concentrated in the main within the City Centre, which has a late night environment and attracts a predominantly young clientele looking for alcohol based leisure opportunities.
- 2.8** Fighting, damage to property, urinating in doorways and vomiting are examples of the type of behaviour commonly occurring mainly on Friday and Saturday evenings. Much of the problem appears to be alcohol related.
- 2.9** Total crime is currently rising in Durham. The majority of offences for violence against the person are linked to a "typical" Thursday to Sunday night time economy, with alcohol-related violence focused on licensed premises, taxi ranks and fast food outlets. Reducing violent crime and alcohol-related violence is a key national priority identified by all Crime and Disorder Reduction Partnerships within their 2005-08 strategies (North East Regional Crime Figures 2004/2005 and 2005/06).
- 2.10** Faced with this changing environment and the continuing demand for leisure opportunities, the local partnership has endeavoured to produce this strategy that aims to reconcile the other conflicting demands. The statement below outlines our approach.

### **3. AIM OF THE LICENSING STRATEGY**

The development and promotion of an environment within the District, both day and night, that is safe, accessible and friendly for both users and the local community.

The Council recognise that it would not be possible to compile a strategy such as this without substantial involvement from other statutory bodies, individuals, businesses and interested parties. Accordingly, a wide range of organisations were involved in the preparation of this strategy, which was then taken out to consultation with other bodies.

It is intended that this strategy will be a framework to help develop stronger links between all parties involved in its creation with a view to working together in the future to ensure that there is a cohesive approach to licensing and all ancillary matters.

### **4. CONTEXT**

- 4.1** The City Council's vision for Durham is "To improve the quality of life for all people who live and work in, or visit, the Durham City Council District".
- 4.2** The licensing strategy is an important tool in ensuring the successful implementation of that vision and builds upon the guidance incorporated in the Council's Local Plan relating to licensed establishments.
- 4.3** The strategy must address both the current situation and future needs and aspirations for the District. It is intended to provide a framework enabling all parties to have a clear understanding of licensing matters from each other's perspective.
- 4.4** An attractive, vibrant and safe City Centre is vital to overall social and economic well being of the whole district and the wider sub-region. It provides a focus for community and commercial activities and employment, particularly in the service industries.
- 4.5** The Authority has been instrumental in encouraging more people to live in the City Centre through the planning process and by bringing forward its own land for residential development. The growth in City Centre living together with greater pedestrian activity, better traffic management, improved lighting and extended CCTV coverage will benefit public accessibility, safety and security.
- 4.6** The City Centre has a very strong sense of place. The high quality of the built environment and the open spaces of the Centre, dominated by its historic buildings set within a largely intact medieval street pattern, ensures that it remains a major tourism destination. Over 3.5 million visitors a year generate over £97 million per annum into the local economy and sustain 2000 jobs. The Authority's policy towards tourism is not to seek any further increase in visitor numbers but rather to encourage them to stay longer and spend more on local goods and services.
- 4.7** Culturally, the completion of the Millennium City Complex, and in particular the Gala Theatre, has led to a significant improvement in the quality and scope of cultural experiences to be enjoyed by residents and visitors. This has already stimulated further regeneration with building work on a four star hotel, a major leisure and commercial focus and residential units all imminent. It is important that the interest in the City Centre that these developments have stimulated is used positively to protect and enhance its overall well being.
- 4.8** In particular, as far as the evening economy is concerned, the Authority wishes to see the range and quality of food, drink and leisure facilities extended so that all age groups and tastes are catered for and that they are encouraged to make full use of the City Centre.

**4.9** The Authority will use its available powers under licensing and planning legislation, where applicable, to influence this process to ensure that the qualitative improvement to the City Centre, which has occurred over recent years, continues. It will also encourage partner organisations to contribute to this process.

**4.10** Some of the statistical/demographic data used in constructing the strategy is contained in the appendices.

## **5. KEY OBJECTIVES**

An appraisal of how the Authority wishes to pursue the Licensing Strategy within the context of other aspirations for the City Centre has led to six key objectives being identified. These are:

- 5.1** To develop and improve communication and understanding.
- 5.2** To provide a vibrant day and evening environment.
- 5.3** To ensure full accountability.
- 5.4** To develop training opportunities.
- 5.5** To improve the transport infrastructure.
- 5.6** To ensure good public order and environmental amenity.

The objectives provide the platform for the development of a wider strategy, which in turn is supported by the Action Plan.

## **6. STRATEGY**

It is difficult if not impossible for any one agency to deliver on these objectives from a unilateral perspective. There is a need to develop a consensual strategy building on partnership links, using training and media opportunities and working with other service providers such as transport and planning. This approach is outlined below:

- 6.1** Develop working partnerships and links.
- 6.2** Enhance a clear understanding of licensing issues.
- 6.3** Develop good communications networks.
- 6.4** Provide statistical/demographic data.
- 6.5** Raise the profile of all stakeholders with existing and potential clients.
- 6.6** Raise client awareness of the benefits of a licensing strategy.
- 6.7** Develop and promote a unified approach to licensing issues.
- 6.8** Conduct market research into client needs and expectations.
- 6.9** Develop training initiatives.
- 6.10** Develop contacts with the Press.
- 6.11** Support local exhibitions, conferences, etc.
- 6.12** Develop promotional information.
- 6.13** Develop links with transport providers.
- 6.14** Enhance provision for people with disability.
- 6.15** Enhance the physical environment.

The Action Plan cross-references the objectives and the strategy.

## 7. ACTION PLAN

No.	KEY OBJECTIVE REF	STRATEGY REF	ACTION POINT	TIMEFRAME & RESOURCE IMPLICATION	RESPONSIBILITY
7.1	5.1, 5.2, 5.3, 5.6	6.1, 6.2, 6.3	Carry out a wide consultation exercise prior to formal adoption of the strategy	Complete	Building Control
7.2	5.2, 5.3 5.5, 5.6	6.1, 6.2, 6.5 6.7	Investigate the use and enforcement of management regimes and planning conditions where appropriate to enhance the day and evening environment	Ongoing: Joint Enforcement Protocol agreed January 2006	The Group
7.3	5.1, 5.2, 5.3, 5.4, 5.5, 5.6	6.1, 6.2, 6.3 6.5, 6.6, 6.7, 6.9, 6.12, 6.13	Develop and operate a licensing focus group	Ongoing	The Group
7.4	5.1, 5.4, 5.6	6.1, 6.2, 6.6, 6.7, 6.9	Develop and run a training programme for Council members	Ongoing	The Group
7.5	5.1 5.4 5.6	6.1, 6.2, 6.3 6.5, 6.6, 6.7 6.9	Develop and run a training programme for clients	Ongoing	The Group
7.6	5.1,5.2, 5.3 5.5, 5.6	6.1, 6.2, 6.3 6.5, 6.6, 6.7 6.10, 6.12	Appoint a PR Officer for the group	Complete	Clare Greenlay
7.7	5.1 5.3	6.1, 6.2, 6.3 6.4, 6.5, 6.6 6.7, 6.8, 6.10	Develop a client database/web links	Ongoing	The Group
7.8	5.2 5.3	6.1, 6.4, 6.7 6.8	Develop a system of project/development tracking and analysis	Ongoing	The Group
7.9	5.1 5.2 5.3 5.4 5.5 5.6	6.1, 6.2, 6.3, 6.5, 6.6, 6.7 6.11 6.12	Develop licensing guidance	Completed for existing legislation	Jane Kevan
7.10	5.1, 5.2, 5.3 5.4, 5.5, 5.6	6.1, 6.2, 6.4 6.6, 6.8, 6.13	Carry out a survey into unmet hackney carriage demand within the district	Complete	Dave Stewart
7.11	5.1, 5.2, 5.5, 5.6	6.1, 6.13, 6.14, 6.15	Develop wider use of public transport within the late night environment	In Progress	The Group
7.12	5.1, 5.4 5.5	6.1, 6.2, 6.3 6.5, 6.6, 6.7 6.8, 6.9, 6.13	Develop training initiatives for licensed vehicle drivers	In progress	Jane Kevan
7.13	5.2, 5.3, 5.6	6.1, 6.2, 6.3 6.5, 6.6, 6.7 6.8, 6.15	Investigate the development of a co-ordinated approach to dealing with Street Traders	In progress	The Group
7.14	5.1, 5.2 5.3, 5.6	6.1, 6.2, 6.3 6.7, 6.8, 6.13 6.14, 6.15	Develop improved public amenity especially in the late night environment	Ongoing	The Group
7.15	5.2, 5.3 5.6	6.3, 6.6, 6.7 6.15	Through the use of Development Control to guide or restrict the development or creation of new licensed premises.	Ongoing	The Council

## **8. REVIEW & MONITORING**

- 8.1 This Licensing Strategy will be reviewed at least once a year.
- 8.2 The strategy will be driven by the action plan, setting tasks for group members and imposing a timeframe, which will be monitored at meetings of the Licensing Strategy Group.
- 8.3 The review will be carried out by the Licensing Strategy Group and must ensure that the overall strategy remains live, relevant and current.
- 8.4 Any revision to the strategy will be reported to the Council.

## **9. THE FUTURE**

- 9.1 Following a successful transition of responsibility for liquor licensing being transferred from the Magistrates to the Licensing Authority on 24 November 2005, future challenges include work relating to the Gambling Act 2005 and Charities Act 2006.
- 9.2 In December 2004 the Licensing Authority published a Statement of Licensing Policy relating to the Licensing Act 2003. This and the Local Plan guidance for development of licensed premises within the City Centre should be read in conjunction with the Licensing Strategy.
- 9.3 During 2006 the Licensing Authority will carry out consultation and then publish a Licensing Policy relating to the Gambling Act.

## **10. DOCUMENTS IN APPENDICES**

**APPENDIX 1** Survey on customers in one public house, North Road, Durham.

**APPENDIX 2** Survey on customers in one nightclub.

**APPENDIX 3** Drug Use Amongst British Clubbers.

**APPENDIX 4** Licences issued 2005/06.



**SURVEY ON CUSTOMERS IN ONE**  
**PUBLIC HOUSE, NORTH ROAD, DURHAM**

**Age Groups**

18 – 24	63.7%
25 – 34	26.3%
35 – 44	7%
45 – 54	3%

<b>AREAS</b>	
Belmont	19
Boldon	1
Bowburn	8
Bishop Auckland	9
Brandon	6
Brasside	2
Bearpark	5
Carrville	1
Cassop	2
Chester-le-Street	10
Chilton	0
Coxhoe	14
Crook	1
Croxdale	0
Durham City DH1	52
Easington Lane	3
Esh	7
Ferryhill	2
Framwellgate Moor	10
Gilesgate Moor	8
Haswell	1
Hetton-le-Hole	2
Horden	2
Kelloe	0
Langley Moor	1
Langley Park	9
Meadowfield	7
Middlesbrough	1
Murton	1

<b>AREAS</b>	
New Brancepeth	1
Newton Hall	19
Peterlee	1
Pittington	3
Pity Me	0
Quarrington Hill	2
Sacrison	10
Seaham	1
Sedgefield	2
Sherburn Road/Village/Hill	5
Shildon	2
Shotton	5
South Hetton	4
South Moor	1
South Shields	2
Spennymoor	14
Stanley/Consett	10
Sunderland	4
Trimdon	2
Ushaw Moor	4
West Cornforth	0
West Rainton	5
Wheatley Hill	2
Wingate	4
Witton Gilbert	2
Carlisle/Morpeth/Leeds/ Newcastle/Stockton/High Shincliffe/Howden-le-Wear	0

**SAMPLE SIZE – 300****NOTE:** 10 without addresses or not readable*Information updated as at September 2002*

**SURVEY ON CUSTOMERS IN ONE NIGHTCLUB****Age Groups**

18 – 24	55%
25 – 34	35%
35 – 44	9%
45 – 54	1%

<b>AREAS</b>	
Belmont	6
Bowburn	17
Bishop Auckland	2
Brandon	23
Brasside	3
Bearpark	5
Carrville	4
Chester-le-Street	8
Chilton	4
Coxhoe	14
Crook	10
Croxdale	4
Durham City DH1	22
Easington Lane	6
Esh	20
Ferryhill	9
Framwellgate Moor	6
Gilesgate Moor	21
Kelloe	12
Langley Moor	10
Langley Park	16

<b>AREAS</b>	
Meadowfield	12
Newton Hall	51
Peterlee	3
Pittington	5
Pity Me	5
Sacrison	16
Sherburn Road	3
Sherburn Village	6
Spennymoor	8
Stanley/Consett	14
Sunderland	5
Trimdon	5
Ushaw Moor	16
West Cornforth	5
West Rainton	5
Wheatley Hill	2
Witton Gilbert	10
Carlisle/Morpeth/Leeds/ Newcastle/Stockton/High Shincliffe/Howden-le-Wear	7

**SAMPLE SIZE – 400***Information updated as at September 2002*

**DRUG USE AMONGST BRITISH CLUBBERS**

<b>AUTHOR</b>	<b>RELEASE</b>	<b>O'HAGAN</b>	<b>WINSTOCK</b>	<b>MEASHAM</b>
Year +	1996	1998	1999	2000
Sample	520	200	1151	2057
Area	London & SE	London	UK	North West
Period	Day of interview*	Day of interview	Past month	Past 3 months
Alcohol	63%	73%	-	-
Cannabis	59%	64%	73%	87%
Ecstasy	53%	53%	86%	67%
Amphetamine	39%	24%	40%	77%
LSD	16%	9%	10%	52%
Cocaine	8%	16%	46%	45%
Ketamine	4%	6%	4%	-
Poppers	8%	3%	22%	72%
Tranquilisers	2%	-	8%	15%
GHB	-	-	3%	11%
None	10%	3%	-	-

+ Year indicated is year when interviews took place, not year of publication. It should be noted that the surveys were looking at drug use over different timescales and are not directly comparable.

\* Includes those intending to take a specific drug.

## LICENCES ISSUED BETWEEN 1 APRIL 2005 AND 31 MARCH 2006

TYPE OF LICENCE	NUMBERS ISSUED 05/06
Hackney carriage licences	96
Private hire vehicle licences	116
Hackney carriage driver licences	120
Private hire driver licences	102
Private hire operator licences	23
Premises Licences	356
Club premises certificates	55
Personal licences	346
Public entertainment licences	102
Theatre licences	4
Cinema licences	2
Sex establishment licences	0
Late night refreshment house licences	4
Lottery registrations	88
Gaming machine permits	4
Hypnotism consents	1
Prize bingo permits	0
Street trading consents	10
Street collection permits	12
Animal licences (6 animal boarding, 0 dangerous wild animals, 0 dog breeding establishments, 6 pet shops, 1 riding establishment)	13
<b>Total</b>	<b>1454</b>

<b>Licensing Act 2003</b>	
Number of Licensing Sub-Committee hearings	40
Number of review applications/hearings	1
Number of judicial reviews	0
Number of temporary event notices received	82
Number of temporary event notice hearings required	0
Number of counter notices issued	0

<b>Prosecutions</b>	
One for an unlicensed driver using a licensed private hire vehicle for school contract work, three relating to a licensed private hire vehicle proprietor employing an unlicensed driver.	4

<b>Cautions</b>	
Both relating to a licensed private hire vehicle proprietor employing an unlicensed driver.	2

<b>Appeals</b>	
One dismissed (appeal by the Council to the Crown Court relating to the hackney carriage colour policy), three relating to the Licensing Act (all heard by Magistrates with no costs ordered to be paid by the Council).	4

**CITY OF DURHAM**

**COUNCIL**  
**11<sup>th</sup> July, 2006**

**REPORT OF DIRECTOR OF STRATEGIC RESOURCES**

**1. ANNUAL REPORT OF THE RISK MANAGEMENT WORKING GROUP**

**1.1 Introduction**

The Risk Management Working Group is charged with preparing an annual report on its activities to Cabinet. The High Level Action Plan sets targets for the Risk Management Working Group to review and improve risk management arrangements within the City of Durham.

This report will outline the activities of this Group since April 2004, its performance against the targets set in the High Level Action Plan and consider future action plans.

**1.2 Membership of the Risk Management Working Group**

The Risk Management Working Group has reviewed its membership. The Group now includes:

- ◆ The Portfolio Holder for Corporate Affairs and Procurement
- ◆ The Directors of Strategic Resources and Legal and Administration Services
- ◆ Representatives from all service areas, including several Heads of Service
- ◆ “Specialist” Officers such as the Head of Internal Audit, the Health and Safety Manager and the Insurance Officer.

The Group meets monthly.

**1.3 Initial Baseline Self Assessment**

The Risk Management Working Group initially undertook a baseline self assessment using the recommended checklist produced by CIPFA. The Group found that:

- ◆ The City had put in place arrangements to manage its risks at a strategic level and corporate level
- ◆ The City had a Risk Management Working Group, a Risk Strategy and Policy, an IT Disaster Recovery Plan and a Register of its Strategic Risks
- ◆ The importance of risk management was recognised throughout the organisation
- ◆ At an operational level, arrangements had evolved on an adhoc basis and were partial and inconsistent
- ◆ No comprehensive risk management system existed and risk management was not embedded throughout the Council.

#### **1.4 Risk Management Policy and Strategy**

The Risk Management Working Group revised the Risk Management Strategy and Policy. These were approved by Cabinet in October 2005.

#### **1.5 Review, Revision and Monitoring of the Strategic Risk Register**

Working closely with OMT, the Risk Management Working Group undertook a thorough review of the existing Strategic Risk Register and produced a Revised Risk Register. In so doing, the Risk Management Working Group reached the following conclusions.

Of the 28 risks identified in the previous risk register, 14 no longer appear in the top 30 risks. 7 of these were considered previously to be among the Council's ten highest risks. These risks have reduced significantly, both as a result of external factors and because of the mitigating action taken by the City Council.

13 risks were identified in both registers. Of these risks:

- ◆ 4 have seen a significant increase in the level of risk
- ◆ 2 have been combined, giving a significant increase in the level of risk
- ◆ 1 has seen a slight increase in the level of risk
- ◆ 2 have seen a significant reduction in the level of risk
- ◆ 5 have seen a slight reduction in the level of risk

The increases in risk have arisen partly because of external factors the reductions in the level of risk reflect action taken by the City Council to reduce the risk.

Consequently, of the previous 28 risks in the 2002 risk register, there has been a significant reduction of risk in 16 cases and a slight reduction of risk in two cases. More strikingly, none of the ten highest risks previously identified now appear in the top ten risks. This reflects the mitigating action undertaken by the City Council, which focused on the highest risks to the City Council.

New risks were also identified. Of the 30 significant risks identified in the 2005 risk register, 17 (50%) were not included in the 2002 register. 8 of these had previously been identified as risks in the preparation of the 2002 risk register, but were not assessed as sufficiently high risk to be included in the register.

In these cases, the risks have increased because of new statutory requirements, more stringent targets, , an increasing and higher number of legal cases and settlements, and the rapid growth of the housing market and increase in land values, which now appear to be slowing down.

The remaining 9 (30%) are new risks and again reflect new statutory requirements, more stringent targets and the strength of the housing market, but they also reflect the City Council's programme for the future and increased public expectations.

The revised register contains:

- ◆ 6 strategic (A) risks
- ◆ 5 service delivery (B) risks
- ◆ 4 liability claims (C) risks
- ◆ 6 operational management (D) risks
- ◆ 6 human resources (E) risks
- ◆ 3 financial (F) risks

It is also worth noting that in the risk register, the highest risk in 2002 was scored at 5.7 and the lowest at 3.6, whereas in 2005 the highest risk stands at 5.5 and the lowest risk at 3.0. Thus, it appears that the levels of risk are reducing.

Cabinet approved the revised Strategic Risk Register in October 2005.

The Risk Management Working Group has recently reviewed the progress made in implementing the additional controls/recommendations outlined in the revised Strategic Risk Register. The Group found that considerable progress has been made. Of the 118 recommended actions/additional controls, 35 (or 30%) have been completed and work is ongoing or in progress on the remaining 83 or 70%. In addition the work of the Risk Management Working Group and the revision of the Strategic Risk Register has clearly influenced the allocation of resources within the City Council. Additional revenue funding of £160,220 has been set aside in the 2006/7 budgets to fund projects which will aid in mitigating risks identified in the Strategic Risk Register and capital resources of £2599447 have been provided in the Medium Term Capital Programme to fund schemes and projects included in the Strategic Risk Register. It should be noted that this excludes funds set aside for the new Swimming Pool and new office buildings at Meadowfield, investment in leisure facilities by private sector partners and potential grants being considered by ONE North East and the Heritage Lottery Fund. The Group has prepared an Action Plan which will be reviewed in June 2006, before the Annual Review of the Strategic Risk Register is undertaken.

#### **1.6 Swimming Pool Risk Register**

A detailed risk register has been produced in respect of the replacement Swimming Pool. The Risk Management Working Group approved the Risk Register and plays a key role in monitoring the risks and the mitigating action taken. The Executive Director prepares a regular bi-monthly report. This is presented to the Risk Management Working Group.

#### **1.7 Risk Management Awareness and Training**

The Risk Management Working Group is currently establishing training programmes for members and staff. It has undertaken an assessment of training need. It has considered and evaluated proposals by specialist providers. The Risk Management Working Group intends to put in place the following:

- ◆ Corporate and strategic risk training for Cabinet members and senior officers
- ◆ Generic risk awareness training for all members and key staff
- ◆ Workshops to produce risk registers for key operational staff



- ◆ Specialist training on the operation and maintenance of the computer software

This training will be completed by December 2006.

### **1.8 Risk Management Computer Software and Operational Risk Register**

The Risk Management Working Group has evaluated several risk management software packages. It selected that developed by Wakefield MDC. This has been purchased and installed. The Group has determined the structure of the strategic, supporting strategic and operational risk registers. The operational risk registers reflect the business planning framework. A pilot programme has been agreed. Work is now ongoing on:

- ◆ Mapping the existing strategic risk register to the software
- ◆ Developing the computerised registers
- ◆ Producing procedure notes to develop risk registers
- ◆ Producing procedure notes to operate the computer system

All services were asked to identify their key risks when preparing business plans and these will be used as a starting point when establishing the operational risk registers.

It is intended that the pilot programme will be completed by July 2006 and all computerised registers will be established by March 2007.

### **1.9 Monitoring of Insurance Arrangements**

The Risk Management Working Group monitors the Council's insurance arrangements. The Director of Legal and Administration Services and Insurance have developed a quarterly monitoring report covering insurance claims and settlements. This is evaluated by this Group.

The Group has also considered reports produced by the Council's insurers covering Wharton Park and Vehicles. Action has been initiated to remedy weaknesses. The Group is currently monitoring progress.

### **1.10 Business Continuity Management Plan**

The Civil Contingencies Act 2004 required local authorities to produce a Business Continuity Management Plan by 14<sup>th</sup> November 2005. The Risk Management Working Group took this responsibility and worked with the County Durham Civil Contingencies Unit to achieve this. By the statutory deadline,

- ◆ a Business Impact Analysis had been completed for all service areas
- ◆ The BIA findings and recommendations had been assessed
- ◆ The draft Business Continuity Plan was produced

The plan has now been finalised and published. The launch and awareness training have been arranged for March and April 2006. An article in the staff newsletter will also publicise this plan. The Risk Management Working Group will together with the

Civil Contingencies Unit be reviewing the plan, and developing action plans to address in the near future.

### **1.11 Recent Assessments of Risk Management Arrangements**

The Risk Management Working Group has recently reviewed its progress. As part of the business planning process, members of the Group completed a short questionnaire. This survey gave the following results:

- ◆ 100% felt that risk management arrangements had improved
- ◆ 50% or more felt that there had been improvements in Risk Policy and Strategy (83%), Strategic Risk Register (91%), Business and Operational Risks (58%), Risk Awareness (75%), Risk Management Systems and Procedures (50%) and Business Continuity Planning (100%).
- ◆ 50% or more wished to see improvements in Business and Operational Risks (75%), Risk Awareness (67%), Risk Training (92%) and Risk Management Systems and Procedures (58%).

Those surveyed commented that there was a need to continue links with other business processes and asked for more user friendly advice and guidance.

The Head of Internal Audit also presented the dissertation on risk management he produced as part of his Management Development course. He compared risk management arrangements in this Council with those in other authorities. He concluded that:

- ◆ The City of Durham had made considerable progress in improving its risk management arrangements
- ◆ That compared to other authorities, this Council is on an equal footing with some, and ahead of others

He identified several strengths, the formal assessment of risks in reports to members, the acceptance and understanding of risk by members and managers, the commitment to risk management, and the identification and review of strategic risks. However he found that risk management was fragmented, that links to other corporate plans were not fully developed, that business risks had not been fully identified, that further training was needed, that risk management should be included in job descriptions and that a system of reward and recognition was needed. He concluded that embedding risk was a long term venture and that sufficient resources would need to be set aside to address the weaknesses.

The Audit Commission has also reviewed the Council's risk management arrangements when completing its "Use of Resources" assessment. Their findings will be published in early March. However officers have undertaken a self-assessment using the published criteria and believe that the Council has met all Level 2 criteria for risk management. To achieve Levels 3 and 4, the Council will need to:

- ◆ Identify all risks in relation to partnerships.
- ◆ Provide risk training to staff and members
- ◆ Prepare quarterly reports to Cabinet and Annual Report to Council

- ◆ Embed risk management in corporate business processes

Thus all risk assessments are identifying the need to embed risk management at an operational level, provide appropriate training and link risk management processes to other corporate processes. This will be the focus of action plans in 2006/7.

#### **1.12 Achievement of targets set in the High Level Action Plan, Risk Management Strategy and Strategic Resources Business Plan**

The High Level Action Plan set the objective of embedding risk management within the Council and set the following targets:

- ◆ Review Membership of Risk Management Working Group (completed)
- ◆ Review and mainstream use of and reference to Risk Management Policy/Strategy – Link to Business Planning Guidance (completed)
- ◆ Review/update and communicate/report Corporate Risk Register (completed)
- ◆ Produce a Business Continuity Plan (completed)
- ◆ Engage consultants to provide Risk Management training to members and staff (Underway)
- ◆ Include a risk assessment as a mandatory part of all council strategy documents (Ongoing)

The Risk Management Strategy included the following targets in its Action Plan:

- ◆ Review current risk management arrangements (completed)
- ◆ Review risk policy and strategy (completed)
- ◆ Review strategic risk register (completed)
- ◆ Establish risk management arrangements for all operational and strategic risks (ongoing)
- ◆ Produce Business Continuity Plan (completed)

The Director of Strategic Resources and the Risk Management Working Group agreed an action plan to be included in the Strategic Resources Business Plan. This was agreed by the Member Steering Group on 23<sup>rd</sup> January, 2006. This Action Plan establishes the following targets:

#### **Improve risk management arrangements**

- ◆ Revise self assessment and action plan (June each year)
- ◆ Review risk policy and strategy (October each year)

#### **Ensure that the Council is aware of its strategic risks**

- ◆ Review strategic risk register quarterly (Ongoing)
- ◆ Undertake a comprehensive review annually (October each year)

### **Embed risk management arrangements for all operational and strategic risks**

- ◆ Evaluate risk management system and draft risk management processes and procedures (February 2006 – system evaluated, processes and procedures being drafted)
- ◆ Prepare written procedure notes for all staff (February 2006 – Underway)
- ◆ Undertake training for key staff in services (March 2006)
- ◆ Prepare project plan for the implementation of the software throughout the Council (March 2006)
- ◆ Undertake pilot in small number of service areas (June 2006)
- ◆ Implement software in all departments (March 2007)

### **Establish a risk management training programme for all members and staff**

- ◆ Identify training requirements for staff (December 2005 – Completed)
- ◆ Evaluate alternative training providers and consultants. Select preferred training provider(s) (February 2006 – To be completed March 2006)
- ◆ Prepare a training programme for staff and members (February 2006 – To be completed March 2006)
- ◆ Undertake the training programme (March 2006)

### **Undertake planned risk management action**

- ◆ Prepare Action Plan (January 2006 – Completed)
- ◆ Implement Action Plan (March 2006 – Currently underway)

### **Establish robust Business Continuity arrangements**

- ◆ Agree final Business Continuity Plan (December 2005 – Agreed)
- ◆ Produce and implement Action Plan to improve arrangements (March 2006 – Action Plan currently being developed)

Thus the Risk Management Working Group has achieved the majority of targets set in the High Level Action Plan and the Risk Management Strategy and is currently making progress towards meeting targets set recently in the Business Plan for Strategic Resources. It should however be noted that the embedding of risk management throughout the Council, not least the development of operational risk registers will place heavy demands on staff both at the corporate centre and in support and front line services.

#### **1.13 Financial, Legal and other Risks**

The City Council makes financial provision each year for Risk Management Arrangements. The financial implications in the short term will be the costs of any training, and this will be met from the annual budget and the accumulated Risk Management reserve.

Budgetary provision has been made to meet the costs of key programmes which will mitigate many strategic risks. If further resources are required to address any urgent risks, this will be the subject of a separate report to Cabinet.

The City of Durham Council incurs many risks, including legal, financial and operational risks. Failure to take mitigating action will jeopardise the achievement of the Council's objectives, affect its operations and thus the public it serves. Risk Management has also been identified as a weakness in the Comprehensive Performance and Direction of Travel Assessments. Failure to embed risk management arrangements will therefore prove damaging to the Council's public standing and reputation.

**1.14 Recommendation:**

That the report be noted.

**Background Papers:**

*Strategic Risk Register*

*High Level Action Plan*

*Minutes of Risk Management Working Group*