

CITY OF DURHAM

COUNCIL MEETING

30 JUNE 2008

REPORT OF THE DIRECTOR OF STRATEGIC SERVICES

LICENSING STRATEGY

Purpose of Report

The purpose of this report is to approve the third annual review of the Council's Licensing Strategy. The Strategy was first approved at the Council meeting held on 11th 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 "Nightsafe" and 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) and the Council's Statement of Principles that addresses the licensing objectives of the Gambling Act 2005.

Review

2007/08 was another busy year for Licensing, including a successful transfer of gambling licensing from the Magistrates' Courts and the first review of the Licensing Policy.

Future challenges relate to the Charities Act 2006 expected to come into force in 2008/09, and coordinating licensing within County Durham's current seven districts, pending unitary status.

Conclusion

The revised Licensing Strategy is attached as appendix A. 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.

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



City of
Durham

DRAFT
LICENSING STRATEGY

2008

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

CONTENTS

	<u>Pages</u>
1. Roles & Contacts	3
1.1 City of Durham Licensing	3
1.2 Durham City Forum	4
1.3 City of Durham Police	4
1.4 Durham Safety Advisory Group	5
1.5 County Durham & Darlington Fire & Rescue Service	6
2. The Existing Situation	7
3. Aim of the Licensing Strategy	8
4. Context	8
5. Key Objectives	9
6. Strategy	9
7. Action Plan	10
8. Review & Monitoring	11
9. The Future	11
10. Documents in Appendices	11

APPENDICES

1. Survey on customers in licensed premises at Walkergate, Durham	12
2. Licences issued 2007/08	13

1. **ROLES AND CONTACTS**

1.1 **CITY OF DURHAM LICENSING**

Role

The administration and enforcement of the following:

- Premises Licences (Licensing and Gambling Acts)
- 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
- Prize Gaming, Club Gaming, Club Machine and Gaming Machine Permits
- Temporary and Occasional Use Notices
- 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
Ann Armitage (Licensing Enforcement Officer)	0191 3018791
Trudy Anderson (Licensing Assistant)	0191 3018863
Valerie Craig (Licensing Assistant)	0191 3018809
Graham Fisher (Licensing Admin Asst)	0191 3018730

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 email address for enquiries.

The Licensing Section is in Strategic Services. This includes Legal Services which 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 Service, Police, University, Council, Cathedral, etc. and co-ordinates public events such as the Miners' Gala.

Contacts

Clare Greenlay (Head of Legal & Strategic Services)	0191 3018878
Richard Langdon (Solicitor)	0191 3018202
Chris Simmonds (Assistant Solicitor)	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 Yeadon (Environmental Protection Manager)	0191 3018803
Neil Laws (Environmental Health Manager)	0191 3018767

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
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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
Durham City Police

0191 3752308
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 and advising on the Regulatory Reform (Fire Safety) Order 2005.
- 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

Pete McDermott

0191 3324385

Stuart Thew

0191 3324254

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 16,980 students, and the area attracts approximately 3.8 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 Statements 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, and also the three objectives of the Gambling Act 2005: to prevent gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime; to ensure that gambling is conducted in a fair and open way; and to protect children and other vulnerable persons from being harmed or exploited by gambling.
- 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** 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. However, the level of such incidents has seen a significant reduction over the last 12 months. 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 2006/07).

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 3.8 million visitors a year generate over £146 million per annum into the local economy and sustain 2,700 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 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	Completed 2004	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	Completed 2004	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/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	Complete – updated as law changes	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	Complete - report received May 2008	Jane Kevan
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	Ongoing	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	Ongoing	Jane Kevan
7.13	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
7.14	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
7.15	5.1, 5.2, 5.3, 5.5, 5.6	6.1, 6.2, 6.4, 6.8	Carry out a cumulative impact survey within the district	Complete – report received April 2008	Jane Kevan

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 gambling licensing from the Magistrates to the Licensing Authority last September, the next major challenge is coordinating licensing within County Durham's current seven districts, pending unitary status on 1st April 2009.
- 9.2 In December 2007 the Licensing Authority published a revised Statement of Licensing Policy relating to the Licensing Act. This Policy and also the Statement of Principles under the Gambling Act must be reviewed at least once every three years. Work is now ongoing on a new Licensing Policy and Statement of Principles for the unitary authority. Both of these documents link to the Licensing Strategy.

10. DOCUMENTS IN APPENDICES

APPENDIX 1 Survey of customers in one licensed premises at Walkergate, Durham.

APPENDIX 2 Licences issued 2007/08.

SURVEY OF CUSTOMERS IN ONE
LICENSED PREMISES AT WALKERGATE, DURHAM

Age Groups

18 – 24	17.5%
25 – 34	16.5%
35 – 44	22%
45 +	44%

AREAS	
Belmont	30
Bowburn	2
Bishop Auckland	48
Brandon	2
Brasside	10
Bearpark	36
Carrville	10
Cassop	2
Chester-le-Street	44
Consett	14
Coxhoe	6
Crook	28
Durham City Centre	26
Framwellgate Moor	6
Gilesgate Moor	5
Langley Moor	32
Langley Park	6
Meadowfield	2
Newcastle/Gateshead	10
Newton Hall	30
Pity Me	12
Sacrison	10
Sedgefield	18

AREAS	
Sherburn Road/Village/Hill	22
Sildon	18
Shotton	2
South Hetton	22
Spennymoor	8
Stanley	4
Sunderland	18
Ushaw Moor	10
West Rainton	12
Wheatley Hill	24
Wingate	26
Witton Gilbert	10
Other	85

SAMPLE SIZE – 658

NOTE: 8 addresses unknown

Information updated as at May 2008

APPENDIX 2

LICENCES ISSUED BETWEEN 1 APRIL 2007 AND 31 MARCH 2008

TYPE OF LICENCE	NUMBERS ISSUED 07/08
Hackney carriage licences	107
Private hire vehicle licences	76
Hackney carriage driver licences	166
Private hire driver licences	117
Private hire operator licences	24
Premises licences (Licensing Act)	14
Club premises certificates	0
Personal licences	74
Premises licences (Gambling Act) (14 betting, 7 adult gaming centres, 1 bingo)	22
Lottery registrations	82
Prize gaming permits	0
Gaming machine permits	0
Club gaming/machine permits	2
Unlicensed family entertainment centre gaming machine permits	0
Hypnotism consents	1
Sex establishment licences	0
Street trading consents	11
Street collection permits	49
Animal licences (9 animal boarding, 0 dangerous wild animals, 0 dog breeding establishments, 6 pet shops, 3 riding establishments)	18
Total	763

Licensing Act 2003	
Number of Licensing Sub-Committee hearings	10
Number of review applications/hearings	1
Number of judicial reviews	0
Number of temporary event notices received	108
Number of temporary event notice hearings required	0
Number of counter notices issued	0
Number of variation applications received	13
Number of applications received to change the designated premises supervisor	79
Number of transfer applications received	32

Gambling Act 2005	
Number of Licensing Sub-Committee hearings	0
Number of review applications/hearings	0
Number of judicial reviews	0
Number of temporary or occasional use notices received	0
Number of counter notices issued	0
Number of variation applications received	0
Number of transfer applications received	0
Number of notifications of 2 or less gaming machines	19

Prosecutions	
One relating to illegally plying for hire and one relating to driving a private hire vehicle without a private hire driver licence.	2

Cautions	
One relating to driving a private hire vehicle without a private hire driver licence, and one to a breach of licence condition (Licensing Act).	2

Appeal	
The Loft	1

COUNCIL

30 JUNE 2008

REPORT OF HEAD OF LEGAL & STRATEGIC SERVICES

1. AMENDMENTS TO THE CONSTITUTION

The purpose of this report is to obtain Council approval to amend the Constitution as a consequence of the responsibility for receipt, investigation and determination of complaints transferring from the Standards Board for England to the council's Standards Committee. The most serious cases will continue to be referred to the Adjudication Panel for England, but all complaints will, from the 8 May 2008, be referred to the local Standards Committee.

Changes are needed to the council's Constitution to enable it to operate the new arrangements set out above. The Standards Committee has been fully prepared for the transfer of this responsibility and have put in place working procedures to deal with the local assessment of complaints. The pertinent amendments to the Council's Constitution are as attached at Appendix A.

In addition to the above, the Constitution needs updating to reflect the basic and special responsibility allowances for Members which came into effect from 31 December 2007. Details of the basic and special responsibility allowances are attached at Appendix B.

It is therefore recommended that, with immediate effect, the council adopt the amended Constitution as set out in this report.

2. REPORT ON CORPORATE GOVERNANCE

In 2007 the council adopted a Local Code of Corporate Governance, and it is the purpose of this report to update council on the operation of that Code.

Governance is about how the council ensures that it is doing the right things in the right way for the right people in a timely, inclusive, open, honest and accountable manner. The Local Code of Corporate Governance was adopted in accordance with guidance issued by CIPFA and SOLACE.

Essentially, the Code of Corporate Governance recognises that the council has wide and varied duties. There are four particular roles it performs namely:-

- To promote the formation of effective partnerships and provide leadership for and with the support of the community
- To deliver high quality local services whether directly or by any other means
- To perform a stewardship role that protects the interest of the public and uses resources efficiently
- To develop citizenship and local democracy

In performing these roles, the council's Code of Corporate Governance confirms that it will apply six core principles:

- Focusing on the role to be performed by the council and on the desired outcome for the community in accordance with an overarching vision and action plan for the development of the local area.

- Co-operation between democratically elected members and employed officers of the council to achieve a common purpose with clearly defined functions and roles in reaching desired outcomes.
- Maintaining high standards of conduct and behaviour in order to promote the council's standards and demonstrate the values of good governance.
- Taking informed and transparent decisions which are subject to effective independent scrutiny and robust risk management procedures.
- Developing the skills of members and officers, and ensuring that the necessary resources are available to ensure that they can work effectively.
- Engaging with the residents of Durham City and other stakeholders to ensure a high level of public accountability.

In addition to the above, the council continues to recognise that good governance requires accountability, integrity, openness and inclusivity.

The purpose of this report is to assess the council's performance in respect of the above elements.

1. **Focusing on the role to be performed.**

The council has been actively promoting its vision for the City of Durham and has exercised strategic leadership in communicating that vision to the community. In particular, the council has taken steps to ensure that there is clear communication with all sections of the community by adopting a consultation toolkit and ensuring that appropriate translation services are in place. The council has reported regularly on its activities, achievements, performance and financial position through reports to Cabinet and council, and have also been subject to scrutiny by the Audit Commission and various council committees. It is therefore apparent that the council is focused on the role which it needs to perform, and on the desired outcome for the community in accordance with its vision and action plan for the development of the area.

2. **Co-operation between Members and Officers**

Members and officers have continued to work closely together and strive to deliver the council's vision. The council's Constitution, which sets out clear statements of the respective roles and responsibilities of Members and officers, has been updated on a number of occasions to ensure its accuracy. Training has also been undertaken by Members and officers to enable them to carry out their roles, and council has scrutinised and monitored the roles and duties of Members and officers to ensure that they are carried out efficiently and effectively.

3. **Promotion of high standards of conduct and behaviour**

The council is committed to establishing high standards of conduct and behaviour by both officers and Members. The council seeks to promote an open and honest culture with full accountability which shows no fear or favour to any person on grounds of disability, sexuality, race or for any other reason. As a consequence, training has been undertaken with officers and Members to ensure that Members and employees are not influenced by prejudice bias or conflict of interest when dealing with any matter, and decisions taken by Members and officers are evaluated so that lessons can be learnt. The Standards Committee has been active, however only 30% related to district councillors.

4. **Open and informed decision making**
The council is committed to making informed and transparent decisions on the basis of sound expert advice, and submitting those decisions to effective scrutiny. The council's scrutiny function has continued to be active and effective, as has the Audit Committee. The council's complaints procedure and whistle blowing policy have been reviewed and the council's induction and training procedures updated.
5. **Development of Officers and Members**
The council encourages diversity within the authority and believes in developing a wide range of experience throughout the organisation. A comprehensive training and development programme is in place for officers and Members and is reviewed on a regular basis. This has been maintained despite the imminent demise of the council.
6. **Engaging with residents and stakeholders**
The council continues to engage with the community and stakeholders to ensure that it is accountable to the people it serves. In addition, the council is actively participating in the work currently being undertaken in respect of the design of the new unitary authority. In this way, the council seeks to ensure that the interests of the residents of the City of Durham are protected. The council has also produced its annual performance plan, which outlines the council's vision, strategy, plans and financial statements. The council aims to deliver the matters contained within that plan prior to its demise.

The Council also has an established Corporate Governance Working Group which the Director of Financial Services,(Section 151 Officer) the Monitoring Officer and the Head of Internal Audit attend as well as representatives from all Service areas at Director/Head of Service/Senior Officer level.

The purpose of this Group is to continually monitor and review the Council's Governance arrangements by collecting and collating appropriate evidence to support the Annual Governance Statement.

The Internal Audit Service also independently review the Council's Governance arrangements on an annual basis.

Conclusion

The council is responsible for ensuring that its business is constructed in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for. It must also act in an economic, efficient and effective manner. The council's annual governance statement has identified areas for improvement in respect of the corporate governance of the council, however it would appear that the council is complying with its Local Code of Corporate Governance.

It is recommended that the report be noted.

Article 9 – [The Standards Committee]

9.1 Standards Committee

The Council meeting will establish a Standards Committee.

9.2 Composition

(a) Membership

The Standards Committee will be composed of:

- four Councillors other than the Leader of the Council;
- at least two persons who are not Councillors or Officers of the Council or any other body having a Standards Committee (Independent **Representative**);
- two Members of Parish Councils wholly or mainly in the Council's area (Parish Members).

(b) Voting at Meetings

All Members will be entitled to vote at meetings.

(c) Parish Members

A Parish Member must be present when matters relating to Parish Councils or their Members are being considered.

(d) Chairing the Committee

~~A Member of the Cabinet may not Chair the Committee.~~

The Committee must be Chaired by an Independent Representative.

9.3 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) advising the City Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors, and co-opted Members on matters relating to the Members' Code of Conduct;

- (f) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) ~~dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer~~
receiving complaints of alleged breaches of the Code of Conduct: deciding whether or not they merit investigation: arranging reviews of decisions not to investigate if so requested by the complainant and determining whether the Code of Conduct has been contravened upon receipt of reports from the Monitoring Officer or an investigating officer appointed on his behalf.
- (h) the exercise of (a) to (g) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils;
- (i) advising on the preparation of the Officers' Code of Conduct;
- (j) overview of the Protocol on Members/Officer Relations.

Citizens have the right to:

- Vote at local elections if they are registered;
- Contact their local Councillor about any matters of concern to them;
- Obtain a copy of the Council's Constitution;
- Attend meetings of the Council and its Committees except where for example, personal or confidential matters are being discussed;
- Petition to request a Referendum on a Mayoral form of Executive;
- Find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or Officers, and when;
- Attend meetings of the Cabinet where key decisions are being discussed or decided;
- See Reports and Background Papers, and any record of decisions made by the City Council and Cabinet;
- Complain to the Council about dissatisfaction with the standard of service, actions or lack of action by the Council or its Staff.
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the City Council's own complaints process;
- Complain to the Standards ~~Board for England~~ **Committee** if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- Inspect the Council's accounts and make their views known to the external Auditor.

The City Council welcomes participation by its Citizens in its work. For further information on your rights as a Citizen, please contact the Council's Monitoring Officer, 17 Claypath, Durham DH1 1RH

Summary of Rights to Attend Meetings and Inspect and copy documents under Part V(A) and Part X(1) of the Local Government Act 1972 (As amended) and The Local Authorities (Executive Arrangements)(Access to Information) (England) Regulations 2000

- Access to Meetings

A meeting of a principal Council (including meetings of the Full Council and any of its Committees or Sub-Committees) is open to the public. A principal Council is a County or District Council but the provisions which apply to these also cover other bodies such as combined Police Authorities and Joint Committees.

The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided by a Government department in confidence, and information the disclosure of which is prohibited by any statute or by any Court order.

The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure of "exempt information". Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Council has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings.

- (iii) Present written Petitions to the Council on Council matters in accordance with Council Procedure Rule No.11.
(Minute No. 117, 6th July, 2004)
- (iv) Contribute to investigations by the Scrutiny Committee and Scrutiny Panels.

(d) Complaints

Citizens have the right to complain to:

- (i) the City Council itself under its Complaints Scheme;
- (ii) the Ombudsman after using the City Council's own Complaints Scheme;
- (iii) the Standards ~~Board for England~~ **Committee** about a breach of the Councillors' Code of Conduct.

3.2 Citizens' Responsibilities

Citizens must not be violent, abusing or threatening to Councillors or Officers and must not wilfully harm things owned by the City Council, Councillors or Officers.

City of Durham Council - Basic and Special Responsibility Allowances 2008

Current Basic Allowance	£5,546.56
Cabinet:	
Members with Portfolio	£5,509.92
Members without Portfolio	£2,754.96
Chairman of the following Regulatory Committees:	
Development Control	£5,509.92
Licensing Panel (Minute No. 531, 26 th February 2007)	£2,754.96
Chairman of the Scrutiny Committee	£5,509.92
Chairman of the following Scrutiny Panels:	£2,754.96
Policy Scrutiny Panel	
Environment Scrutiny Panel	
Community Services Scrutiny Panel	
Economic Scrutiny Panel	
Vice-Chairman of the following Regulatory Committees:	
Development Control	£2,754.96
Licensing Panel (Minute No. 531, 26 th February 2007)	£1,377.48
Vice-Chairman of the Scrutiny Committee	£2,754.96
Vice-Chairman of the following Scrutiny Panels:	£1,377.48
(Minute No. 531, 26 th February 2007)	
Policy Scrutiny Panel	
Environment Scrutiny Panel	
Community Services Scrutiny Panel	
Economic Scrutiny Panel	
Leader of the Controlling Group	£15,238.81
Deputy Leader of the Controlling Group	£8,264.44
Leader of the Opposition Group(s)	£1,055.08
No payment for Chair or Vice-Chair of Audit Overview Committee or Appeals Panel	