

CITY OF DURHAM

COUNCIL  
24 JULY 2007

REPORT OF THE CHIEF EXECUTIVE

**1. DIRECTOR OF LEGAL AND ADMINISTRATION SERVICES**

The Director of Legal and Administration Services is to retire from the authority on the 3 August 2007. Cabinet on the 18 July considered a first report on proposals for the redesign of City Council services and there is to be a further detailed report to Cabinet on potential impacts and amendments to current service structures.

In the intervening period, until the City Council has had an opportunity to consider these detailed reports it is proposed that the functions delegated to the Director of Legal and Administration Services and included in the Constitution at Table 3 under Part 3, be exercised by the Legal and Democratic Services Manager on a temporary basis, acting up as Head of Service until such time as the review of the council's services has been concluded and the changes implemented.

**2. CORPORATE PERFORMANCE PLAN 2007-2010**

**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 2007-10 combines both the Best Value Performance Plan and Corporate Plan, and has been produced in accordance with the above requirements. 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 2007 – 2010.



CITY OF DURHAM

COUNCIL  
24 JULY 2007

REPORT OF THE DIRECTOR OF LEGAL AND ADMINISTRATION SERVICES

**1. NEW MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS**

A new Model Code of Conduct for Local Authorities (see Appendix A) was laid before Parliament on the 4 April 2007 and came into force on the 3 May 2007.

Under the Local Government Act 2000, local authorities have six months in which to adopt a new code of conduct incorporating the mandatory provisions of the new model code. Those authorities who fail to do so will have the new code applied to them automatically.

The Standards Committee was asked at its meeting on the 11 June to consider the provisions in the new model code and to make recommendations to Full Council on adoption.

Guidance on the new code has been issued by the Standards Board for England and copies of the guidance have been forwarded to all members.

The main provisions of the new Model Code Of Conduct are as follows:-

1. The order revokes and replaces, with amendments, the four previous Codes of Conduct which apply to members of principal authorities, parish councils, the national parks and broads authorities and police authorities. There is now one code which applies to all members, whether elected, appointed, or co-opted of these various authorities.
2. The new model has been drawn up with the aim of simplifying and clarifying the code. Members will note that the language in which it is written is now gender neutral.
3. The new code applies to a local authority member whenever he/she is conducting the business of the authority or giving the impression of so do. Unlike the previous code, none of the provisions apply to a member acting in his/her private capacity except where conduct in that private capacity constitutes a criminal offence for which the member is convicted.
4. In addition to the requirement to treat others with respect there is a formal prohibition against breaching equality enactment and provisions relating to bullying and intimidation. There is no specific definition for bullying and this is covered in the guidance documentation issued by the Standards Board.
5. The current code prohibits disclosure of information given in confidence. There was a ruling of the adjudication panel in 2005 which confirmed that the existing Code of conduct failed to take account properly of Article 10(1) of the European Convention on Human Rights. This discrepancy has been corrected and the revised code now provides that a member may make a disclosure of information which has been given in confidence, if disclosure is made in the public interest and in good faith. Again this is an issue which is covered by the guidance.

6. The prohibition on using a position as a councillor improperly to confer an advantage or disadvantage has been extended to include attempts to do so.
7. There is now specific provision in the code to have regard to the Code of Recommended Practice on Local Authority Publicity (which generally prohibits the use by local authorities of their resources for political purposes).
8. The duty to report breaches of the code has now been removed.
9. The requirement to have regard to the advice of the Monitoring Officer and the Chief Financial Officer has now been extended to cover advice from officers in relation to statutory duties generally.
10. The provisions which define personal interests have been simplified. Receipts of gifts or hospitality over a minimal value are now to be declared as a personal interest as well as registered. Although the register entry remains the requirement to disclose such a personal interest will cease after 3 years. The definition of a relative has been removed and there is now a reference to a "member of your family". Bodies whose purposes include influencing public opinion expressly now include political parties and trade unions so these would amount to a personal interest.
11. To allow greater involvement in local decision making, the requirement of the current code that members have a personal interest if they would be affected by a matter to a greater extent than other council tax payers, rate payers or inhabitants of the local authority area has been amended. It is recognised that members should be able to take part in discussions on topics which their communities would expect them to participate in or indeed which they may even have been elected specifically to address. The requirement in the amended code is that a personal interest only arises if a member is affected by the issue to a greater extent than the majority of other persons living in a particular ward.
12. The provisions in relation to prejudicial interest have also been amended. The list of circumstances in the existing code where it is provided a member might have been regarded as not having a prejudicial interest, has now been changed to make it clear that no prejudicial interest arises in these circumstances. Other situations have been added to the list with the result that a prejudicial interest will not arise unless the members' financial position is affected or the matter relates to the grant of a permission or consent. A prejudicial interest will not arise in relation to the setting of council tax or precepts, consideration of ceremonial honours and the granting of allowances payments and indemnities.
13. A significant change in the rules relating to prejudicial interest is that in relation to withdrawal. Under the present code a member with a prejudicial interest has to withdraw from the room and take absolutely no part in a discussion or debate. The new code provides that a member with a prejudicial interest may attend a meeting to make representations, answer questions and give evidence, provided the public are also allowed to attend the meeting for the same purpose. The member with a prejudicial interest must however withdraw from the room as soon as the representations have been made and clearly cannot take part in the formal determination of the matter.

14. In relation to disclosure of interest there is a new provision in the amended code which would allow a member who might be subjected to violence or intimidation because of sensitive information, to make a disclosure to the Monitoring Officer rather than to the meeting at large.

The guidance from the Standards Board suggests that the Model Code of Conduct should be adopted by local authorities as drafted and that additional provisions should not be added. Members will recall that under the existing Code of Conduct there are some additional paragraphs to those which were in the original model. This was at the suggestion of the Standards Committee who said that membership of private clubs should be included in the Register of Members' Financial and Other Interests and also that offers of gifts and hospitality, over the value of £25, whether accepted or not should be declared and recorded.

When the Standards Committee considered the new Model Code of Conduct on the 11 June their view was that the issue of offers of gifts and hospitality, whether or not these are accepted, should still be something which should be recorded. The intention is that it is useful to have a record of offers of gifts and hospitality even where these are rejected by members, because there maybe evidence of a pattern emerging.

The recommendation of the Standards Committee was therefore that the City Council should consider adopting the New Model Code of Conduct as presently drafted but with the addition of a requirement that all offers of gifts and hospitality, whether accepted or not, over the value of £25 should be declared and recorded in the appropriate register.

Members' instructions are requested.

## **2. LICENSING STRATEGY**

### **Purpose of Report**

The purpose of this report is to approve the second 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**

2006/07 was another busy year for Licensing. A successful transfer of liquor licensing from the Magistrates' Courts took place the year before but further applications continue to be received. Work was also generated by the opening of the licensed units in the Walkergate development.

Future challenges relate to the Gambling Act 2005 coming into force on 1<sup>st</sup> September and the Charities Act 2006 expected to come into force in 2008.

## **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 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 subject only to it being noted that Cabinet has agreed to commission a survey on saturation and cumulative effect in respect of licensed premises within the Durham City district and that this be reflected in the Action Plan.

## **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*

### **3. THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2007**

Cabinet at its meeting on the 18 April 2007 agreed to consult on a proposal to designate public places in the city centre for the purposes of the above regulations. It was also agreed that a further report should be submitted to Cabinet once the consultation period had ended so that any representations received could be considered before the matter was reported to Full Council for consideration.

A further report is to be submitted to Cabinet on the 18 July 2007 detailing the individual responses received to the consultation exercise with a recommendation that Council designate the under mentioned streets for the purposes of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

Albert Street  
Alexandra Crescent  
Allergate

Durham Railway Station  
East Atherton Street  
Ellis Leazes

Allergate	Farnley Hey Road
Anchorage Terrace	Ferens Close
Atherton Street	Ferens Park
Back Mount Joy	Finney Terrace
Back Western Hill	Flass Street
Bakehouse Lane	Framwellgate
Bakehouse Lane	Framwellgate Bridge
Blue Coat Buildings	Framwellgate Peth
Blue Coat Court	Framwellgate Waterside
Boyd Street	Frankland Lane
Briardene	Freeman's Place
Bridge Street	Gilesgate
Byland Lodge	Grape Lane
Castle Chare	Green Lane
Church Lane	Grove Street
Church Lane, Gilesgate	H.M. Prison Grounds
Church Street	Hallgarth Street
Church Street Head	Hanover Court
Church Street Villas	Hawthorn Terrace
Claypath	High Street
Cricket Ground	High Wood Terrace
Crook Hall	High Wood View
Crossgate	Highgate
Crossgate Cemetery	Hillcrest
Crossgate Peth	Hillcrest
D.L.I. Museum and Grounds	Holly Street
Diamond Terrace	Kepier Farm and Kepier Hospital
Douglas Villas	Kepier Training School
Drury Lane	Kepier Villas
Dunelm Court	Laburnum Avenue
Lawson Terrace	Quarry Heads Lane
Leazes Court	Ravensworth Terrace
Leazes Road	Rear Silver Street
Magdalene Court	Redhills Lane
Magdalene Heights	Redhills Terrace
Magdalene Street	Renny Street
Maiden Castle Playing Fields	River Banks
Maiden Castle Wood	Rugby Club
Margery Lane	Sands Cemetery
Margery Lane Allotments	School Lane
Market Place	Sidegate
Mavin Street	Silver Street
May Street	South Bailey
Mayorswell Close & Mayorswell Street	South Crescent
Mayorswell Field	South Street
Milburngate	St. Anthony's Court
Milburngate Bridge	St. Bede's College
Mistletoe Street	St. Giles Close
Moatside Court	St. Godric's Church
Moatside Court	St. Godric's School
Moatside Lane	St. Hilds College
Mount Joy Crescent	St. Leonard's School Grounds
Mowbray Street	St. Margaret's Court
Neville Street	St. Oswald's Church Grounds
Nevilledale Terrace	St. Oswald's School

New Elvet	Station Lane
New Street	Stockton Road
North Bailey	Stockton Road Cemetery
North End	Summerville
North Road	Sutton Street
Obelisk Lane	T.A. Centre
Old Elvet	Tenter Terrace
Orchard Drive	The Avenue
Oswald Court	The Chains
Palmers Close	The Gates Shopping Centre
Parkside	The Peninsular
Part Pelaw Wood	The Sands
Pimlico	Tinkers Lane
Prebends Bridge	University Sports Ground
Prince Bishops Shopping Precinct	Victoria Terrace
Princess Street	Waddington Street
Providence Row	Walkergate
	Wanless Street
	Wearside Drive
	West Terrace
	West View
	Wharton Park
	Whinney Hill

### **Recommended**

- (i) That the Council formally designate the public places specified in the report for the purposes of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007
- (ii) That suitable signs be erected to draw attention to members of the public in those places which are designated, as to the effect of the Order.
- (iii) That officers be authorised to liaise with the County Council for the display of such signs on street furniture where appropriate.
- (iv) That a copy of the Designation Order be forwarded to the Secretary of State
- (v) That a copy of the Designation Order be published on the council's web site.
- (vi) That the Order come into force on a date to be determined by the Chief Executive in consultation with the police, the appropriate Portfolio Holder and local Members, once the appropriate signage is in place.



SCHEDULE  
THE MODEL CODE OF CONDUCT

Part 1

General provisions

**Introduction and interpretation**

1. —(1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State[13].
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
  - "meeting" means any meeting of—
    - (a) the authority;
    - (b) the executive of the authority;
    - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area

committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

### **Scope**

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006[ 14]);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

**4. You must not—**

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

**5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.**

**6. You—**

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986[15].

**7. —(1)** When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## Part 2

### Interests

#### **Personal interests**

**8. —(1)** You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the

influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly

constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

#### **Disclosure of personal interests**

**9.** —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000[16].

**Prejudicial interest generally**

**10.** —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

**Prejudicial interests arising in relation to overview and scrutiny committees**

**11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

**12.** —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## Part 3

### Registration of Members' Interests

#### **Registration of members' interests**

**13.** —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in



paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

**Sensitive information**

**14.** —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

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# **LICENSING STRATEGY**

**June 2007**

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  
Graham Fisher (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 policies relating to the Licensing Act and Gambling 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, Gambling Act 2005, 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 and 2005 Acts on the licensing objectives.

- 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 staged 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.

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



## **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 90,700. The ethnic minority population of the City of Durham District accounts for 2.3% of the total population (2001 census). The University has 12,700 students, and the area attracts approximately 3.7 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 2005/2006 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 3.7 million visitors a year generate over £134 million per annum into the local economy and sustain 2500 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 stimulated further regeneration with building work on a four star hotel and residential units ongoing in the City, and the opening of eight newly licensed premises in the Walkergate Development. 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 taxi survey within the district	Ongoing	Approved by the Cabinet Feb 2007
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 from the Magistrates to the Licensing Authority in November 2005 for the Licensing Act, the next major challenge is a similar transition of work relating to issuing permits and licensing premises for gambling as the Gambling Act 2005 comes into force on 1<sup>st</sup> September 2007. Work will also be required in relation to the Charities Act 2006, expected to become effective in 2008.
- 9.2 In December 2004 the Licensing Authority published a Statement of Licensing Policy relating to the Licensing Act. This Policy must be reviewed at least once every three years and the consultation process for this is ongoing for a revised Policy to be published at the end of the year. 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 carried out a consultation and published a Licensing Policy relating to the Gambling Act in November 2006. This also links to the Licensing Strategy.

## **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** Licences issued 2006/07.

**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>		<b>AREAS</b>	
Belmont	19	New Brancepeth	1
Boldon	1	Newton Hall	19
Bowburn	8	Peterlee	1
Bishop Auckland	9	Pittington	3
Brandon	6	Pity Me	0
Brasside	2	Quarrington Hill	2
Bearpark	5	Sacriston	10
Carrville	1	Seaham	1
Cassop	2	Sedgefield	2
Chester-le-Street	10	Sherburn Road/Village/Hill	5
Chilton	0	Shildon	2
Coxhoe	14	Shotton	5
Crook	1	South Hetton	4
Croxdale	0	South Moor	1
Durham City DH1	52	South Shields	2
Easington Lane	3	Spennymoor	14
Esh	7	Stanley/Consett	10
Ferryhill	2	Sunderland	4
Framwellgate Moor	10	Trimdon	2
Gilesgate Moor	8	Ushaw Moor	4
Haswell	1	West Cornforth	0
Hetton-le-Hole	2	West Rainton	5
Horden	2	Wheatley Hill	2
Kelloe	0	Wingate	4
Langley Moor	1	Witton Gilbert	2
Langley Park	9		
Meadowfield	7	Carlisle/Morpeth/Leeds/	
Middlesbrough	1	Newcastle/Stockton/High	
Murton	1	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*

APPENDIX 3

LICENCES ISSUED BETWEEN 1 APRIL 2006 AND 31 MARCH 2007

TYPE OF LICENCE	NUMBERS ISSUED 06/07
Hackney carriage licences	116
Private hire vehicle licences	102
Hackney carriage driver licences	108
Private hire driver licences	100
Private hire operator licences	24
Premises Licences	19
Club premises certificates	3
Personal licences	73
Sex establishment licences	0
Lottery registrations	80
Gaming machine permits	31
Hypnotism consents	1
Prize bingo permits	0
Street trading consents	10
Street collection permits	50
Animal licences (5 animal boarding, 0 dangerous wild animals, 0 dog breeding establishments, 4 pet shops, 4 riding establishments)	13
<b>Total</b>	<b>730</b>



<b>Licensing Act 2003</b>	
Number of Licensing Sub-Committee hearings	6
Number of review applications/hearings	0
Number of judicial reviews	0
Number of temporary event notices received	144
Number of temporary event notice hearings required	0
Number of counter notices issued	0
Number of variation applications received	34
Number of applications received to change the designated premises supervisor	36
Number of transfer applications received	11

<b>Prosecutions</b>	
One relating to unlicensed premises, one relating to over-occupancy in licensed premises, two relating to an unlicensed driver and the proprietor who employed him, and one relating to not having the correct gaming permit.	5

<b>Cautions</b>	
Relating to a licensed driver not insured to drive a specific vehicle and the proprietor of that vehicle.	2

<b>Appeals</b>	
	0