



Special Statutory Licensing Committee

Date Monday 29 January 2024
Time 9.30 am
Venue Committee Room 1A , County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest, if any
4. Review of the Council's Statement of Gambling Principles - Report of the Corporate Director of Neighbourhoods and Climate Change (Pages 3 - 80)
5. Review of the Council's Statement of Licensing Policy - Report of the Corporate Director of Neighbourhoods and Climate Change (Pages 81 - 202)
6. Any other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration.

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
19 January 2024

To: **The Members of the Statutory Licensing Committee**

Councillor D Brown (Chair)

Councillors R Adcock-Forster, C Bihari, J Blakey, L Brown, T Duffy,
J Griffiths, C Hampson, J Howey, C Hunt, L Mavin, I McLean,
E Waldock, A Watson and M Wilson

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Statutory Licensing Committee

29th January 2024

Review of the Council's Statement of Gambling Principles

Ordinary Decision



Report of Head of Community Protection Services

Alan Patrickson Corporate Director of NCC

John Shuttleworth Cabinet Portfolio Member for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To seek approval to undertake public consultation leading to the production of a revised Statement of Gambling Principles.

Executive Summary

- 2 The Gambling Act 2005 creates the regulatory regime for the provision of gambling facilities and services. Some of these functions are licensed by the Gambling Commission and some by the local licensing authority.
- 3 The Act requires that local licensing authorities prepare and publish a Statement of Gambling Principles (a 'gambling policy') every three years. Durham adopted its current gambling policy in December 2021 and therefore a new policy must be adopted no later than December 2024.
- 4 There is a statutory requirement that consultation must take place prior to a new policy being adopted and it is proposed that this will take place in the Spring of 2024.
- 5 Following the conclusion of the consultation, a further report will be brought to this committee detailing responses and providing a draft gambling policy for consideration.
- 6 Approval and adoption of the final draft gambling policy is a decision for full Council.

Recommendation

- 7 That Statutory Licensing Committee approves and authorises the commencement of the statutory consultation process relating to the consideration and adoption of a new gambling policy.

Background

- 8 The Gambling Act 2005 creates the regulatory regime for the provision of gambling facilities and services. Some of these functions are licensed by the Gambling Commission and some by the local licensing authority.
- 9 As a licensing authority, Durham Council County is responsible for the licensing of betting shops, bingo halls, Adult Gaming Centres and Family Entertainment Centres (i.e. amusement arcades).
- 10 Amongst other things, licensing authorities are required to publish a Statement of Gambling Principles (a gambling policy) every three years. Durham adopted its current gambling policy in December 2021. A new policy must therefore be revised and adopted no later than December 2024.
- 11 The gambling policy fulfils two principal purposes; firstly, it provides advice to businesses and the public on the Council's overall position regarding the Gambling Act 2005. Secondly, it provides a decision-making framework for the Council via its Licensing Committee to exercise its administrative and legal functions under the Act.
- 12 As such the policy must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities.
- 13 Failure to achieve the correct balance could lead to a policy being either overly prescriptive or open to challenge or alternatively ineffective in the protection of the public through a failure to promote the licensing objectives effectively.
- 14 The gambling policy seeks to promote the Gambling Act's three licensing objectives:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 15 The Gambling Act requires that all matters relating to the Act must be discharged by a licensing authority's statutory licensing committee except for the final approval and adoption of the licensing policy which must be a decision of full council.
- 16 The Act also requires that prior to a new gambling policy being adopted, it must be subjected to a consultation process that allows for the views of all interested parties to be heard and taken into consideration.

Consultation

- 17 It is proposed that a 12 week consultation process take place in accordance with the council's standard consultation procedures.
- 18 This will take place in the Spring of 2024 and will include all statutory consultees plus any other individuals, agencies, and organisations that may reasonably be affected by, or have an interest in, the new policy. In addition, notice of the consultation taking place will be advertised in the local press.
- 19 Following the conclusion of the consultation, relevant information, proposals and recommendations will be used together with information from other sources to draft a revised gambling policy which will be brought back to this committee for consideration and recommendation to full council.
- 20 Final approval and adoption of the draft gambling policy must be made by full council.

Background papers

- Durham County Council's Statement of Gambling Policy
- Gambling Commissions Guidance to licensing authorities – Published 1 April 2021, last updated 11 April 2023

Other useful documents

- The Gambling Act 2005

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Appendix 1: Implications

Legal Implications

The statement of Gambling policy must be right. If an appeal concludes it is deficient, Magistrates can declare it illegal. Matters already concluded or ongoing will be lost as the decisions were based on a defective document. Furthermore, a gambling policy can be subject to a judicial review.

Finance

The costs of consultation and publication of the revised policy will be met from existing budgets. The report has no value for money implications.

Consultation

A full public consultation process will be undertaken in respect of the review of this policy. The 3-yearly review of the Gambling Act Policy is subject to Government Guidance which prescribes the statutory consultees who must be included in policy consultation. In addition to the statutory consultees, other relevant local, regional, and national bodies and organisations have been identified and are consulted in relation to policy revision.

Equality and Diversity / Public Sector Equality Duty

An Equality and Diversity Impact Assessment (DIA) was carried out in relation to previous versions of the existing revised policy and a revised EIA will be developed throughout the planning and development stages of the consultation and revision process.

Human Rights

None

Crime and Disorder

The Council's licensing policies form a central part of the control and regulation of the evening and night-time economies. As such, they can be viewed as having a pivotal role in the prevention of crime and disorder.

The effective control of all gambling licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for any gambling related issues or mitigate their effects. This coupled with monitoring and enforcement and the appropriate use of the review process can significantly contribute towards crime reduction and an increase in public reassurance.

Staffing

None

Accommodation

None

Risk

A failure to review, revise and update the Council's Gambling Act licensing policy would result in the expiry of the existing policy with no replacement. This would result in the Council's inability to properly administer, manage and regulate the GA 2005 licensing process. This would result in unacceptable deficiencies in safeguarding and would expose the public to serious risks. Public safety would be compromised. The council would be open to charges of maladministration and to legal challenges.

The final revised policy once adopted may be subject to challenge and complaint.

Procurement

None

Appendix 2: Our current Statement of Statement of Gambling Principles

Neighbourhood & Climate Change

Community Protection

Durham County Council

Statement of Principles

2022 - 2025

Gambling Act 2005

Altogether better



Version Date	Version ref	Revision History	Reviser	Approved by	Review Date
2009	V1	Final version	Joanne Waller	County Council	2013
2013	V2	Final version	Joanne Waller	County Council	2016
2016	V3	Reviewed and revised	Joanne Waller	County Council	2019
2019	V4	Reviewed and revised	Joanne Waller	County Council	2021
2021	V5	Reviewed and revised	Joanne Waller	County Council	2024

Further copies of this document can be obtained from:

Durham County Council
Community Protection
Annand House
John Street North
Meadowfield
Durham
DH7 8RS

Email: licensing@durham.gov.uk

Please note:

The information contained within this document can be made available in different languages and formats including Braille and large print

Foreword by Councillor John Shuttleworth - Portfolio Member for Rural Communities and Highways

Our most important role is to actively work to protect those who live and work in the County and who visit our area. As part of this role, the Council licenses certain types of business and commercial premises where activities take place that may impact on both individuals and the community. Premises used for gambling purposes are in this category.

This Statement of Principles, or more commonly known as the gambling policy for County Durham, accords with seeking to promote the licensing objectives set out in the Gambling Act:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

By working together, listening to, learning from and responding to our residents and service users, Durham County Council aims to build a district where people are proud to live and work. We have produced this statement as required by the Gambling Act 2005 having had regard to the Gambling Commission's guidance, the licensing objectives and to the views of those that we have consulted. We consulted widely upon this statement before finalising and publishing.

We intend that this document should provide information and guidance on the general approach that we will take to licensing gambling premises in the County. It is intended that this Statement of Principles not only reflects but aims to support our strategic purposes, as set out in the Council Plan.

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1.0 Introduction

1.1 Background

The Gambling Act 2005 created a system of licensing and regulation for commercial gambling in this country. The Act gives local authorities responsibilities for licensing premises for gambling including gaming machine arcades, betting, casino gaming and bingo.

The Gambling Act 2005 (the Act) received Royal Assent in 2005 and came into force in 2007. The Act and associated regulations together with the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), statutory guidance issued to licensing authorities, the Commission's formal statement of principles, form a central framework for regulating commercial gambling.

Under Section 349 of the Gambling Act 2005 each licensing authority is required to develop, consult on and publish a Statement of Principles (SOP). The statement must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. This process repeated every three years, a process that began on 31st January 2007. The Council's Statement of Principles provides the local framework for the licensing of premises and specified gambling activities.

The Act requires the Gambling Commission to issue guidance to licensing authorities on the way they are to exercise their functions under the Act and the principles to be applied by them in exercising those functions. Licensing authorities are required to take account of all such guidance. The guidance is designed to ensure the spread of best practice and consistency of approach in decision making amongst licensing authorities, whilst not preventing authorities from properly exercising the discretion they must take account of appropriate and relevant local issues and factors.

The consultation process leading to the development of this latest version of Durham County Council's policy is laid out in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

1.2 The licensing objectives

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005. The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably

consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Any decision taken by the Council regarding determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives. More information can be found about how the Council will achieve this in Part B and C of this document.

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. It also refers to the provision of adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council can issue permits for prize gaming and unlicensed family entertainment centres. The Council can specify the information it requires as part of the application process which will aid determination and this information is described in this Statement of Principles.

Club gaming and club machine permits are also issued by the Council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

1.3 Consultation

In preparing this statement the Council consulted with and considered the views of a wide range of people and organisations. The Council has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and the responses from those consulted on the statement.

A full list of comments made in response to the consultation and the consideration by the Council of those comments is available on request to the Licensing Manager whose details are listed below and via the Council's website at www.durham.gov.uk

This Statement of Principles was approved at a meeting of the Full Council on Wednesday 8th December 2021

1.4 Strategic context

Durham County Council Plan objectives and outcomes provide the broader strategic direction for the authority. The Plan is structured around three themes for County Durham:

- Create more and better jobs
- People live long and independent lives - improving health and wellbeing
- Support communities to be well connected and supportive of each other

1.5 Legal Context

This Statement of Principles is intended to meet the Council's obligations under Section 349 of the Gambling Act 2005. The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.

1.6 Local Context

Local data is not currently available on the prevalence of gambling in County Durham. However national data does exist.

The Council is aware of research looking specifically at identifying groups of the society that could be considered vulnerable to problem gambling. The study of Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016, identifies the following groups:

- Young people.
- Minority ethnic groups.
- Unemployed and constrained economic circumstance.
- People living in deprived areas.
- People who are homeless.
- People suffering with some forms of mental ill health.
- People engaged in substance abuse/misuses.
- Some people with certain personality traits/cognitive distortions.
- Problem gamblers seeking treatment.

The Council acknowledges that problem gamblers are more likely than other people to experience the following harms:

- **Financial harms:** overdue utility bills; borrowing from family friends and loan sharks; debts; pawning or selling possessions; eviction or repossession; defaults; committing illegal acts like fraud, theft, embezzlement to finance gambling; bankruptcy.

- **Family harms:** preoccupied with gambling so normal family life becomes difficult; increased arguments over money and debts; emotional and physical abuse, neglect and violence towards spouse /partner and/or children; relationship problems and separation/divorce.
- **Health harms:** low self-esteem; stress-related disorders; anxious, worried or mood swings; poor sleep and appetite; substance misuse; depression, suicidal ideas and attempts.
- **School/college/work harms:** poor school, college or work performance; increased absenteeism; expulsion dismissal.

The Council is committed to developing an improved understanding of the prevalence of gambling and gambling harm in the County so that applicants, licensees and Members of the Licensing Committee have access to the best information available. The outcome of research projects and best practice from across the UK will be considered as it becomes available and adopted as a means of gathering and presenting relevant data where appropriate.

1.7 Durham County Council

Durham County Council is situated in the County of Durham, the heart of the North East of England. The area features a rich diversity in lifestyle and culture including a historic city with a World Heritage Site, Beamish and Bowes Museums, Durham, Lumley and Lambton Castles, designated Areas of Outstanding Natural Beauty, and historic villages and market towns.

County Durham has more than 500 000 people, with more than 50% classed as living in rural areas. It varies in character with sparsely populated rural areas in the Uplands and Durham Dales, to the larger villages located within the former coalfield communities in the centre and east.

For health and deprivation, crime and community safety information about the local area visit: <https://www.durhaminsight.info/>

2.0 Part A The Gambling Act 2005

2.1 The Legislation

The Gambling Act came into force in 2007 and put in place a comprehensive and cohesive regulatory regime based on three fundamental objectives. Under the Gambling Act 2005 (the Act) Durham County Council is the licensing authority for the district and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to the Durham County Council as the Licensing Authority.

2.2 Decision making

The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives and in accordance with this document.

The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.

2.3 Risk assessments

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Section 4.0.

2.4 Integration with other guidance, policies, objectives and strategies

Many stakeholders are involved in the leisure industry and they are all involved in the promotion of the licensing objectives. Several stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim to integrate and co-ordinate them. See also 1.3.

The Council recognises the importance of the co-ordination and integration of this policy statement with other plans aimed at the management of town centres and the night-time economy.

2.5 The purpose of the Gambling Act 2005 – Statement of Licensing Principles (SOP)

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

Durham County Council consulted widely upon the SOP before finalising and publishing the document. The SOP was presented for public consultation on the Durham County Council website, by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish Councils. Letters and emails were sent advising interested parties of the consultation. The consultation was also advertised on the Council’s webpages.

The consultation followed the Cabinet Office’s Code of Practice on Consultation. The consultation elicited responses which are available on request. The SOP was approved at a meeting of the Full Council on Wednesday 8th December 2021.

2.6 The licensing framework

The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

The Gambling Commission issues operators’ licences and personal licences. Any operator wishing to provide gambling at a certain premise must have applied for the requisite personal licence and operator licence before they can approach the Council for a premises licence. In this way the Gambling Commission can screen applicants and organisations to ensure they have the correct credentials to operate gambling premises.

The Council’s role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller

scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

The Council recognises that in matters of regulation under the Gambling Act 2005 (the “Act”), it is subject to the Regulators’ Code. That code imposes several obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow.

Additionally, under the Code, when designing and reviewing policies, the Council must among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates.

The Council will take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates.

2.7 Functions of the Council as the Licensing Authority

Under the Act, Durham County Council is responsible for the following activities:

- Licensing premises where gambling activities are to take place by issuing premises licences.
- Issuing provisional statements,
- Regulating members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issuing Club Machine Permits to commercial clubs.
- Granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres.
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines.
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits.
- Receiving and endorsing Temporary Use Notices.
- Receiving Occasional Use Notices (for tracks).
- Providing information to the Gambling Commission regarding details of licences issued (see section above on ‘Exchange of information’).
- Maintaining registers of the permits and licences that are issued under these functions.

The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission via operator licences. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

The provisions of the Gambling Act delegates all decisions relating to Premises Licences, Temporary Use Notices, Occasional Use Notices and the issuing of permits for gaming machines and prize gaming to the Licensing and General Registration Committee of the Council.

2.8 Exercise of licensing functions

The Licensing Authority's licensing functions under the Act will be carried out by the Licensing Committee. To provide a speedy, efficient and cost-effective service and in accordance with the Act, the Licensing Committee will delegate decisions and functions and will establish a number of sub-committees to deal with them as detailed in this Statement. Three members will sit on these sub-committees. Further, with any of the decisions and functions being administrative in nature, the grant of non-contentious applications, including those where no representations have been made, are delegated to officers.

2.9 Duplication with other regulatory regimes and planning matters

Durham County Council seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. Durham County Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise. When dealing with a premises licence application for finished buildings, Durham County Council will not consider whether those buildings must comply with the necessary planning or buildings consents. Fire or health and safety risks will not be considered, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Although the Council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including children and vulnerable groups.

2.11 Declaration

In producing the final statement, Durham County Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

This Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.12 Responsible authorities

The Act empowers certain agencies to act as responsible authorities so that they can employ their area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.

Durham County Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are the need for the body to be:

- responsible for an area covering the whole of the licensing authority's area; and
- answerable to democratically elected persons, rather than any particular vested interest group

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, Durham County Council designates the Local Safeguarding Children Board for this purpose. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix 3.

2.13 Interested parties

Interested parties include people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. Interested parties can make representations about licence applications or apply for a review of an existing licence.

In accordance with guidance from the Gambling Commission it is not the Council's role to deem that certain bodies will automatically represent Interested Parties. The question of whether someone is a representative of an Interested Party will be a matter for consideration on a case-by-case basis.

In keeping with the Commission's Guidance on interested parties (paras 8.06 and 8.17), such persons will include e.g. democratically elected representatives, trade

associations, trade unions, residents' associations or community groups etc. The Council will satisfy itself on a case-by-case basis that a person does in fact represent an Interested Party and to achieve this we may need to consider obtaining a letter of confirmation from a prospective interested party.

Interested parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- a. lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b. has business interests that might be affected by the authorised activities or
- c. represents persons who satisfy paragraph (a) or (b)”

In addition to supplement the above information, Durham County Council is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. Durham County Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required if the Councillor / MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is enough.
- Interested parties referred to under section 158 of the Act in the opinion of the licensing authority also includes those individuals and organisations concerned with or involved with social welfare, addiction, poverty, public health, poverty and protection of the vulnerable which individuals and organisations. They will be deemed to represent those who live sufficiently close to the premises to be likely to be affected by the authorised activities

- If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts, contact should be made with DCC Licensing Services section

Note: The Council may from time to time publish more detailed information on the making of representations in separate guidance notes. Guidance notes will be prepared in accordance with relevant Statutory Instruments and the Gambling Commission's own guidance.

2.14 Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that Durham County Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulations will not be contravened.

Durham County Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of those persons making representations in relation to applications will ordinarily be made available to applicants to allow mediation to take place if appropriate, and in the event of a hearing, will form part of a public document. Anyone making representations or applying for a review of a premises licence will be informed that their details will be disclosed.

Should any protocols be established as regards information exchange with other bodies then they will be made available. The Council will look to exchange information connected to licensing activity with neighbouring authorities and other regions where deemed appropriate.

Please contact the licensing department for further information on our protocols.

2.15 Fees

The Department of Culture, Media and Sport (DCMS) published the Gambling (Premises Licence Fees) Regulations 2007 on 21 February 2007. The Regulations provide for Licensing Authorities to determine the fees, subject to maximum fees prescribed in the Regulations. The Regulations provide for licensing authorities to determine separate fees for different types of activities associated with licences

(e.g. application for a licence; application to vary a licence etc.) and the annual fees payable in respect of a licence. The Regulations also provide for Licensing Authorities to determine separate fees for different classes of premises licence (e.g. those relating to bingo halls, betting shops etc.) prescribing the maximum fees chargeable for each type of gambling premises.

Under section 212(2)(d) of the Gambling Act 2005, in determining fees, licensing authorities must aim to ensure that the income from the fees as nearly as possible equates to the cost of providing the service to which the fee relates. Fees will include the cost of administration (including hearings and appeals), inspection and enforcement associated with the regime (direct and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital charge). The fees are reviewed annually. The current Gambling Act fees can be found on the Council website at: www.durham.gov.uk

2.16 Contact details

Should you have any comments relating to this statement, please send them via contact address, telephone number and email address provided in Appendix 3, Page 69.

3.0 Part B – Promotion of the licensing objectives

3.1 Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime

The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The Council's main role is to promote this objective in relation to premises. The Council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the commission's guidance, codes of practice and this policy statement.

The Council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective. For example, if an area is affected by organised crime to a known and significant level the Council will consider carefully whether it is suitable for gambling premises to be located there and whether conditions may be required such as the provision of door supervision.

Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate. There is a distinction between disorder and nuisance. Should incidents of this nature occur in connection with premises the Council will consider whether police assistance was required and if threatening behaviour was a contributory factor etc.

3.2 Ensuring that gambling is conducted in a fair and open way

The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks. Generally, the Gambling Commission does not expect licensing authorities to have to act to ensure that gambling is conducted in a fair and open way as this will for the most part be addressed via operator and personal licences.

The Council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling

3.3.1 Protection of children

This licensing objective means preventing children from taking part in most types of gambling. The Council will therefore consider whether specific measures are

required at premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

Section 45 of The Act provides the following definition for child and young person:

Meaning of “child” and “young person” -

- (i) In this Act “child” means an individual who is less than 16 years old.
- (ii) In this Act “young person” means an individual who is not a child but who is less than 18 years old.

The Council will pay attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- Casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18.
- Bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo or play category B or C machines that are restricted to those over 18.
- Family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18.
- Clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines.
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- The Council will have regard to any code of practice which the Gambling Commission issues about this licensing objective in relation to specific premises.

- The Council will consider whether specific measures are required at premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part 5.0 of this policy.

3.3.2 Protection of vulnerable people

The term of a “vulnerable person” is a broad term. “Adults at risk of abuse or neglect” or “adults at risk” are terms often used in relevant literature.

Department of Health document “No Secrets” from 2000 offers a definition of a vulnerable adult as a person: “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

The Gambling Commission, in its guidance to local authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people: ‘Who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.’

The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- Combating problem gambling.
- Access to gambling by children and young persons.
- Information on how to gamble responsibly and help for problem gamblers.
- Customer interaction.
- Self-exclusion.
- Employment of children and young persons.

The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant. Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet

- training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
- self-exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters and leaflets with GamCare Helpline and website displayed in prominent locations
- external advertising e.g. on windows and entrances to be positioned or designed not to entice passers-by

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

Since 2007 there have been significant changes in how gambling is carried on both nationally and within the County. Gambling has for many years formed an important and significant part of the entertainment culture. It is however important that we understand the harm that can be caused by irresponsible and problem gambling.

Increasingly there is awareness and concern about the availability of some gambling activities that enable people to bet large amounts of money very quickly; and that doing so can lead to financial and other problems if it gets out of hand.

It is important also that we recognise that most licensees operating in the County do so responsibly and with appropriate sensitivity to the needs of the communities in which they operate.

It is incumbent on all those involved in the gambling industry to be mindful of the needs of the most vulnerable members of our society, and Durham County Council has an important role to play through the licensing regime in helping to safeguard them.

The Care Act 2014 imposes a requirement on a local authority to "make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse

or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.

In accordance with section 153 of the Act Durham County Council is aware that in making decisions about premises licences and temporary use notices, it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Gambling Commission,
- reasonably consistent with the licensing objectives and,
- in accordance with the authority’s statement of licensing policy

The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case (whether under this Part or otherwise) and, if so, what and by whom. “Abuse” includes financial abuse; and for that purpose, “financial abuse” includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property and having money or other property misused.

4.0 Part C Premises Licences

4.1 General Principles

The Council will issue premises licences to allow those premises to be used for certain types of gambling. These are:

- Casino premises
- Bingo premises
- Betting premises including tracks and premises used by betting intermediaries
- Adult gaming centre premises, or
- Family entertainment centre premises

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities can exclude default conditions and attach others, where it is believed to be appropriate (necessary and proportionate).

The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

4.2 Definition of “premises”

Premises is defined in the Act as “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

4.3 Building separation, access arrangements and multiple licences

The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/ plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.

This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Council will pay attention if there are issues about sub-divisions of a single building or plot and shall ensure that mandatory conditions relating to access between premises are observed.

The Council will take care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised, and that people do not ‘drift’ into a gambling area.

Durham County Council takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: *“licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. They should be aware of the following:*

- *The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being near gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating*
- *Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit*
- *Customers should be able to participate in the activity names on the premises licence”*

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Are the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

Durham County Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Council will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

a. Casinos

- The principal access entrance to the premises must be from a street.
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

b. Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

c. Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from other premises with a betting premises licence.
- No direct access from a betting shop to other premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting

shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

d. **Tracks** - No customer should be able to access the premises directly from:

- a casino
- an adult gaming centre

e. **Bingo Premises** - No customer must be able to access the premise directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

f. **Family Entertainment Centre** - No customer must be able to access the premises directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which Durham County Council will also consider in its decision-making.

4.4 Premises “ready for gambling”

An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premise, Durham County Council will determine applications on their merits, applying a two-stage consideration process:

- First, whether the premises ought to be permitted to be used for gambling.
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that Durham County Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence. More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance produced by the Gambling Commission.

4.5 Location

The Council is aware that the issue demand for gambling activities cannot be considered with regard to the location of premises but that considerations in connection with the licensing objectives are relevant to its decision-making. In accordance with the Gambling Commission's Guidance to Licensing Authorities, Durham County Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. In deciding whether a licence for particular premises should be granted, each case will be decided on its merits.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. Any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

In relation to the licensing objectives, it is the Council's policy upon receipt of any relevant representations to consider location - specific issues, including the following factors. This list is not exhaustive:

- The possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area.
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children.
- The size of the premises and the nature of the activities taking place.
- Levels of organised crime in the area.

4.6 Local Risk Assessment

Licence holders must assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. Operators will be expected to have policies, procedures and control measures in place to mitigate those risks. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event, in this case the risk of the impact on the licensing objectives.

The local risk assessment process is not the same as other forms of risk assessments undertaken by gambling operators, such as Health and Safety at Work, Fire Safety etc. The local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the area and the local community.

Licence holders are required to undertake a local risk assessment when applying for a new premises licence. Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome. However, the Licensing Authority will expect the local risk assessment to consider as a minimum:

- The location of educational establishments attended by persons under 18 years of age.
- The location of services for children such as playgrounds, leisure centres and other areas where children will gather.
- The location of any establishment frequented by vulnerable adults for the purpose of treatment and/or support.
- The location of any establishment frequented by persons addicted to gambling for the purpose of treatment and/or support.
- The layout of the local area and physical environment in which the premises are situated including any crime and disorder hotspots.

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected by the licensee or applicant.

Licence holders must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;

- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

In relation to a. above, a significant change may include (but is not limited to):

- The development of an educational establishment for persons under 18 years of age.
- The development of an establishment at which vulnerable adults and/or persons addicted to gambling may attend for the purpose of treatment and/or support.
- The licensee becoming aware of a particular risk to premises offering gambling facilities in the location of the premises.
- The Licensing Authority, having received information and having consulted with the licensee upon the significance of that information, determines that this amounts to a change in local circumstances.
- When there are significant changes at a licence holders' premises that may affect their mitigation of local risks.
- When applying for a variation of a premises licence.

The Council will expect local risk assessments to consider the following socio-economic and demographic factors:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises are in an area of deprivation.
- Whether the premises are in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, Council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

The Council will expect local risk assessments to show how vulnerable people, including people with gambling dependencies, are protected including:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of information regarding self-exclusion and gaming trends.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with underage persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.

The Council will expect local risk assessments to show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.
- Areas affected by issues such as children and young people participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

The Council will also encourage the following matters to be included in local risk assessments:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- Gambling Act 2005 Statement of Licensing Policy 2019-2021
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

In preparing a Local Risk Assessment the licence holder may have regard to;

- The crime mapping website: www.police.uk
- Neighbourhood statistics website: www.neighbourhood.statistics.gov.uk
- Information made available by Durham County Council
- Health and deprivation, crime and community safety information about the local area visit: <https://www.durhaminsight.info/>

Where concerns do exist, the Council suggests that the licence holder considers consulting the most appropriate Responsible Authority for guidance before submitting an application for a licence or a variation of a licence, or where it is believed there has been a significant change in local circumstances.

When the officers from the Council undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local Risk Assessment, or a copy, is always kept at the premises.

As a matter of best practice, the Council recommends that operators establish a regular review regime. This review programme would ensure that these assessments are considered at regular intervals and updated if necessary.

4.7 Decision-making

Durham County Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 12) and that unmet demand is not a criterion for a licensing authority.

Durham County Council also notes the Gambling Commission guidance on ensuring that betting is the primary activity of licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licenses.

In making this determination, Durham County Council will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

Decisions upon individual conditions will be made on a case by case basis, although there will be several measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

Application of the Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities.

Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the Council may consider licence conditions to cover issues such as:

- proof of age schemes
- Proof of age schemes
- CCTV
- Supervision of entrances.
- Supervision of machine areas
- A reduction in the number of betting machines (betting premises)
- The manning of premises
- Physical separation of areas
- Location of entrance points
- Notices/signage
- Specific opening hours
- A requirement that children must be accompanied by an adult (in premises where children are allowed)
- Enhanced CRB checks of the applicant and/or staff
- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse
- Support to persons with gambling addiction, including brief intervention
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
- Obscuring windows – labelling premises so it's clear that they are gambling premises

This list is not mandatory or exhaustive and is merely indicative of examples of measures which may satisfy the requirements of the Council and the responsible authorities to meet the licensing objectives.

The Council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been addressed.

It is noted that there are conditions which the Council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes

Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the Council will attach individual conditions to address such matters.

Durham County Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

Durham County Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance; only adults are admitted to the area where these machines are located; access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- These considerations will apply to premises including buildings where multiple premises licences are applicable

Durham County Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, Durham County Council will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Any conditions attached to a licence issued by the Council will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises are based
- fairly and reasonably related to the scale, type and location of premises
- consistent with the licensing objectives; and
- reasonable in all other respects

Decisions about individual conditions will be made on a case-by-case basis, although there will be several control-measures the Council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

4.8 Door supervision

The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and in terms of preventing premises becoming a source of crime.

It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (CRB) check on potential staff and for such personnel to have attended industry recognised training.

4.9 Adult Gaming Centres

Adult gaming centres are a category of premises introduced by the Act that are most closely related to adult only amusement arcades seen in many town and city centres. Under the Act premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.

Durham County Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18-year-olds do not have access to the premises.

Durham County Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry Notices / signage Specific opening hours Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures. Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the Council may consider licence conditions to address such issues.

4.10 Licensed Family Entertainment Centres (FECs)

Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place, so children do not access the areas where the category C machines are located.

Durham County Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas.

Where category C or above machines are available in premises to which children are admitted then the Council will ensure that:

- all such machines are in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose, a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least 1 meter high

- only adults are admitted to the area where the machines (category C) are located
- access to the area where the machines are located is always supervised
- the area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Durham Constabulary and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

The Council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

Durham County Council may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry Notices / signage Specific opening hours Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

4.11 Casinos

The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players.

Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

Durham County Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should we decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by Full Council.

4.12 Bingo premises

There is no official definition for bingo in the Gambling Act 2005 however there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.

Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

If children can enter premises licensed for bingo it is important that they do not participate in gambling, other than on category D machines. Where category C or

above machines are available in premises to which children are admitted then the operator should ensure that:

- all such machines are in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose, a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least one meter high
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is always supervised
- the area where the machines are located is arranged so that it can be observed by staff
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- children will not be admitted to bingo premises unless accompanied by an adult

Durham County Council notes that the Gambling Commission's Guidance states: Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Durham County Council also notes the Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

4.13 Betting premises

Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at racecourses as well as the general betting premises licences that track operators will require.

4.14 Betting machines

The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will consider the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

4.15 Fixed Odds Betting Terminals (FOBTs)

The Authority is concerned about the potential effects of excessive use of FOBTs by customers who may be least able to afford to lose cash, coupled with the speed and ease with which they can gamble compared with other forms of gambling. Under this policy the Council encourages operators to report vandalism to FOBTs on their premises, so the Council can obtain more information about the level of crime associated with the use of FOBTs within the County.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted in section 3.5.

Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

4.16 Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

All tracks will require a primary ‘general betting premises licence’ that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is

because the various other gambling operators offering betting at the track will each hold an operating licence.

Durham County Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, Durham County Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Durham County Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premise's boundary.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

4.17 Gaming machines

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be in areas from which children are excluded.

Betting machines - Durham County Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will consider the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, to ensure they are in a properly segregated area where children are not permitted.

Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the Council may consider licence conditions to address such issues. Durham County Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry Notices / signage Specific opening hours Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

4.18 Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).

Durham County Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan

indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

4.19 Travelling Fairs

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met, and this provision continues in similar fashion under the new Act.

Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

Durham County Council is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

The Council is aware that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. Durham County Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

4.20 Provisional Statements

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward considering the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward considering the need to obtain a premises licence. There is no need for the applicant to hold an operating licence to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered; or
- expects to acquire a right to occupy

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be considered unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision

When determining a provisional statement application, the Council will operate in accordance with the Act and will not have regard to any issues related to planning

consent or building regulations, e.g. the likelihood that planning consent will be granted.

4.21 Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be based on whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a premises licence, or a particular class of premises licence based on any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28-day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt. The licensing authority must carry out the review as soon as possible after the 28-day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- a. add, remove or amend a licence condition imposed by the licensing authority
- b. exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- c. suspend the premises licence for a period not exceeding three months and
- d. revoke the premises licence

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

The licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

5.0 Part D Permits, Notices and Lottery Registrations

5.1 Unlicensed Family Entertainment Centre gaming machine permits

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

Where premises do not hold a premises licence but wishes to provide gaming machines, they may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three-year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6).

In accordance with the above provision the Council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

- a. The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- b. The efficiency of such policies and procedures will be considered on their merits, however, they may include:
 - appropriate measures and training for staff as regards suspected truant children on the premises
 - measures and training covering how staff would deal with unsupervised very young children being on the premises
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises

- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Durham Constabulary and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be vetted through the Disclosure and Barring Service (DBS).

In accordance with published guidance, the Council will only grant an application for a permit if it is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

The Council will also expect, in accordance with Gambling Commission Guidance, that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes

In accordance with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.

Note: applicants only need to address the “Statement of Principles” when making the initial application and not on renewal.

5.2 (Alcohol) Licensed premises gaming machine permits - Gaming machine permits in premises licensed for the sale of alcohol

a. Automatic entitlement: two gaming machines - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed

fee. The licensing authority can remove the automatic authorisation in respect of any premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

b. Permit: three or more gaming machines - If a premise wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

Durham County Council considers that “such matters” will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which may satisfy the Council that persons under 18 years will be prevented from using the machines may include the machines being near the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence. Any such application would need to be dealt with under the relevant provisions of the Act.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. Alcohol licensed premises can provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission.

5.3 Prize gaming permits

A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises. Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered, and the prizes are displayed on the walls.

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

Durham County Council has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm

The Council will expect, as per the Gambling Commission Guidance that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible and that the gaming offered is within the law.

The Council will also expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises

- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of Durham Constabulary and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling

In line with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.

Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

5.4 Club gaming and club machines permits

Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance i.e. poker, bingo etc. A ‘club machine permit’ will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a ‘club machine permit’ only.

Members Clubs and Miner’s welfare institutes – and Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

To qualify for these special club permits a member’s club must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of the Royal British Legion and clubs with political affiliations.

The club must be conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18-year-olds do not use the adult only gaming machines. These measures may include:

- the machines being near the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare

Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members’ club and that most members are over 18.

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years or
- e) an objection has been lodged by the Commission or the police

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5.5 Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. They allow the use of premises on not more than 21 days in any 12-month period for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence. A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. .

There are several statutory limits regarding Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

The Council considers that the determination of what constitutes "a set of premises" will be a question of fact in the circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises.

The Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

5.6 Occasional Use Notices (Tracks)

There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the Council by the person responsible for the administration of the events on a track or by an occupier of the track.

Durham County Council has very little discretion about these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Durham County Council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. Durham County Council will also ensure that no more than eight occasional use notices are issued in one calendar year in respect of any venue.

5.7 Small society lottery registrations

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in Leeds and want to run such lottery.

A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

To be 'non-commercial' a society must be established and conducted:

- for charitable purposes
- for enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain

The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries. If you require guidance on the different categories of lotteries, please contact the Council.

Durham County Council will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by or on behalf of, a charity or for charitable purposes

- to enable participation in, or support of, sporting, athletic or cultural activities

Charities and community groups should contact Durham County Council on 03000 265107 to seek further advice.

The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

6.0 Part E Enforcement

6.1 Enforcement principles

The administration and regulation of permits, small society lotteries and temporary permissions for gambling are the responsibility of licensing authorities. The Council will consider the following factors when determining which agency will take the lead on enforcement are:

- the nature of the breach
- the seriousness of the breach
- the frequency of the breach; and
- the enforcement action that is available

Generally, the Council will take the lead in enforcing premises licence conditions, dealing with breaches of premises licence conditions, and investigating and prosecuting less serious or significant incidents of illegal gambling. The Commission meanwhile will lead on enforcement activity connected to operating and personal licences, and on the investigation and prosecution of illegal gambling of multi-authority, regional or national importance.

Where non-gambling offences are also involved a multi-agency approach may be appropriate, and the Council, the police and Commission shall use local consultation arrangements to agree priorities and who should lead on which issues.

Regulatory action would include informal or formal warnings and licence reviews, issue of simple cautions (warnings) or the prosecution of an offence under the Act. The main objective of the compliance process will be to ensure compliance with the three licensing objectives, including compliance with the general licensing conditions (including mandatory and default conditions), specific licence conditions and any applicable codes of practice. Enforcement can be defined as the criminal or regulatory investigation process and any consequent laying of criminal charges or imposition of a regulatory sanction.

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Authority will have regard to the Statutory Regulators Code which came into force in April 2014. We support the principle of better regulation to promote efficient, proportionate and effective approaches to enforcement and inspection that improve regulatory outcomes without imposing unnecessary burdens on business.

The Council will work closely with the responsible authorities in accordance with any locally established joint enforcement protocols and we will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

Durham County Council's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny
- **Consistent:** rules and standards must be joined up and implemented fairly
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem and minimise side effects.

Durham County Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

Durham County Council has adopted and implemented a risk-based inspection programme, in line with government recommendations around better regulation and the principles of the Hampton Review based on:

- The licensing objectives.
- Relevant codes of practice.
- Guidance issued by the Gambling Commission, in particular at Part 36.
- The principles set out in this statement of licensing policy.

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, Durham County Council will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for Durham County Council in terms of the Gambling Act 2005 is to ensure compliance with the premise's licences and other permissions which it authorises.

The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of

gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

The Council also keeps itself informed of developments about the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

This Authority acknowledges the Primary Authority Scheme. This scheme allows businesses to be involved in their own regulation. It enables them to form a statutory partnership with one local authority, which then provides robust and reliable advice for other local regulators to consider when carrying out inspections or addressing noncompliance. Where there is a Primary Authority scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking enforcement action. At the time of the publication of this statement there are no Gambling Act 2005 Primary Authority arrangements in place in County Durham. Further information on the scheme and an up-to-date list of arrangements can be accessed at: <https://primaryauthorityregister.info/par/index.php/home>

The Council's enforcement/compliance protocols and any written agreements currently in operation are available upon request.

6.2 Reviews

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Council to decide whether the review is to be carried-out. This will be based on whether the request for the review is:

- a. in accordance with any relevant code of practice issued by the Gambling Commission
- b. in accordance with any relevant guidance issued by the Gambling Commission
- c. reasonably consistent with the licensing objectives; and
- d. in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

The licensing authority will carry out the review as soon as possible after the 28-day period for making representations has passed.

In addition, the Council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a licence based on any reason which it thinks is appropriate.

Once the review has been completed, the licensing authority will, as soon as possible, notify its decision to:

- a. The licence holder
- b. The applicant for review (if not the Licensing Authority)
- c. The Gambling Commission
- d. Any person who made representations
- e. The Chief Officer of police
- f. Her Majesty's Revenue and Customs

6.3 Appeals

Where an applicant, licence holder or person who has made a representation is aggrieved by a decision of the Licensing Authority, there is a right of appeal. In certain circumstances there is also a right for the Gambling Commission to appeal against decisions of the Licensing Authority. The appeal must be lodged with the Magistrates' Court within 21 days from the date on which the aggrieved person was notified of the Authority's decision. The appeal must be lodged in the Magistrates' Court where the premises are situated.

Generally, a decision will not have effect until the time for bringing an appeal has passed, or if an appeal is brought, until it is determined or abandoned. However, the Licensing Authority can decide that its decision should have effect immediately, and this will be considered on each occasion having due regard to the individual circumstances and in particular any immediate risk to public safety.

6.4 Complaints about premises and licensable gambling activities

The Licensing Authority will investigate complaints about licensed premises and activities taking place at unlicensed premises. Where appropriate, complainants will in the first instance be encouraged to raise the complaint directly with the licensee or business concerned. In the case of a valid complaint, the Licensing Authority will initially endeavour to seek resolution through informal means.

All complaints should in the first instance be addressed to:

Durham County Council
Neighbourhoods and Climate Change
Community Protection Service
Licensing Services
Annand House
John Street North
Meadowfield
Durham

Telephone: 03000 260000

Email: licensingenforcement@durham.gov.uk

The Licensing Authority will only investigate complaints under this Statement of Licensing Principles where they relate to one or more of the licensing objectives. Where appropriate, the Licensing Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

Appendix 1 - Delegation of Functions

The Licensing Authority will delegate its functions under the Gambling Act 2005 as follows:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authority	Where no representations received from the Commission or responsible authority
Application for a provisional statement		Where representation have been received and not withdrawn	Where no representations received / have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / have been withdrawn
Cancellation of club gaming/club machine permits		X (if requested by the holder)	X (if no request received)
Applications for other permits			X
Cancellation of licensed premises gaming machine permits		X (if requested by the holder)	X (if no request received)
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X (where representations have been received and not withdrawn)	X (where time limits have been exceeded)

Note: The Licensing Committee can consider any application; it is not precluded from doing so by reason that the relevant column above is devoid of an entry. **X** Indicates the lowest level to which decisions can be delegated.

Appendix 2 Glossary

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and blackjack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed Odds Betting	If a gambler can establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds Betting Terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person

	playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are: <ul style="list-style-type: none"> • Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. • Ensuring that gambling is conducted in a fair and open way. • Protecting children and other vulnerable persons from being harmed or exploited by gambling.
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).
Mandatory condition	A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: <ul style="list-style-type: none"> (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or

	<p>more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Odds	<p>The ratio to which a bet will be paid if the bet wins, e.g. 4-1 means for every £1 bet, a person would receive £4 of winnings.</p>
Off-course betting operator	<p>Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmaker. They will however only normally operate on race days.</p>
On-course betting operator	<p>The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).</p>
Pool Betting	<p>For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings:</p> <ol style="list-style-type: none"> 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. <p>For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.</p>
Regulations or Statutory instruments	<p>Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.</p>
Representations	<p>In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.</p>
Responsible authority (authorities)	<p>Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power</p>

	to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totalizer, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

Appendix 3 Responsible Authorities

Responsible Authority	Name	Contact Details
Gambling Commission		Victoria Square House Victoria Square Birmingham B2 4BP Telephone: 0121 2306666 e-mail: info@gamblingcommission.gov.uk
Licensing Authority		Durham County Council CP / Licensing PO Box 617 Durham DH1 9HZ Telephone: 03000 261016 e-mail: licensing@durham.gov.uk
Durham Constabulary		Durham Constabulary (LET) Annand House John Street North Meadowfield County Durham DH7 8RS Telephone: (0191) 3752308 e-mail: let@durham.pnn.police.uk
County Durham and Darlington Fire and Rescue Service		Fire and Rescue Service Headquarters Belmont Business Park Durham DH1 1TW Telephone: 0845 305 8383 e-mail: firesafety@ddfir.gov.uk
Durham County Council - Local Safeguarding Children's Board		Durham LSCB County Hall Durham DH1 5UJ Telephone: 03000 267979
Durham County Council- Planning		Durham County Council County Hall Durham DH1 5UQ Telephone: 03000 261397
Durham County Council - Environmental Health		Community Protection Annand House John Street North Meadowfield Durham. DH7 8RS Telephone: 03000 260995 e-mail: ehcp@durham.gov.uk

Useful contacts:

Useful Contacts	Name	Contact Details
Licensing policy	DCC Licensing Services	Durham County Council CP/ Licensing Services Annand House John Street North Meadowfield Durham DH7 8RS Telephone 03000 261016 Email: licensing@durham.gov.uk
Durham County Council Building		Durham County Council Telephone: 0300 026 0000
Durham County Council CCTV		Durham County Council Telephone: 0300 026 0000
Door Supervisors	Security Industry Authority	Security Industry Authority PO Box 1293 Liverpool L69 1AX Telephone: 0844 892 1025 e-mail: info@the-sia.org.uk

Appendix 4 – Summary of Gaming Machine Categories and Entitlements

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

Note: The Stakes are subject to change. For an please check the Gambling Commission Website for current and up-to-date information on stakes and prizes at <http://www.gamblingcommission.gov.uk/home.aspx>

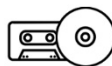
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Statutory Licensing Committee

29th January 2024

Review of the Council's Statement of Licensing Policy

Ordinary Decision



Report of Head of Community Protection Services

Alan Patrickson Corporate Director of NCC

John Shuttleworth Cabinet Portfolio Member for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To seek approval to undertake public consultation leading to the production of a revised Licensing Act policy statement.

Executive Summary

- 2 The Licensing Act 2003 creates the regulatory regime for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment (i.e. takeaways).
- 3 The Act requires that licensing authorities prepare and publish a Statement of Licensing Policy (a 'licensing policy) every five years. Durham adopted its current licensing policy on 23rd October 2019 and therefore a new policy must be adopted and published no later than 22nd October 2024.
- 4 There is a statutory requirement that consultation must take place prior to a new policy being adopted and it is proposed that this will take place between February and April 2024.
- 5 Following the conclusion of the consultation, a further report will be brought to this committee detailing responses and providing a draft licensing policy for consideration.
- 6 Approval and adoption of the final draft licensing policy is a decision for full Council.

Recommendation

- 7 That Statutory Licensing Committee approves and authorises the commencement of the statutory consultation process relating to the consideration and adoption of a new licensing policy.

Background

- 8 The Licensing Act 2003 creates the regulatory regime for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment (i.e. takeaways).
- 9 Durham County Council is the licensing authority for the Act and, amongst other things, is required to publish a statement of its licensing policy every five years. Durham adopted its current licensing policy on 23rd October 2019. A new policy must therefore be revised, adopted, and published no later than 22nd October 2024.
- 10 The licensing policy fulfils two principal purposes; firstly, it provides advice to businesses and the public on the Council's overall position concerning the Licensing Act 2003. Secondly, it provides a decision-making framework for the Council via its Statutory Licensing Committee to exercise its functions under the Act. As such the policy must balance the legitimate needs of businesses and demand for leisure and cultural activities alongside the need to protect those adversely affected by activities.
- 11 Failure to achieve the correct balance could lead to a policy being either overly prescriptive or open to challenge or alternatively ineffective in the protection of the public through a failure to promote the licensing objectives effectively.
- 12 The Policy seeks to promote the following four statutory licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance; and
 - the protection of children from harm
- 13 The Licensing Act requires that all matters relating to the Act must be discharged by a licensing authority's statutory licensing committee except for the final approval and adoption of the licensing policy which must be a decision of full council.
- 14 The Act also requires that prior to a new licensing policy being adopted, it must be subjected to a consultation process that allows for the views of all interested parties to be heard and taken into consideration.

Consultation

- 15 It is proposed that a 12 week consultation process take place in accordance with the council's standard consultation procedures.
- 16 It is proposed that this will take place between February and April 2024, and will include all statutory consultees plus any other individuals, agencies, and organisations that may reasonably be affected by, or have an interest in, the new policy. In addition, notice of the consultation taking place will be advertised in local press.

- 17 Provisional discussions have already taken place with key partners such as Durham Police and Durham's Public Health Team in order to establish where there is any appetite for significant changes to be made to the existing policy. These discussions are ongoing and the outcome will be reported back to this committee along with details of any other consultation responses received at the conclusion of the consultation process.
- 18 Following the conclusion of the consultation, relevant information, proposals and recommendations will be used together with information from other sources to draft a revised licensing policy which will be brought back to this committee for consideration.
- 19 Final approval and adoption of the draft licensing policy is a decision of full Council.

Background papers

- Durham County Council's Statement of Licensing Policy
- Revised Guidance issued under Section 182 of the Licensing Act 2003

Other useful documents

- The Licensing Act 2003

Contact:	Joanne Waller	Tel: 03000 260924
	Ian Harrison	Tel: 03000 263866
	Craig Rudman	Tel: 03000 260090

Appendix 1: Implications

Legal Implications

Failure to adopt a revised statement of licensing policy by 23rd October 2024 would mean that DCC has not complied with the requirements of the Licensing Act 2003 in connection with the revision, adoption, and publication of licensing policies. Under such circumstances, licensing activities subject to the provisions of Act performed by the Council in the absence of such a policy may be unlawful or subject to legal challenge. This report and associated appendices have been considered by Legal and Democratic Services

Finance

The costs of consultation and publication of the revised policy will be met from existing budgets.

Consultation

The consultation will be undertaken following COG processes and procedures and will be carried out in accordance with statutory guidance over a 12-week period. It is likely that this may generate a wide range of responses both from the public, responsible authorities, interested parties including BALANCE, various trade associations, individual trade members, and members of the public and from the media.

Equality and Diversity / Public Sector Equality Duty

There are no equality and diversity implications from the recommended option

Human Rights

There are no Human Rights implications from the recommended options.

Crime and Disorder

The Council's licensing policy forms a central part of the control and regulation of the evening and night-time economies. As such, it can be viewed as having a pivotal role in the prevention of alcohol related crime and disorder. The effective control or licensed premises via appropriate conditions or restrictions on licences can significantly reduce the potential for alcohol related issues or mitigate their effects. This coupled with monitoring and enforcement and the appropriate use of the review process can significantly contribute towards crime reduction and an increase in public reassurance.

Staffing

There are no staffing implications

Accommodation

There are no accommodation implications

Risk

Failure to follow the statutory process could result in challenge and reputational damage. Following adoption, the policy may be subject to judicial review and legal challenge

Procurement

There are no procurement implications from the recommended options.

Appendix 2: Our current Statement of Licensing Policy



Licensing Act 2003

Statement of Licensing Policy

2019 to 2024

(i) Forward

This statement of licensing policy has two main purposes. Firstly, it provides a decision-making framework for the council to use when responding to licence applications. Secondly, it advises businesses and the public on the authority's position concerning the Licensing Act 2003, including details of how the licensing objectives should be promoted in County Durham.

This policy guides applicants on how to apply for a licence in accordance with the council's expectations. Importantly, it will help applicants and others to identify important factors that should be considered when drawing up an application for licensed premises that will operate in County Durham, an area that is diverse and contains many different types of premises and localities.

Statements of licensing policies promote the four licensing objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm. Our licensing policy aims to balance the legitimate needs of businesses and public demand for leisure and cultural activities alongside the need to mitigate against potential adverse effects.

Durham County Council considers that achieving good practice in connection with the licensing objectives involves focusing on these objectives whilst at the same time considering the issues specific to different areas of local authority and different types of licensed premises. In this way the policy aims to positively influence the level of focus required on each objective in each area.

The council's minimum expectations of what is expected from applicants and licence holders is stated within this policy. It offers suggestions, recommendations for what applicants should consider including in their application to ensure that the objectives are carried out and many examples of good practice are provided for consideration. The policy also contains details of schemes available in Durham which applicants can participate in to assist in carrying out the objectives.

The council expects all applicants and licence holders to use their initiative to assess whether the licensable activities and premises' location means that they will face any specific issues and whether this will influence the level of focus they may need to place on any of the objectives.

This is five-year policy, scheduled for revision in 2024. However, in producing this Statement of Licensing Policy, the council is aware that Central Government may amend certain aspects of the Licensing Act 2003, associated regulations and other related legislation. We will keep this policy under review and should changes to this legislation take place, we may need to revise and amend this policy prior to 2024.

This Licensing Policy is a key tool in ensuring the different circumstances and situations within our neighbourhoods and towns are thought through when considering licence applications, by all parties. To date the council has made attempts to establish appropriate measures consistent with achieving this goal

without the need for any Special Policies in respect of any specific areas of the county.

Important note: possible future changes to licensing policy. - During the consultation phase leading up to the revised statement of policy there were calls for a special policy from some respondents for a Cumulative Impact Policy (CIP) for Durham City. To find out whether a CIP is necessary the council will carry out a Cumulative Impact Assessment (CIA). As a result, this revised policy statement was reported to Council in time for adoption by the end of October however, alongside this process a CIA is being undertaken. It was not possible to complete the CIA in time to inform the revised policy by October 2019.

If the result of the CIA is that a CIP is needed for Durham City, we will then modify this revised version of the policy and take it back to the Council to incorporate a CIP.

The council makes it clear in this policy that cumulative impact, in the absence of a specific ‘special’ policy, can still be raised in relevant representations and could form the basis for legitimate questions by members of the licensing sub-committee. i.e. the absence of a special policy does not prevent the issue of cumulative impact being properly raised, considered and acted upon in the interests of promoting the licensing objectives.

Durham County Council aims to promote Durham County as a safe, healthy, crime-free environment in which responsible, law abiding licensees provide great facilities for the enjoyment of all County’s residents and visitors and where children are always protected from harm.

Future revisions or amendments that we make to this policy will be advertised and published on the council’s website. Readers of the policy are advised to check on the council’s website to ensure they have the latest information.

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				Legal/OC	
				SMT/CMT	
				GLRC	LC 07.10.19
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DURHAM COUNTY COUNCIL - STATEMENT OF LICENSING POLICY

1.0 Introduction

1.1 The legislation - The Licensing Act 2003 referred to in this policy as the 2003 Act, its explanatory notes and any statutory instruments made under it may be viewed online at www.legislation.gov.uk. The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. The Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act.

The Act created a system of licensing and regulation for several licensable activities in this country. The Act gives local authorities responsibilities for licensing premises for the sale and provision of alcohol, regulated forms of entertainment and late-night refreshment.

1.2 The council's role - Our most important role is to actively work to protect those who live and work in the County and who visit our area. As part of this role, the council licenses certain types of business and commercial premises where activities take place that may impact on both individuals and the community. The licensing of alcohol, entertainment and late-night refreshment under the Licensing Act 2003 (the Act) fall within this role.

By working together, Durham County Council aims to build a county where people are proud to live and work. We have produced this policy statement, as required by the Act, having had regard to the statutory guidance, the licensing objectives and to the views of those that we have consulted. This is a living document and will undoubtedly evolve, change and be subject to future revision.

We intend that this document should provide information and guidance on the general approach that we will take to licensing premises and activities under the Act in the county. It is intended that this Statement of policy not only reflects but aims to support our strategic purposes as set out in the Council Plan.

1.3 Licensing objectives and aims - The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. The licensing objectives are:

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

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is always a paramount consideration.

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers needed to effectively manage and police the night-time economy and act against those premises that are causing problems;
- recognising the important role which licensed premises play in our local communities by supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities
- encouraging greater community involvement in licensing decisions and giving residents the opportunity to have their say regarding licensing decisions that may affect them.

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

County Durham has 519,700 people, with 60.8% (312,658 people) classed as living in rural areas. It varies in character with sparsely populated rural areas in the Uplands and Durham Dales, to the larger villages located within the former coalfield communities in the centre and east. The ethnic minority population of the area accounts for 1.4% of the total population (2011 census). Durham University has 16,355 students and the area attracts over 4 million visitors per year. For further health and deprivation, crime and community safety information about the local area visit: <https://www.durhaminsight.info/>

The City of Durham is a university city. Durham City is the main location of the university and contains all the colleges along with most of the academic departments. The Durham City estate is spread across several different sites. The university and the student's population of Durham are rooted within the local communities. The university makes a positive contribution to Durham City, economically, culturally, socially and through their world-leading research. Their stated aim is to do this in a way that benefits everyone in our great city and region. Durham City is home to about 60,000 people, and the university campus to about 18,000. This number is predicted to rise by 4000 by 2027.

2.0 How the council implements licensing policy

This statement has been prepared pursuant to Section 5 of the Licensing Act 2003 (the Act) by Durham County Council in its capacity as the Licensing Authority. The Licensing Authority is referred to as ‘the council’ throughout this policy.

2.1 The purpose of the licensing policy is to promote the four licensing objectives and to set out the general approach that will be adopted by the council when exercising licensing functions under the Licensing Act 2003 to:

- Reinforce and to remind elected members of the Council’s Licensing Committee, and any Sub-Committee, of the boundaries and powers of the local authority and to provide them with parameters within which they should make their decisions. The Committee for example will be able to test an application or an existing licence against information and criteria set out in the policy and deal with it appropriately.
- Inform applicants of the Licensing Authority’s expectations and the parameters within which the Authority will make decisions and therefore, how their premises are likely to be able to operate. If any relevant matters included in this policy are not addressed by applicants, it is more likely that the council will receive representations. This may then lead to a hearing where consideration of these matters by councilors would take place.

The council expects applicants and licencees to properly assess whether their premises’ location and any licensable activities are likely to create any problems, dangers, difficulties and disturbances to any people at or near their premises. In this way, applicants should properly understand and appreciate the degree of focus needed to uphold and promote the licensing objectives. This assessment should identify necessary remedial steps and controls required at the premises in connection with the carrying on of any licensable activities.

In connection with existing authorisations issued by the licensing authority, a lack of compliance with policy matters may also lead to applications for reviews especially in cases where any one of the licensing objectives may be undermined.

- To inform residents and businesses of the parameters within which the council will make decisions and how their needs will be considered. The licensing function is however only one means of securing the delivery of the active promotion of the licensing objectives and should not therefore be considered a panacea for solving all problems within local communities. The licensing process can only seek to control measures within the control of a licence holder or potential licence holder.

- Support decisions made by the Licensing Authority when these decisions are challenged in a Court of Law.

2.2 Adoption of the licensing policy - The Policy has been written in accordance with the provisions of the Act and the guidance issued by the Secretary of State for the Department of Culture, Media and Sport (DCMS). It was adopted by Council on 23rd October 2019 and it replaces the previous statement of Licensing Policy adopted by Durham County Council on 29th October 2014.

In adopting this Licensing Policy, the council recognises that residents need to live and work in a safe and healthy environment. The council also recognises how important it is that licensed premises are safe and well run and we understand how they can add to both the local economy and vibrancy of the county. The council's aim is to facilitate well managed premises and we will encourage and support all licence holders to display sensitivity to the impact of their premises on residents.

2.3 Support for cultural diversity through licensing – The council wishes to encourage the provision of a wide range of entertainment activities within County Durham and to support live music, dance, theatre, circus and street arts etc. for the wider cultural benefit of the community. We encourage a diverse range of responsibly run premises in the county. We expect all licensed premises to be operated responsibly and all licensees to actively support and promote the licensing objectives.

2.4 Licensable activities and necessary authorisations - The types of authorisation considered by this Policy are as follows:

- **Personal licence** - The licensing of individuals for the retail sale of alcohol
- **Premises licence** - The licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late-night refreshment
- **Club premises certificate** - The supply of alcohol or the provision of regulated entertainment at certain clubs
- **Temporary event notice** - The permitting of certain licensable activities on a temporary basis

To allow premises to provide any of the above activities, the operator must obtain the necessary authorisation from Durham County Council in its role as licensing authority. The authorisation needed may be in the form of a premises licence, a club premises certificate or a temporary event notice.

2.5 Integration of licensing with other legislation - Many other pieces of legislation impact directly or indirectly on the licensing regime. The Licensing Authority will have regard to the following matters when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives. The Licensing Authority

will continue to work in partnership both internally and with other agencies to ensure that the licensing objectives are actively promoted.

In formulating this Policy, the Licensing Authority has had regard to the provisions of the following legislation:

- **The Crime and Disorder Act 1998** - requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).
- **The Anti-social Behaviour, Crime and Policing Act 2014** - This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders which allows the local authority to designate areas in the borough where anti-social behaviour such as street drinking will be prohibited. The council may designate areas where street drinking is prohibited. The Act also gives powers to the local authority and police to close licensed premises where nuisance and anti-social behaviour is taking place or likely to take place.
- **Immigration Act 2016** - Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 and made Home Office Immigration Enforcement a Responsible Authority concerned with the licensing objective of prevention of crime and disorder. They will exercise their power both in respect of being a consultee on new licence applications and having right of entry to licensed premises with a view to seeing whether an offence under any of the Immigration Acts is being committed on a licensed premise. This will primarily involve the detection and prevention of illegal working on premises that have an alcohol licence or a late-night refreshment licence. The offence of employing people at a licensed premise who have no right to work in the UK is also now listed in the Secretary of State's guidance which covers criminal activity deemed to be particularly serious and where a licensing authority should consider revoking a premises licence even in the first instance.
- **Human Rights Act 1998** - The council has a duty, under the European Convention on Human Rights, to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol).
- **Equality Act 2010** - The Act places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not. Protected characteristics include age, disability, race, religion and sexual orientation.

- **Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000** - places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. Where applicable the Licensing Authority, in determining applications, will have regard to this legislation to avoid any possible indirect discriminatory impact on ethnic groups.

Licensing Services work almost exclusively with, through and for people. It is passionate about promoting a just society that gives everyone an equal chance to learn, work and live free from discrimination and prejudice. As a service within a Local Authority, Licensing Services will act to ensure all aspects of service delivery addresses equality and diversity issues.

- The European Convention on Human Rights
- The Crime and Security Act 2010
- Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982
- The Clean Neighborhoods and Environment Act 2005
- The Violent Crime Reduction Act 2006
- The Police & Crime Act 2009
- The Health Act 2006
- Police Reform and Social Responsibility Act 2011
- The Live Music Act 2012

There are also other pieces of legislation that the council will consider that may impact on licensed premises, activities and licensed operators. The council will consider the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences
- Health and Safety at Work Act 1974 and food hygiene regulations
- Planning legislation (see S2.7)

2.6 Integration of licensing policy with other strategies, policies and plans

This statement of licensing policy aims to provide clear indications of how the council will secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other plans introduced for the management of town centres and the night-time economy.

Many of these other strategies are not directly related to the promotion of the licensing objectives, but, indirectly, impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important. The council agrees that such co-ordination and integration is crucial to achieve the council's aims for a safe and vibrant economy.

This Licensing Policy aims to work with and alongside other, shared Council priorities and plans.

Alcohol is a contributory factor of violent crime, domestic abuse, sexual violence, anti-social behavior and has links to criminal and sexual exploitation. The main health consequences of alcohol misuse are liver disease, cancers (liver, oral, oesophageal, gastric, colon, breast), hypertension, stroke, acute intoxication and injuries.

Up-to-date statistical information for alcohol related harm can be found on *Durham Insight* <https://www.durhaminsight.info>. *Durham Insight* is a publicly accessible website storing a range of shared intelligence and population data for County Durham. It provides users with an easy way to access data and information for insights about their local area.

Key objectives within the County Durham “Alcohol Harm Reduction Strategy 2015 – 2020 Plan on a Page” are:

- Prevention and early intervention
- Providing specialist interventions to promote recovery
- Protecting children and vulnerable adults at risk
- Strengthening leadership, management and governance

In County Durham the numbers of increasing risk and high-risk drinkers are above the national average and this contributes to increasing pressure on our emergency services, our hospitals and support services such as the County Durham Drug and Alcohol Recovery Service. The Licensing Authority recognises the impact alcohol can have upon population-level health.

In addition, we know health inequalities due to alcohol harm in County Durham are significant. Levels of alcohol harm are greater in County Durham than the England average. For all six key indicators highlighted in the 2018 Local Alcohol Profile County Durham is statistically significantly higher than England. Four out of the six indicators are ranked in the worst 30% of all local authorities nationally.

The council recognises this dis-proportionate impact of alcohol harm and will continue to promote and support responsible licensees and premises. We will encourage licensing objectives that reflect health considerations in this policy and which contribute to reducing health inequalities and poor outcomes for the people of County Durham.

A list of relevant council strategies, policies and plans, together with links to other pertinent departments and local organisations, is provided in the Appendix X. Applicants, especially those who are not already established in, or familiar with, County Durham may find this section particularly useful.

2.7 Licensing and planning integration - The planning authority of Durham County Council is a responsible authority under the Licensing Act 2003. It can

make representations on applications or call for reviews of existing licences based upon any of the four licensing objectives.

The planning authority have policies that impact on the county's night time economy. The council recognises that licensing applications should not be a rerun of the planning application process. The planning authority is directed at development of land and the use of premises upon it. The licensing authority is directed at the licensable activities and responsible management of said premises upon that land.

Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. To secure proper integration across the council's range of policies, the licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any existing conditions and timings that may be imposed upon a planning consent when submitting any application under the Licensing Act.

Where the planning authority has granted planning consent to a specific time, the licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

Where the planning authority has granted a planning consent that contains conditions which, if not complied with, may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub-Committee, conditions may be imposed upon a licence to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

2.8 Avoidance of duplication - There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives, particularly those relating to the prevention of crime and disorder and public nuisance.

Many of their strategies deal in part with the licensing function and the Licensing Authority will, wherever appropriate, participate in multi-disciplinary working groups to ensure proper integration of local crime prevention, public health, planning, transport, tourism and cultural strategies and to obtain information on the effects of this Policy on local regulated entertainment.

The Licensing Authority recognises the need to avoid as far as possible duplication with other regulatory regimes. Whilst having regard to the planning

regime, the council recognises that there should be a clear separation of the planning and licensing regimes.

The granting of a licence under the Licensing Act does not relieve the applicant of the need to apply for Planning Permission or Building Regulation approval where appropriate. Nor does the grant qualify as, or remove the need for, any form of consent or release, for example, from covenants imposed in the title to the property whether such were imposed by the Local Authority. Appendix X provides a list of other relevant strategies which applicants may wish to consider in addition to the council's licensing policy. Appendix VIII also provides information on planning and development control matters together with the links to licensing policy and practice.

There are other council strategies and policies that affect the leisure industry, night time economy etc. that fall outside the regulatory licensing regime. For example, the council recognises that we all have a role in reducing waste and whilst plastic products are an important part of everyday life, there is a growing realisation of the inherent wastefulness of those items that are designed to be used only once and then thrown away. The council has adopted a County Durham pledge to further reduce waste which may be adopted by a wide variety of partner organisations from across the public, private and community sector.

The government intends to introduce a ban, with exemptions, on the supply of plastic drinking straws to the end user in England by April 2020. There will be exemptions designed to cater for medical / accessibility needs: the supply of single use plastic straws to the end user will be permitted in registered pharmacies (in store and online) and in catering establishments (including health, educational and care settings).

In commercial catering establishments, such as pubs and restaurants, there will be a ban on actively offering plastic straws to customers. It will be a requirement for plastic straws to be kept behind the counter and be available to customers on demand only.

A ban on beverage carton straws will come into force in line with the Single Use Plastics Directive implementation timetable; this is to allow the industry time to develop and introduce alternatives.

Takeaway boxes and cups made from expanded polystyrene are proposed to be banned as the Government targets rarely recycled plastic that ends up in incinerators and landfill sites.

The council would encourage the licensed trade to sign up to this pledge and take steps to reduce single use plastics. To find out more information about Rubbish & Recycling in County Durham go to <http://www.durham.gov.uk/recycling>

2.9 Licensing policy development, consultation and review – Before determining its policy, the council must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the chief officer of police for the area
- the fire and rescue authority for the area
- each local authority's Director of Public Health in England (DPH)¹⁴ or Local Health Board in Wales for an area any part of which is in the licensing authority's area
- persons/bodies representative of local premises licence holders
- persons/bodies representative of local club premises certificate holders
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area

The Section 82 guidance states: "*Licensing authorities should note that the terms of the 2003 Act do not prevent them consulting other bodies or persons.*" In developing and determining this statement of licensing policy, several organisations, authorities, bodies and groups were consulted including all of those listed in the statutory guidance.

The council is required to prepare and publish its statement of licensing policy at least every 5 years. For the purposes of that review it will always undertake consultation with residents, businesses and licence holders. In addition to this requirement, the policy will be kept under continuous review and where revisions (legal, technical or strategic) which support the licensing objectives are required, an appropriate level of consultation will be undertaken. See also *Important note: possible future changes to licensing policy* in the 'Forward' to this policy.

2.10 Departures from the Policy - This Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Durham County and outlines the standards expected to ensure the promotion of the licensing objectives in the county. The council may depart from the licensing policy if it considers doing so would benefit the promotion of the licensing objectives. Under such circumstances, reasons will be given for any such departure from the general policy in this statement.

In relation to applications for licences, certificates, variations etc. while the contents of any associated operating schedules are matters for the applicant, where objections (referred to as representations) to an operating schedule are received that relate to a departure from the policy, at the licensing sub-committee hearing, the applicant submitting the contested application will be expected to provide full and good reasoning for the appropriateness of such a departure. Under these circumstances, unless compelling reasons are provided the committee will not deviate from, or make any exceptions to, the policy.

Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

Important note: The council will not 'step-outside' the policy unless there are good and justifiable reasons for doing so.

2.11 Administration and the delegation of functions - Applicants are advised to contact DCC Licensing Services before preparing and submitting their applications for licences and other authorisations should they be unfamiliar with the application process. Any application not properly made will be returned to the applicant and the timescales contained in the Act will not begin until a properly-made application is received.

Nothing in this policy will prevent the council from making applications in its own name for the grant of licences. The council will, before any such licence is granted, be subject to the same considerations and application of the same scrutiny as any other applicant.

All relevant representations, either opposing or supporting an application, will be considered during the decision-making process. Guidance relating to the submission of representations will be made available on the council's website. Any subsequent licensing hearings will be conducted in accordance with the council's procedure for licensing hearings which is also available on the council website.

The council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Decisions and functions will therefore be taken or carried out by the Licensing Committee, Licensing Sub-Committees or officers of the council in accordance with an approved scheme of delegation. The form of delegations is without prejudice to officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any case or where required by law.

Participation on the Licensing Committee by elected council members will be in accordance with the council's Code of Conduct for Elected Members.

The Committee and Sub-Committees will determine each case before it on its merits. Blanket or standard conditions (other than mandatory conditions) will not be imposed under the Act. Conditions will not be attached to licences unless they have been either volunteered by the applicant or are determined, by the council, as appropriate following a licensing hearing. Although the council is required to have regard to the Department for Culture, Media and Sport (DCMS) guidance it may, if it considers it appropriate, deviate from the guidance where there are good reasons which can be justified.

2.12 Members of the Council (DCC Councillors) – The council recognises that County Councillors play an important role in the local community. If specifically asked to do so, Councillors may make representations in writing and speak at the hearing on behalf of any other person such as a local resident or business. They can also make representations if they have concerns about premises. They may also apply for a review of a licence or certificate.

Where a resident or business seeks the assistance of a County Councillor, it is advantageous if they can provide evidence that a premise is causing a problem or is likely to do so. It is also helpful for any resident or business making a

representation in respect of an application to send a copy of their representation to the relevant County Councillor.

County Councillors may attend hearings of licensing sub-committees considering applications and speak on behalf of residents and businesses, but only if:

- they have made a personal representation
- they have made a representation on behalf of residents or business as 'community advocates'
- they have been nominated by a person making a relevant representation who cannot attend the hearing or prefers to be represented at the hearing

2.13 The Decision-Making Process - Where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the council must grant the application in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and those conditions that are consistent with the operating schedule. Anonymous representations will not be accepted by the Licensing Authority.

Apart from the mandatory conditions, there is no discretion under The Act to impose any other condition in cases where no relevant representations are received.

Where relevant representations are made the application must be determined by either the full Licensing Committee or one of its duly authorised sub-committees. In County Durham, it is usually a sub-committee that determines such applications and this determination will usually take place at a hearing.

The sub-committee in such cases has full discretion to take such steps as it considers appropriate to promote the licensing objectives. These steps may include modifying the conditions that are in line with those proposed in the operating schedule and/or rejecting the application in part, and/or excluding a licensable activity; or wholly rejecting the application.

In exercising its discretion, the licensing sub-committee must have regard (amongst other things) to this licensing policy. Therefore, in drawing up their operating schedule, applicants are strongly advised to read and take note of the content of this policy.

If all parties state in writing that they consider a hearing can be dispensed with, then the licensing authority has a discretion to dispense with a hearing. In deciding whether or not to dispense with a hearing the licensing authority is exercising a licensing function. As such it is required to have regard to any relevant guidance, as well as to this policy, and it must act with a view to promoting the licensing objectives.

2.14 Making representations – The responsible authorities and any other person may make representations in connection with applications for licences,

certificates, full variations and reviews of premises. Whilst any of these persons may act, they may also request that a representative makes the representation to the council on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, or a local ward or parish councilor who can all act in such a capacity.

Copies of all representations will be forwarded to the applicant. Anonymous representations will not be accepted by the council. Only under exceptional circumstances will the council not disclose ANY personal details. This means that names, as a minimum, will be made public and in some instances the street name. References to the house number, telephone numbers and email addresses will be removed.

Those making a representation should be aware that they will be invited to attend in person to a hearing should the licence application have to be determined by the Council's Licensing Sub-Committee. The representations will also be included in the papers presented to the committee and therefore will pass into the public domain. It is therefore possible that details of representations may be picked up by journalists.

2.15 Conditions attached to authorisations - All applications for new authorisations or for variations of existing ones should be supported by an operating schedule. The schedule should specify (among other things) the steps the applicant proposes to promote each licensing objective.

Again, where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the council must grant the application in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and those conditions that are consistent with the operating schedule.

Apart from the mandatory conditions there is no discretion under The Act to impose any other condition in cases where no relevant representations are received.

Any conditions attached to licences following relevant representations will focus on matters within the control of the premises licence holder or club management committees. They will be used to ensure the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity.

Conditions will not be used as a means of attempting to attach responsibility to premises licence holders or club management committees for matters outside their reasonable control, such as anti- social behaviour once away from the premises or a non-licensable activity, unless information to the contrary is available to the licensing authority.

Conditions on premises licences and club certificates are determined by:

- The measures put forward on the operating schedule

- Mandatory conditions within the Act
- Measures decided at a hearing by the Licensing Sub-Committee

The Licensing Authority acknowledges that the application of conditions in line with operating schedules may be subjective and that the content of operating schedules can be open to interpretation. Consequently, the council will often apply a standard interpretation in respect of more commonly offered conditions. A set of specimen conditions will be developed which can be used in the production of licences where, applicants offer conditions to be included in their licence. For example, around CCTV, noise control and age verification schemes.

2.16 Reviews - The Licensing Act provides a mechanism for reviewing premises licences and Club Premises Certificates where problems associated with premises undermine the licensing objectives following grant or variation. The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.

The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community. Unless an application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the licensing objectives, the council will hold a hearing and take any necessary steps to promote the licensing objectives.

If a request for a review of the premises licence is made, they are required to notify the holder of the premises licence or club premises certificate and the “responsible authorities”, by sending them a copy of the request, together with any accompanying documents, on the same day as the request is given to the council. The council will advertise the review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.

A licensing authority must act on requests for review unless they consider the request to be irrelevant, repetitive, frivolous or vexatious. Frivolous representations would concern minor issues which the licensing authority could not reasonably be required to take any action to remedy. Representations may be considered vexatious if they appear to be intended to cause aggravation or annoyance without reasonable cause.

The council will advertise the fact that a request for review of the licence has been received and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).

After the period for making representations has expired, the licensing authority will hold a hearing to consider the request unless the request for review or the application has been withdrawn. The request will in most cases be considered by the licensing sub-committee who will hear representations from all parties involved. If you make a representation, the council will invite you to attend the

hearing. You will also be given the opportunity to address the licensing sub-committee in support of the request for review.

You must give the authority at least 5 working days' notice (prior to the start of the hearing, advising:

- If you will attend the hearing in person
- Whether you will be represented by someone else (e.g. councillor / MP / lawyer / residents' association representative / friend)
- If you think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
- You may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review

Important note: All parties submitting any written documents they wish to rely on at a hearing, should provide them to DCC Licensing Services within five working days of the hearing.

Once the sub-committee has listened to and considered all views and evidence, it will decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:

- No action
- Modifying the conditions of the licence (change, add or remove conditions – including operating hours)
- Excluding a licensable activity from the licence,
- Removing the designated premises supervisor
- Suspend the licence for a period (not exceeding 3 months), and
- Revoke the licence

Important note: The council will not expect a premises licence to be reviewed more than once within any 12-month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.

2.17 Film classifications - In general, other than in the context of film classification for film exhibitions, the council shall not use powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the

Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the council itself. The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

In accordance with the guidance issued under section 182 of the Licensing Act 2003, the council shall concern itself primarily with the protection of children from harm when classifying films. It will not use its powers to censor films save where there is clear cause to believe this is required to promote the licensing objectives.

The council considers the classification system used by the BBFC to be understood and accepted nationally. We will, therefore, use this system as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). However, it should be noted that the council is not obliged to follow these guidelines.

Requests for certification by the licensing authority should be made at least 28 days in advance of the proposed screening date and submitted to the Licensing Unit. Requests should include:

- A DVD copy of the film
- Details of any existing classification issued by an existing classification body, whether within or outside the UK
- A synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film
- Such recommendation as may have been made by the film-maker upon age limit for the intended audience for exhibition of the film
- Proposal of age restriction by the applicant.

3.0 General principles, practices and licensing processes

3.1 The application process - All licensing applications for new premises licences or club premises certificates, or variations of existing licences or certificates must be served on the licensing authority. Applications can be served electronically or via hardcopy. All applications must be accompanied by a plan of the premises which shows the licensable area, an immigration document demonstrating that the licence holder has the right to live and work in the UK and the correct fee. Failure to provide the correct documentation or fee will result in the application being returned to the applicant as invalid.

Any applicant that proposes to serve an application in hardcopy must ensure that the application is served on all the responsible authorities stated in the Licensing Act 2003. Contact details for the responsible authorities are provided in Appendix IV to this policy.

Where applications for the grant or full variation of a premises licence are for a boat, a copy of the application must be served on the Navigation authority; the Environment Agency; The Canal and River Trust and the Secretary of State.

3.2 Advertising and publication of applications - There is a public consultation period lasting for 28-days beginning on the first day after the application was received by the licensing authority. During this period, the application must be advertised by the applicant and any person or responsible authority may make written representations in respect of the application.

It is the responsibility of the applicant to ensure that any application for the grant or full variation of a licence advertises the application in accordance with the relevant Licensing regulations. A blue notice should be placed on, at or near the premises to advertise the application for 28-days starting with the day after the application is served. A newspaper advert doing the same must be placed in a newspaper circulating in the County of Durham within 10 working days. Failure to do either of these things, or to put inaccurate information in them, will invalidate an application.

The Licensing Authority will publish any valid applications on the council's website for the same period of 28-days starting with the day after the application being received. See link for the Licensing Applications page on our website. <http://www.durham.gov.uk/article/2136/Licensing-Act-2003-applications>

Every licensing authority must provide facilities for making the information, contained in the entries in its public register, available for inspection by any person during office hours and without payment.

On request we will also supply any person with a copy of the information contained in any entry in its register.

All licensing applications for new premises licences and club premises certificates, variations of existing licences and certificates are made available to all county councillors, and to parish councillors and local MPs on request.

3.3 Consultation on applications - During the 28-day consultation period, the authorities can judge whether it undermines the promotion of the licensing objectives. The application will be made available to any person, upon request. As per Section 18 (6) of the Licensing Act 2003, consideration will be given as to the likely effect of granting any licence on the promotion of the licensing objectives. The council will expect all applicants to have considered the Secretary of State's Guidance, local strategies and initiatives, this policy and any other known local issues before submitting their application and that these matters are addressed within the operating schedule of the application.

The application will consist of an operating schedule, which details the licensable activities applied for as well as specifying during which times and on which days they would be conducted. In the operating schedule, the applicant also sets out any steps they propose to take to address the four licensing objectives, and these can be converted into conditions on any licence granted.

Whilst many applications will be resolved without the need for a committee hearing, any matters or representations that are not resolved will trigger a hearing before the properly constituted Licensing Sub-Committee for determination by elected members (County Councillors sitting as members of the Statutory Licensing Sub-Committee).

3.4 Minor Variation Applications – there is a simplified process to make minor variations to licences. These kinds of variations will be ones that are considered to have no adverse impact on the promotion of the four licensing objectives. These applications will be considered by duly authorised officers of the Licensing Authority.

Minor Variations can be used to:

- a) make minor changes to the structure or layout of a premises
- b) make small adjustments to the licensing hours
- c) remove out of date, irrelevant or unenforceable conditions
- d) add or remove licensable activities (not the sale of alcohol)
- e) add conditions that may have been agreed with a responsible authority

Minor Variations cannot be used to:

- a) extend the period for which the licence or certificate has effect
- b) specify within a premises licence, a new DPS
- c) add the sale or supply of alcohol as a licensable activity
- d) authorise an extension to hours alcohol is sold
- e) vary substantially the layout, activities or conditions of a licence
- f) authorise an individual to supply alcohol at a community premises

Under the Minor Variation application process, the applicant only needs to send the application to the council's licensing section. The applicant must also display a white notice on, at or near the premises which advertises the proposed changes for a period of ten working days beginning with the day after the application was

received by the authority. There is no requirement to advertise this application in the newspaper.

The council, upon receipt of a valid application, will determine the application in relation to its impact on the four licensing objectives and consult any Responsible Authority it wishes. The authority may reject the application if it believes the licensing objectives will be undermined by granting it. The authority can reject the application even if it receives no representations against it. If the authority fails to decide within five working days, after the ten working day consultation period, then the application will be deemed refused and the fee shall be returned to the applicant.

This policy does not seek to undermine the rights of any person to apply under the Act for a variety of permissions, or to have their application considered on its individual merits. Nor does the policy override the rights of any person making representations on any application or seeking a review of a licence where they are permitted to do so under the Act. The Licensing Authority will only depart from the policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives – see 2.10.

- 3.5 Granting licences: uncontested licence applications** - As stated above, all licence applications will be considered on their own merits in the context of the four licensing objectives.

Important note: Under the provisions of the Act, if an application for a premises licence or club premises certificate has been lawfully made and there has been no objection (known as a ‘relevant representation’) from any person or responsible authority, then the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.

- 3.6 Consideration of contested applications** - Where a relevant representation is received in respect of an application, it will be determined at a hearing by a Sub-Committee of three members from the council’s licensing sub-committee

- 3.7 Relevant representations** - For the views of any party to be considered in respect of an application, they must qualify as ‘relevant’, which means representations:

- a) That are made by any person or responsible authority
- b) That are made in writing to the licensing authority
- c) That are received by the licensing authority no later than 28 days after the date the application was made (ten working days for a minor variation)
- d) Must relate to the likely effect of the granting of the application upon one or more of the licensing objectives
- e) Must not (in the case of any person who is not a responsible authority) be considered by the licensing authority as frivolous or vexatious

The grounds for any representation will be stronger if they have an evidential basis and link to the applicant's premises. Any conditions or restrictions should only be proposed that address identified risks to the licensing objectives.

All persons, including responsible authorities, are encouraged to take into consideration all relevant sections of the policy, the relevant factors and the various standards set out at Sections 5.0, 6.0 and 7.0 when they are assessing applications and deciding whether to make a representation on an application.

Further information on making a representation can be found in Appendix IV.

3.8 Mediated applications - In many cases, through discussion, all parties may reach a compromise to resolve the concerns that originally led to the objection being made. For example, reducing the hours for proposed activities, adding extra conditions, or removing proposed activities entirely may address any concerns an objector had. In such circumstances, the applicant may request the licensing authority grant the application subject to any conditions agreed between the parties.

At a hearing all applications will be considered on their own merit. Following such a hearing, the Licensing Sub-Committee can:

- a) Grant the application as applied for; or
- b) Grant the application with restricted licensable activities/hours than those applied for and/or impose additional conditions, where considered appropriate for the promotion of the licensing objectives; or
- c) Refuse the application

3.9 Appeals - There is a right of appeal to the Magistrates' Court against the decision of the Licensing Sub-Committee by any party to the original hearing. If an applicant is aggrieved by a decision of the Licensing Authority, an appeal may be lodged with the Magistrates Court for the area. The council will be the respondent to such an appeal.

3.10 Review of a premises licence or club premises certificate - At any stage during the life of an authorisation, any premises that has a premises licence or club premises certificate may have that licence reviewed by any of the named responsible authorities or by a person defined in the Act as 'any other person' e.g. residents, councilors, MPs etc. At any time following the grant of a licence or Club Premises Certificate, any person or responsible authority may apply for a review of it.

The Police may also submit a summary review if there is a premises associated with serious crime and disorder. When the council instigates a review, it will ensure that there is a clear separation of functions between the officer acting as the licensing authority and the officer acting as a responsible authority.

Applications for review must relate to one or more of the licensing objectives and must not (where the review is submitted by any person who is not a responsible authority) be considered as frivolous, vexatious or repetitious by the licensing authority. Where an application for a review is frivolous vexatious or repetitious,

or where an application for a review is considered not relevant to the licensing objectives, the council will reject it.

The council expects responsible authorities and other parties to give early notice to licence holders of any concerns about issues identified at premises and of the need for improvement. It is expected that requests for a review of any licence will be sought only if such notice has failed to resolve the matter or problem. It is always worth considering other options before requesting a review of a licence, including:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues;
- Asking DCC Licensing Services to talk to those who manage the premises on your behalf; or
- Talking to the relevant “responsible authority” e.g. environmental health in relation to noise nuisance, or the police in relation to crime and disorder, about the problem.

A review application is also subject to a similar consultation period to that of a new licence or variation, during which relevant representations may be submitted. The Act provides strict guidelines, timescales and procedures for review applications and hearings and the council will deal with every review application in accordance with these rules. Further details on review applications can be found in Appendix IV of this policy.

At a review, the council may take the following steps (if any) where such steps are considered appropriate for the promotion of the licensing objectives:

- a) Modify the conditions of the licence
- b) Exclude a licensable activity from the scope of the licence
- c) Remove the designated premises supervisor
- d) Suspend the licence for a period not exceeding three months
- e) Revoke the licence.

In cases where there is evidence that the crime prevention objective is being undermined, revocation of the licence will be seriously considered by the authority, even in the first instance.

There is a right of appeal to the Magistrates’ Court against the decision of the licensing sub-committee, and if an appeal is lodged by the licence-holder, the original decision of the licensing authority will not take effect until the appeal is determined or withdrawn. There is an exception to this in the case of a summary review brought only by the police.

3.11 The designated premises supervisor (DPS) - This person must hold a personal licence and be in general day-to-day control of the premises. No alcohol may be sold or supplied from a licensed premise unless it is sold by a personal licence holder or a personal licence has authorised others to sell alcohol in their absence. This is mandatory.

In 2009, the Government empowered licensing authorities, on the application of a management committee of a community premises, not to apply the normal mandatory conditions in relation to the sale of alcohol. Instead the council can impose a condition rendering the management committee responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence.

Any application for a change of the DPS must be made to the council either electronically, via gov.uk, or in hardcopy. Any hardcopy applications must also be served on the Police. An application form completed by the premises licence holder, a consent form signed by the prospective DPS, the premises licence and the appropriate fee must be submitted.

Where an objection is received by the council from the Police in respect of the proposed DPS, the council is required to hold a hearing before the Licensing Sub-Committee within the timescales set out in the Act and accompanying regulations.

3.12 Transfer of premises licence - where a licence holder wishes to transfer their premises licence to another person or body, then an application shall be made to the council to do so. An application form completed by the proposed new owner, a consent form giving permission for the transfer from the previous owner, the premises licence and the appropriate fee must be submitted either electronically or in hardcopy. All hardcopy applications must also be served on the Police.

If the authority receives a representation in relation to any proposed transfer, then it must hold a hearing in the required timescales.

A club premises certificate cannot be transferred and will cease to exist if it does not meet the criteria laid out in the Licensing Act 2003.

3.13 Lapse of a licence - A licence will lapse if the licence holder dies, becomes incapacitated, becomes insolvent or has their company dissolved. Under these circumstances, no licensable activity may take place at the premises unless a transfer application is received within 28 days.

A licence will also lapse if the holder of the licence no longer has the right to work in the UK. Should this happen, then a new licence will have to be applied for from someone who does have the right to work in the UK.

3.14 Personal licence applications - under the Act, the council will automatically grant applications for personal licences so long as they meet the application criteria outlined in the Act. If an applicant has been convicted of a relevant offence or has been subjected to an immigration penalty that may undermine the prevention of crime and disorder licensing objective, the Police or Home Office Immigration may make representations against the grant of the application.

Where relevant representations are received, the council will hold a hearing in accordance with the regulations and timescales outlined in the Act. The licensing sub-committee will then decide on the application considering the relevant representations received.

When a personal licence holder moves address they must notify the authority that issued their licence. Failure to do so is an offence under the Licensing Act 2003. When a Personal Licence holder is convicted of a relevant offence or has paid an

immigration penalty, they must notify the authority who issued their personal licence so that their licence can be endorsed to that effect. Failure to do this is also an offence under the Licensing Act 2003.

Where a Personal Licence holder is convicted of a relevant offence or has paid an immigration penalty, then the licensing authority may look to suspend the personal licence for a period of up to six months or revoke it. This is as per Section 132A of the Licensing Act 2003. If the Licensing Authority decided to take this action, then it will allow the licence holder to make representations which will be considered at a hearing before the licensing sub-committee.

3.15 Temporary Event Notices – The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”). The Licensing Act 2003 enables certain organised events for less than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health

An event organiser who wishes to arrange a one-off event or extend the hours for licensable activities at a premises, may notify the council of the proposed event. The application (or notice) needs to be submitted to the Licensing Authority with the appropriate fee. The application must be submitted electronically via the gov.uk portal or via hardcopy. If submitted via hardcopy then it must also be sent to the Police and the council’s Environmental Health section for consideration.

A temporary event notice must be submitted to the authority at least ten clear working days before any event. This does not include the day of the application, the date the application is submitted, weekends or bank holidays. Failure to adhere to these timescales may invalidate the application.

An applicant who also holds a Personal Licence may apply to hold 50 events per year. An applicant who does not hold a Personal licence may only apply for 5 events.

Each Temporary Event may last for up to 168 hours and an individual premises may hold up to 15 events totaling 21 days. There must be a gap of 24 hours between the end of one temporary event and the start of another one.

If the Police or the Environmental Health team, make a representation regarding a temporary event notice then the Licensing Authority will arrange a hearing before the licensing sub-committee in the required timescales.

Applicants are encouraged to submit temporary event notices as far in advance as possible to allow issues to be worked out and for any required hearing to be held in good time before any proposed event. Although the statutory legal minimum time required for the notification of a temporary event to the Licensing Authority, Police and Environmental Health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given.

Statutory guidance allows the Licensing Authority to publicise its preferred timescale for notification. Applicants are encouraged to submit notifications at least 4 weeks but not more than 12 weeks before an event where an existing premises licence is in operation. For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.

3.16 Late Temporary Event Notices - late notices can be given no later than five working days before an event but no earlier than nine working days before an event. If there is an objection to the proposed event from either the Police or the council's Environmental Health team then the authority will issue a counter notice. This means that the event will not be permitted to go ahead.

The number of late notices that can be given in any one calendar year is limited to ten for personal licence holders and two for non-personal licence holders. Late notices count toward the total for the number of events per year held at a single premise and for the number of events per year applied for by the applicant.

3.17 Provisional statements - Where premises are being or are about to be constructed, extended or otherwise altered to be used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.

Any person falling within section 16 of the 2003 Act can apply for a premises licence before new premises are constructed, extended or changed. This would be possible where clear plans of the proposed structure exist, and the applicant is able to complete an operating schedule including details of:

- the activities to take place there
- the time at which such activities will take place
- the proposed hours of opening
- where the applicant wishes the licence to have effect for a limited period, that period
- the steps to be taken to promote the licensing objectives; and
- where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify

In such cases, the council will include in the licence the date upon which it would come into effect. A provisional statement will normally only be required when the information above is not available. Someone aged 18 or over, who has an interest in the premises may apply for a "provisional statement". This will not be time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the council will accept representations. "Person" in this context includes a business.

If the council's discretion is engaged, the council will decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:

- attach conditions to the licence

- rule out any of the licensable activities applied for
- refuse to specify the person nominated as premises supervisor; or
- reject the application

It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.

For applications for a premises licence in respect of premises (or part of the premises or premises which are substantially the same) for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded in certain circumstances. These are where:

- the application for a licence is in the same form as the licence described in the provisional statement
- the work in the schedule of works has been satisfactorily completed
- given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
- there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made

Important note: Any decision of the council on an application for a provisional statement will not relieve an applicant of the need to apply for planning permission, building control approval of the building work, or in some cases both planning permission and building control.

3.18 Live Music and other de-regulated entertainment - The Legislative Reform (Entertainment Licensing) Order 2014 came into force on 6 April 2015 with the effect that the following forms of entertainment are no longer licensable:

- Performances of plays between 8am and 11pm, provided that the audience does not exceed 500
 - Performances of dance between 8am and 11pm, provided that the audience does not exceed 500
 - 'Not-for-profit' film exhibitions held in community premises between 8am and 11pm, provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises, and (b) ensures that each such screening abides by age classification ratings
 - Indoor sporting events between 8am and 11pm, if those present do not exceed 1,000
 - Any contest, exhibition or display of Greco-Roman wrestling or freestyle wrestling between 8am and 11pm, provided that the audience does not exceed 1,000
 - Performances of unamplified live music between 8am and 11pm, on any premises
- Also, performances of amplified live music between 8am and 11pm:

- On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
 - In a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500
 - In a church hall, village hall, community hall, or other similar community premises that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
 - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Also, playing of recorded music between 8am and 11pm:
- On premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
 - In a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
 - At the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital
- Also, any entertainment taking place on the premises of the local authority between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the local authority.
- Also, any entertainment taking place on the hospital premises of the health care provider between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the health care provider.
- Also, any entertainment taking place on the premises of the school between 8am and 11pm, with no limit on audience size, where the entertainment is provided by or on behalf of the school proprietor.
- Also, any entertainment (excluding films and boxing or wrestling entertainment) taking place at a travelling circus between 8am and 11pm, with no limit on audience size, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) the travelling circus has not been located on the same site for more than 28 consecutive days.

3.19 Reinstatement of conditions relating to live music upon review - the licensing authority may reinstate or impose conditions about live music following a review of a premises licence or Club Premises Certificate (relating to premises

authorised to supply alcohol for consumption on the premises) where it can be demonstrated that live music has undermined the promotion of the licensing objectives and such action is appropriate.

3.20 The need for licensed premises - The council shall not consider 'need' or commercial demand when exercising any licensing function.

3.21 The cumulative impact of concentrations of licensed premises – The council recognises that the cumulative effect of the number, type and density of licensed premises (premises selling alcohol for consumption on or off the premises and premises licensed for the provision of late-night refreshment) in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.

'Cumulative impact assessments' were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact, on the promotion of the licensing objectives, of several licensed premises concentrated in one area.

In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur due to a large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

Queuing may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand, posed by such concentrations of drinkers, leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres but may also arise in other urban centres.

The cumulative impact of premises on the promotion of the licensing objectives of a concentration of licensed premises by number, type or density in an area is therefore a matter that the council will consider. Where there is good evidence that crime and disorder or public nuisance are happening and are caused by customers of licensed premises located in such an area, consideration will be given to adopting a special policy to help address such issues.

Such a special policy will be implemented if the authority is satisfied that there is enough evidence to support such a decision, and that it is proportionate and the most effective measure to address the problems identified.

Types of evidence the licensing authority will take into consideration when considering whether to implement such a special policy include:

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots
- Statistics on local antisocial behaviour offences
- Health-related statistics such as alcohol-related emergency attendances and admissions
- Environmental health complaints, particularly in relation to litter and noise complaints recorded by the local authority, which may include complaints by residents or residents' associations
- Residents' questionnaires
- Evidence from local councillors
- Evidence obtained through local consultation

The licensing authority will consider:

- The number, type and density of licensed premises and the hours and activities they are licensed for
- Trends in licence applications, particularly trends in applications by types of premises and terminal hours
- Changes in the terminal hours of premises
- Premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times
- Residential density
- The number of consumers attracted to the area and the availability of public transport

3.22 Other mechanisms for control cumulative impact - Once away from the licensed premises, a minority of consumers will behave badly. There are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. The council recognises there are several existing measures available that are relevant to tackling unlawful and antisocial behaviour associated with licensed premises, including:

- Planning controls
- Positive measures to create a safe and clean city centre, district or neighbourhood centre environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate areas as places where alcohol may not be consumed publicly
- The confiscation of alcohol from adults and children in designated areas
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Police powers to close instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on grounds of disorder, in the likelihood of disorder, or noise emanating from the premises causing a nuisance

- The power of the police, other responsible authorities or any person to seek a review of the licence or certificate in question
- Raising a contribution to policing the late-night economy through the Late-Night Levy
- Early Morning Restriction Orders
- Other local initiatives that similarly address these problems

Should a special policy on cumulative impact be warranted at any time, it will not impose quotas on either the number of premises or the capacity of those premises nor will it restrict the consideration of any application on its individual merits.

Important note: The absence of a special policy on cumulative impact does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a licence, claiming the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.

3.23 Late Night Levy - The Late-Night Levy (the levy) is a power conferred on licensing authorities by the Police Reform and Social Responsibility Act 2011, which enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

The levy will be payable by the holders of any premises licence or Club Premises Certificate, in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period (the 'late-night supply period') beginning at or after midnight and ending at or before 6am.

The decision to introduce, vary or end the requirement for the levy must be made by the full council. The authority will consider the appropriateness of the levy as well as its design, prior to any decision to consult on its implementation.

When considering whether to introduce a levy, any financial risk (for example, lower than expected revenue) rests at a local level and so will be fully considered prior to implementation. Currently, there is no Late-Night Levy in County Durham.

3.24 Early Morning Restriction Orders (EMROs) - Introduced by the Police Reform and Social Responsibility Act 2011, Early Morning Restriction Orders (EMROs) enable an authority to prohibit the sale of alcohol for a specified time between the hours of 12 midnight and 6am in the whole or part of its area if it deems it appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems, such as high levels of alcohol-related crime and disorder in specific areas at specific times, serious public nuisance, and other instances of alcohol-related antisocial behaviour not directly attributable to specific premises. There currently are no Early Morning Restriction Orders in County Durham.

3.25 Impacts within the vicinity of licensed premises - While the licensing authority will seek to ensure the promotion of the four licensing objectives by licensed

premises in County Durham, it is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers that fall within the control of the licensee.

Important note: Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nevertheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.

4.0 How the council applies licensing policy

4.1 Our aim - Durham County Council want to promote the county as a safe and healthy environment where responsible law-abiding operators are encouraged and supported to provide great facilities for the entertainment and enjoyment of residents and visitors. We wish to encourage an 'inclusive' daytime, evening and night-time economy throughout the county to ensure people of all ages can participate in and enjoy a range of activities through a diverse array of licensed premises, not simply focused on the consumption of alcohol.

To realise our aim the council will encourage:

- licensed premises that will facilitate and strengthen the diversity of entertainment and attract a wider range of participants
- live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- national cultural institutions, global sports events and cultural festivals
- non-drink-led premises, including restaurants, cafes, theatres and cinemas

4.2 Licensing conditions - Every application will be treated in accordance with the Act, the Section 182 Guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy and the potential impact upon the licensing objectives relevant to them. The Licensing Policy is applicable to all premises providing any licensable activity and it is important that all premises have regard to it. All applications for a new premises licence or variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps the applicant proposes to take to promote each of the licensing objectives.

The operating schedule within an application should contain an assessment, from the proposed licence holder, of what they believe are appropriate and proportionate measures to enable them to carry out their proposed licensable activities. This assessment should be arrived at by taking cognisance of this policy and the Secretary of State's guidance, which outlines the matters that an applicant should consider, such as issues in the locality and why their proposed measures are suitable for their proposed operation.

There are three types of condition that may be attached to a licence or certificate:

- Proposed
- Imposed
- Mandatory

Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or

the club premises certificate will be required to take, or refrain from taking, in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment.

4.3 Proposed conditions - the conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment, carried out by a prospective licence or certificate holder, which they should carry out before making their application. This would be translated into the steps recorded in the operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

If an application receives no representations from Responsible Authorities or any other persons, then the licensing authority must grant that licence. The licence would therefore be granted with conditions that are contained within the operating schedule. **The council does not have the power to impose conditions on a premises licence or club premises certificate unless it is in receipt of a relevant representation and considers that conditions are appropriate and proportionate to promote the four licensing objectives.**

If a responsible authority or other person lodges a relevant representation against an application, then a hearing before a licensing Sub-Committee will normally follow. In exercising its discretion, the licensing Sub-Committee will have regard (amongst other things) to this policy. Applicants are expected to carefully take this licensing policy into account when preparing their operating schedule.

If an operating schedule complies with the policy it is generally less likely that a responsible authority or other person will object to it, or that any objection will succeed. Therefore, compliance with the Policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted licence conditions.

An opposed application that complies with the Policy will not necessarily be granted and an opposed application that does not comply with it will not necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case. Modifications of the operating schedule and the extent of any such modifications will only occur when deemed appropriate for the promotion of the licensing objectives. We will not apply blanket or standard conditions and will always give proper regard to the merits of each individual case.

Important note: This policy contains several references to the council's expectations of applicants and applications. The policy is only engaged where the licensing authority has a discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly. We will always have regard to the merits of the case with a view to promoting the licensing objectives.

The council will seek to apply this policy when exercising its various licensing functions.

4.4 Imposed conditions - The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied because of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

Conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will be given to the character and nature of the locality of the premises, problems and sensitivities in the locality, the matters set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to consider for promoting the four licensing objectives.

The council will avoid attaching conditions which duplicate other legislation. However, some crossover may occur if the council believes that additional measures to control licensable activity are required to promote the four licensing objectives.

The council may produce model conditions to provide a consistent approach for all parties by specifying appropriate conditions that could be included on any licence or certificate granted. Once produced, these may prove useful to applicants for designing the operating schedule, for other parties, in seeking to address concerns associated with the application and by the council when imposing conditions considered appropriate for the promotion of the licensing objectives.

Any model conditions produced will not be intended to be an exhaustive list and they will not restrict the ability of any party to suggest, or the committee to impose, any condition they consider appropriate for the promotion of the licensing objectives, provided they are in accordance with the following principles:

Licence conditions will be:

- appropriate for the promotion of the licensing objectives
- precise and enforceable
- unambiguous and clear in what they intend to achieve
- tailored to the individual type, location and characteristics of the premises and events concerned
- proportionate, justifiable and capable of being met

Licence conditions will not:

- be standardised
- replicate offences set out in the Licensing Act 2003 or other legislation
- duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation

- seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave
- require the admission of children to any premises

Where, following relevant representations and a hearing, the council is not satisfied that the imposition of conditions is appropriate and sufficient for the promotion of the licensing objectives, the authority can restrict licensable activities and/or hours. The council may also refuse to specify the person nominated as designated premises supervisor. Where all the above steps are not considered appropriate and not enough to promote the licensing objectives, our policy is to refuse the application

4.5 Mandatory conditions – certain specified conditions that are imposed on all premises licences and club premises certificates. These are mandatory conditions and will apply to all licences and certificates that authorise the sale or supply of alcohol. These conditions will apply even if they are not contained on the physical copy of any licence.

5.0 How the council promotes the licensing objectives

Licensing law is only one means of securing the delivery of the licensing objectives and should not therefore be a means of solving all problems within the community or night time economy. However, it is a key means of control and is viewed by the council as an integral part of a holistic approach to the management of the evening and night time economy.

5.1 Working in partnership - The council will work in partnership with, amongst others, neighbouring local authorities, the Police, local businesses and people in pursuit of the promotion of the licensing objectives. The council is keen to promote partnership-working between agencies and the licensed trade.

A range of initiatives can be delivered aimed at ensuring the promotion of the licensing objectives throughout County Durham including:

- Multi-agency enforcement, including proactive monitoring and inspections of licensed premises as well as test purchase ('mystery shopper') operations
- Joint-agency action planning with problem premises
- Joint consideration of licence applications to ensure a consistent and holistic approach that is agreed between all agencies
- Introduction of voluntary trade schemes such as 'Reduce the Strength'
- Conducting training in responsible alcohol service, safeguarding and awareness of child sexual exploitation
- Attendance and participation in local community meetings and workshops.

5.2 Communication with residents and businesses - Durham County Council considers it extremely important that licensed premises behave as good neighbours within their community. Licensees are encouraged to consult with local residents, businesses and local councillors prior to submitting an application for a new licence or variation of an existing licence to ensure the promotion of the licensing objectives and ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage.

Licence holders and DPS's are expected to communicate to address and resolve relevant problems. This could include giving contact telephone numbers to residents, so they can report any issues to the premises for them to address. It is expected that contacts at the premises would be persons in a position of responsibility who are contactable whenever the premises are open to the public so that any issues can be addressed without delay. Licensees could also arrange regular meetings with neighbours to ensure good relations.

5.3 Pubwatch and similar trade forums - such schemes, are where members may regularly exchange information about incidents, known troublemakers, and crime prevention advice through official data protection agreements. The operation of collective banning policies and the enforcement of exclusion orders are also seen to be essential parts of crime prevention in an area or neighbourhood.

Active participation in such schemes demonstrates good practice by the licensed trade and the licensing authority encourages licensees to take part in existing schemes or seek to establish new ones where none currently exist. In turn, we will provide as much support as possible. For further details of any of the schemes operating in County Durham, or if you have an interest in developing a brand-new scheme, contact the council's Licensing Services section.

5.4 Best Bar None - Best Bar None strives to make our city a safe and vibrant place to go at night. Best Bar None is a National Award Scheme supported by the Home Office. It is aimed at promoting responsible management and operation of alcohol-licensed premises.

Best Bar None was launched in Durham City in 2008. Since its launch, businesses have reported increases in sales and footfall, as well as significant decreases in violent crime in the city centre. Evaluation of the scheme in 2018 showed some licensees reporting more than 25% increase in turnover, and a 15% increase in footfall (in comparison with 2008), and a yearly decrease in violence.

Our objectives of running the Best Bar None scheme in Durham City are to:

- a) Reduce the risk of alcohol-related harm, disorder and crime
- b) Establish a standard of good practice in licensed bars, pubs, nightclubs and restaurants
- c) Identify and reward responsible managers and share good practice with others
- d) Ensure that accredited premises manage their venue with the management standards that must be in place, to be legally operating, to meet the objectives of the 2003 Licensing Act
- e) Improve knowledge and skills of enforcement and regulation agencies (for example, the police and fire services, licensing, environmental health, trading standards), licensees and bar staff to help them responsibly manage licensed premises, and understand how this can reduce alcohol-related crime and disorder
- f) minimise the harmful effects of binge drinking
- g) improve profitability of premises and the attractiveness of our city centre
- h) Raise public awareness of the benefits of choosing to visit a well-run licensed premise
- i) Work positively and in partnership with our licensees and the police
- j) Improve the attractiveness and appeal of socialising in Durham City

5.5 Locality considerations - licensed premises and activities can play an important role in ensuring the vitality and prosperity of the county in terms of economic growth, additional employment opportunities and improved physical environments. However, if not managed carefully, negative impacts can arise.

Applicants and licensees are expected to obtain enough information to enable them to demonstrate that they understand:

- The layout of the local area and physical environment, including crime and disorder hotspots, proximity to residential premises, and proximity to areas where children may congregate
- Any risk posed to the local area by the applicant's proposed licensable activities
- Any local initiatives (for example, local crime-reduction initiatives or voluntary schemes, including any local taxi control schemes, street pastors, pubwatch etc.) that may help to mitigate potential risks

Public sources of information that may be of use in understanding the local risks include:

- The Crime Mapping websites
- Our website
- Local councillors
- Responsible authorities
- For further health and deprivation, crime and community safety information about the local area, visit: <https://www.durhaminsight.info/>

All applicants are expected to consider the individual characteristics of the premises and locality when preparing their operating schedule, particularly when considering appropriate activities, hours and operating standards for the premises. It is expected that these would be assessed against the likely impact on the promotion of the licensing objectives by their premises. Applicants are encouraged to identify relevant factors through risk assessment of the local area for their premises before making the application.

Applicants are expected to address any local factors relevant to their premises. The matters identified are not exhaustive and, where its discretion is engaged, the licensing authority will have regard to any relevant matters raised in any representation that may fall outside those factors. Some of these can be controlled by licensed premises, whilst others are clearly external, e.g. pre-loading by customers, and have an impact on the premises' operation of the licensing objectives. Relevant factors include:

- Physical design of the premises
- Activities at the premises
- Style of operation, particularly related to the likelihood of alcohol consumption
- Characteristics of likely patrons e.g. age, gender, potential for pre-loading etc.
- Staffing of the local public realm, including policing, wardens
- Public CCTV coverage
- Pedestrian and vehicular pathways likely to be used by customers when leaving the premises late at night

5.6 Areas with evidence of existing problems - Where its discretion is engaged, and a hearing takes place, the council will consider such risk factors when assessing the relevance of operating measures appropriate to promote the licensing objectives. The council will consider the general character of the surrounding area, including crime and antisocial behaviour (ASB) levels, litter problems, issues regarding underage or proxy sales, and noise complaints.

Where there are demonstrable problems linked to the operation of licensed premises in the area and the evidence demonstrates problems with licensed premises in the area, the licensing authority will (in exercising its discretion) take this into consideration when deciding what, if any, steps are appropriate and proportionate in the individual case.

5.7 Proximity to residential areas, businesses and sensitive users – When dealing with applications and issuing licences, the council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas. This is for the promotion of the prevention of public nuisance licensing objective and will apply to all premises.

Proper consideration should be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. Where premises are close to local residential properties, and where its discretion is engaged, the authority will consider measures proposed in the application, in relation to preventing nuisance, such as:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise
- Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)
- Prevention of disturbance by people outside the premises (e.g. smoking areas)
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises)
- Disturbance caused by deliveries associated with licensable activities, including waste collection

In general, any licensees wishing to open their premises past 11pm (2300hrs) in a residential area will need to demonstrate clearly, in their operating schedule, that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State's Guidance, this policy and any other relevant documents to ensure that robust measures are included in any application.

Premises providing regulated entertainment may be subject to additional conditions to ensure that residents are not disturbed. This may include the use of sound limiters, keeping doors and windows closed and restricting the hours that music is played. Premises with outdoor areas, such as beer gardens and smoking

areas, may also be subject to further restrictions regarding their operation and use.

Premises applying for early morning daytime hours to sell alcohol will be given particular consideration in relation to their proximity to schools, play areas, nurseries, children's centres and other youth amenities to protect children from harm. This may include other groups (such as persons who are alcohol-dependent) who could become more vulnerable or present a greater risk of crime, disorder and public safety issues as a result of excessive alcohol consumption or who may be drawn to particular premises if they are licensed to sell alcohol at earlier times.

5.8 Licensing hours – In 2003 the Government expressed a view that “more flexible opening will help address the issue of large numbers of patrons leaving at the same fixed time and as such will reduce disorder and disturbance whilst helping promote business and cultural development”. The Government also wishes to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and local employment and attractive to domestic and international tourists.

The council acknowledges these principles but believes that full consideration should be given to the risk of disturbance to residents and possibly to businesses when licensable activities continue late at night and into the early hours of the morning. Whilst the Act removed set permitted hours for on-sales and leaves applicants to decide what is appropriate to include in the operating schedule, the council recognises the impact licensing hours have in an area.

Important note: The council will make appropriate decisions on licensing hours for the locality of each premises.

As part of their operating schedule submitted with any application, the applicant is expected to consider the statutory guidance, this policy and any other available data relevant to their prospective locality and the potential impact their operation may have on that area.

Where it is appropriate and proportionate to do so, the council may seek to reduce the hours for licensable activities to promote an orderly and gradual dispersal from a certain area or certain premises.

All applicants and existing licence holders are expected to achieve and to adhere to any relevant planning permissions, including hours of operation. Applicants are encouraged to secure any necessary planning permissions before applying for any licence. Where the planning authority has set a terminal hour on a premises' planning permission, the licensing authority may only grant a licence to that hour should that be appropriate for the promotion of the licensing objectives. Efforts will be made to ensure consistency and integration between licensing and planning policy as detailed in Point 2.7 of this policy.

The hours granted to premises refer to the hours during which licensable activities may take place. In the absence of reasonable and extenuating circumstances, the

council would normally expect the premises to close within a reasonable time after the terminal hour for licensable activities.

Important note: Policy recommended ‘framework’ hours (see Appendix II) are intended to guide applicants when preparing their operating schedules. These are the council’s general recommendations. It must be emphasised that where no relevant representations are received, an application must be granted in accordance with the hours included in the application.

There will be a general presumption that licensed premises in residential and mixed residential/commercial areas will have a greater potential to undermine the public nuisance licensing objective. For this reason, applicants and existing licence holders may expect greater scrutiny of applications and operations in connection with their licensed premises and associated activities.

When its discretion is enabled, the council will consider the possibility of disturbance to businesses and residents late at night and in the early hours of the morning, and the detrimental effects that any such disturbance may give rise to. These are important matters to be considered when addressing the hours during which licensable activities may be undertaken.

The council has considered the Secretary of State’s Guidance in determining this policy. The specified framework hours on any given day is not (and should not be regarded as) the ‘usual’ or ‘normal’ terminal hour for licensable activities in the County. Instead, the ‘framework hours’ serve to identify those types of premises where the council will pay particular regard to local factors and the likely effect on the local neighbourhood of carrying out the proposed licensable activities (sale/supply of alcohol and the provision of late-night refreshment).

In considering appropriate times for policy framework hours, the council has had regard to concerns expressed by residents, the licensed trade and the responsible authorities including Durham Constabulary. The council acknowledges that in addition to location and other factors, risks differ depending on whether premises are licensed to sell alcohol for consumption on or off the premises and for premises licensed only for regulated entertainment or late-night refreshment.

The council expects that, where applications to provide licensable activities outside these framework hours are made, applicants will volunteer particularly robust conditions in their operating schedules in respect of all the licensing objectives. In preparing the operating schedule, applicants who wish to provide licensable activities outside the Framework Hours should have regard to:

- The location of the premises and the character of the area in which they are situated
- The proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises
- The adequacy of their proposed measures to promote the licensing objectives

- In the case of a premises having been previously licensed, any relevant issues relating to the previous licence
- Whether customers have access to public transport when leaving the premises at night-time and in the early hours of the morning
- The proximity of the premises to other licensed premises in the immediate and local area and the hours of operation of those other premises
- Policies and proposals for the timely and orderly dispersal of customers

The council also expects applicants to provide particularly robust conditions in their operating schedules to promote the prevention of public nuisance in cases where outside areas (such as beer gardens, patios and marquees) will be used by customers after 21.00 hours any night of the week.

Important note:

- **There must be no presumption that an application made for timings within the framework hours will be automatically granted**
- **Where relevant representations are made, each case will be considered on its merits**

The following should be considered when deciding on the hours applied for:

- Applicants should limit their applications to the hours they genuinely intend and reasonably expect to operate
- When completing the Operating Schedule, applicants should consider all the Licensing Objectives. (Representations are more likely to result from inadequately considered Operating Schedules)
- Where relevant representations are made, the Licensing Committee shall determine whether the proposed measures in the Operating Schedule address the issues underpinning the framework hours policy. As each application will be determined on its own merits, the individual circumstances will vary between each application
- Although this policy applies to all licensable activities, the Licensing Authority will have regard to the proposed use of the premises when considering whether and how this policy should apply in any given case

The following types of premises, where licensable activities are authorised, are not considered to make a significant contribution to the problems of late-night crime and disorder and anti-social behaviour and, as such, these premises will generally have greater freedom to operate outside framework hours:

- Theatres
- Cinemas
- Hotels
- Large supermarkets

5.9 Takeaway premises and late-night refreshment - there are often concerns about noise, nuisance, crime and disorder and anti-social behaviour in respect of premises open late and providing hot food and drink. Applicants and licensees of

late-night refreshment premises wishing to open past 23.00 will need to demonstrate that there are suitable steps in place to mitigate any undermining of the licensing objectives from their operation.

When the council's discretion is engaged, if suitable practices are not put in place and it is the belief of the council that crime and disorder and/or a public nuisance is likely to occur due to the late operation of late-night refreshment premises, then the council will look at reducing the hours and/or (subject to any relevant representations being received) removing late night refreshment from a licence.

Important note: When representations have been received and a hearing takes place, the council will refuse to grant a licence either at all or outside framework hours to any premises if it believes adequate controls cannot be applied and it will undermine the promotion of the licensing objectives.

5.10 Garages, service stations and petrol stations - Under section 176 of the Licensing Act 2003, no premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises. "Excluded premises" means a motorway or trunk road service area or premises used primarily as a garage or which form part of premises which are primarily so used.

The council will require information from the applicant regarding the primary use of the premises prior to the hearing. Trading figures can be used to determine the issue of primary use. If a premises licence is granted, the premises licence holder must ensure that alcohol is not sold or supplied at any time when the premises are used primarily as a garage.

5.11 Adult and sex related entertainment activities – The Licensing Act makes no specific provision with respect to certain activities such as "lap", "table" and "pole" dancing. These, and similar forms of sexual entertainment, are not themselves designated as licensable activities under the Act.

Because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act 2003, premises for which a sexual entertainment venue licence is held do not require a premises licence, club premises certificate or temporary events notice to provide adult or sexual entertainment. However, if the premises also carry on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment that is not sexual entertainment), they will require a premises licence, club premises certificate or temporary events notice under the Licensing Act for those other activities.

The Policing & Crime Act 2009 brought certain premises offering entertainment of a sexual nature under the controls of the Local Government (Miscellaneous Provisions) Act 1982. Sexual entertainment, held on an infrequent basis, can fall outside this legislation and such infrequent entertainment will be considered under the Licensing Act 2003.

When representations are received, the council will have regard to the following

additional matters in respect of applications to provide adult entertainment, including entertainment of a sexual nature, e.g. nudity, striptease and lap dancing. The council will also consider the location of the premises in relation to their proximity to the following sensitive uses:

- Housing and residential accommodation
- Schools, play areas, nurseries, children's centres and other educational establishments
- Family shopping and leisure areas
- Places of worship
- hospitals
- Historic buildings and tourist attractions
- Other places where entertainment of a similar type is operated
- Other places where significant numbers of children are likely to attend or congregate

The council will impose conditions designed to ensure that children are not admitted to and cannot witness these activities, and to control crime and disorder problems. The supports the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts, and for the protection of performers from risk of assault.

5.12 Alcohol deliveries – Particular risks exist in connection with delivery services for alcohol. The council expects applicants and licencees to take measures to properly identify, assess and control such risks. Measures to promote the protection of children licensing objective must be clear and robust.

The council expects operators to implement age-verification procedures at both the point of sale and delivery stages, with a Challenge 25 policy implemented at the point of delivery. The receipt of orders that contain alcohol must be by an adult. Retailers should ensure that delivery staff have been given appropriate training in procedures relating to requesting and identifying proof of age and implement these procedures as standard.

Operators are expected to use their discretion to ensure that deliveries are refused in situations associated with alcohol-related nuisance or disorder and to ensure that alcohol is not given to persons who appear drunk.

Any promotional material, including the name of the business and website, should be consistent with the responsible sale of alcohol. Additionally, any website URL or telephone number, to be used for orders, is expected to be given to the council. Where the authority's discretion is engaged following relevant representations, conditions restricting the operation of alcohol delivery services may be imposed by the authority where appropriate for the promotion of the licensing objectives.

6.0 Standards of management and operating practice

This policy seeks to promote not only the licensing objectives but also excellent standards of premises management, covering the arrival of customers all the way through to their departure. Within all licensed premises, whether or not alcohol is to be sold, the council will expect proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the authorisation.

6.1 The designated premises supervisor (DPS) - The application for a premises licence must identify a designated premises supervisor (DPS) who must also hold a personal licence. It is important that the DPS is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

Most premises, where alcohol is sold under a premises licence, must have a designated premise supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).

The Licensing Act 2003 does not require a DPS, or any other personal licence holder, to always be present on the premises when alcohol is sold. However, DPS and the premises licence holder always remain responsible for the premises. The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

The DPS is the person who has day-to-day responsibility for the running of the business associated with the retail sale of alcohol. All businesses and organisations selling or supplying alcohol, except members' clubs and certain community premises must have a designated premises supervisor. Whoever holds this role must be named in the operating schedule, which you will need to complete as part of the application process, when you apply for a premises licence.

The person chosen to be the DPS will act as primary contact for the council and the Police. They must understand the social and local issues and potential problems associated with the sale of alcohol and have a good understanding of the business itself.

If the police or authorised council officers have any questions or concerns about the business, they will expect to be able to reach the DPS. Each business may have only one supervisor selected for this role, but the same person may act as the DPS at more than one business.

The Licensing Act requires the DPS and personal licence holders to take responsibility for the sale and supply of alcohol. This is because of the impact alcohol has on the wider community, on crime and disorder and antisocial behaviour. Because of these issues, selling alcohol carries greater responsibility than licensing regulated entertainment and late-night sales of food and non-alcoholic drinks.

The council will expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that normally the DPS would be present at the licensed premises most of the time. To put it another way, the council will be concerned if the DPS is regularly absent from the premises and if difficulties are encountered when trying to contact a DPS. Such concerns will be magnified should there be any licensing related problems associated with the premises.

6.2 Self-assessment - the council recognises that individual premises will all need to assess their own management needs to establish operational best practice. Therefore, what would be good practice at one premises may be unnecessary or overly burdensome in others. The examples of good practice provided in this policy are indicative of different measures that applicants, including licence holders, managers, club committees and club secretaries, DPS's and personal licence holders, may wish to consider.

The examples are not exhaustive and are aimed at assisting people to identify and improve management standards at licensed premises. Higher expectations are held by the council in relation to how applicants will plan to mitigate risks posed by premises in sensitive locations such as residential areas.

6.3 Proper management of licensed premises – In promoting the licensing objectives and excellent standards of premises management, the council expects applicants and licensees to have the correct organisation and arrangements in place covering the arrival of customers, on-site activities, occupancy and use all the way through to their exit and departure.

Within all licensed premises, whether or not alcohol is to be sold, the council expects there to be proper management arrangements in place which will ensure that there will always be an appropriate number of responsible, trained and suitably-instructed persons at the premises necessary to ensure the proper management and operation of the premises and that the activities taking place are in full adherence to all statutory duties and the terms and conditions of the authorisation.

6.4 Promoters – Events held on licensed premises may be organised and promoted by persons other than the premises licence holder. Licence holders, DPSs and personal licence holders remain responsible for activities taking place on premises when promotions take place. Action will be taken against licence holders and all other persons responsible for the management and operation of the premises if required whether the event in question has been “promoted” and run by another person or not. In addition, the council will expect premises licence holders to have in place written agreements to ensure that when hiring out venues

to promoters, the responsibility for the management of the premises is clear. The promoter and its employees or agents shall comply in all respects with all conditions, requirements and regulations of the local council, police and fire authority and have regard to this policy and relevant good practice for licensed premises and activities.

6.5 Irresponsible drinks promotions, sales and pricing - There is a relationship between the pricing of alcoholic beverages, the consumption of alcoholic drinks and resultant issues associated with crime and disorder. When alcoholic drinks are offered and sold at low prices e.g. at or below cost prices from both 'on' and 'off'-trade premises, alcohol consumption can increase leading to adverse effects on all four licensing objectives. Cheap and readily available alcohol can contribute significantly to antisocial behaviour, drunkenness, disorder and other criminal behaviours that can blight areas, damage communities and place people at risk of harm.

Central Government has a major role to play in dealing with alcohol pricing and its availability nationwide. At a local level, the council through this policy sets out its own role and responsibilities in relation to influencing and where appropriate, controlling the sale, promotion and availability of alcohol.

The council's aim is to support and encourage responsibility in the sale, supply and consumption of alcohol within the county. We will not seek to impose generalist or blanket conditions across all licences however, where evidence exists that the licensing objectives are being compromised or are likely to be adversely affected in an area, consideration may be given to the imposition of appropriate licensing controls on specific premises e.g. alcoholic drinks promotions and other sales techniques to deal with localised problems. For example, controls could include evidenced-based and tailored restrictions for specific premises on the sale of high-strength alcoholic drinks, requirements relating to the minimum cost of beverages etc, invariably as part of several control measures designed to deal effectively with any specific and identifiable problems.

There is strong evidence that setting a minimum unit price will have an impact on reducing alcohol consumption. The council would therefore like to encourage all licensed premises to apply a minimum unit price of 50p to all alcoholic products sold under their premises licence. Where the premises are found to be selling alcohol below this price and there are problems associated with the premises that are negatively impacting on the licensing objectives, a responsible authority may bring review proceedings. Following the review, the Licensing Sub-Committee may decide to impose a condition in relation to the pricing of alcohol to uphold the licensing objectives.

We also remind licence holders (and all relevant personnel working at licensed premises) of the mandatory conditions relating to drinks promotions. These conditions prevent drinking games and the provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price.

The council will continue to focus on recognised means of public protection, including education, health promotion, information, enforcement, treatment and

prevention in local partnerships, which have a proven track-record of tackling alcohol related harm and which may be achieved by working in partnership with the trade.

The Government has established 'cost' as the amount of 'duty plus VAT', defined as the level of alcohol duty ('duty') for a product plus value added tax ('VAT') payable on the duty element of the product price. In February 2019 they produced Guidance on banning the sale of alcohol below the cost of duty plus VAT aimed at suppliers of alcohol and enforcement authorities in England and Wales

This guidance provides a single point of reference for suppliers of alcohol and local authorities in England and Wales for banning the sale of alcohol below the cost of duty plus VAT. The document also provides comprehensive information regarding implementation of the relevant legislation, methods of calculating the amount of duty plus VAT (referred to in legislation as "the permitted price") and effective enforcement of the ban. The legislation came into force on 28 May 2014.

The ban prevents businesses from selling alcohol at heavily discounted prices and aims to reduce excessive alcohol consumption and its associated impact on alcohol-related crime and health harms. The ban is a new licensing condition of the Mandatory Code of Practice. The Mandatory Code of Practice applies to all licensed premises, including those with club premises certificates, in England and Wales. More information including how to calculate the permitted price of duty plus VAT plus worked examples is provided in Appendix IV.

6.6 Alcohol health awareness – Local research from BALANCE – the North East Alcohol Office – shows public awareness of the health harms caused by alcohol is generally low. Significant numbers of people in County Durham continue to drink at risky levels. There is clearly an information deficit when it comes to the Chief Medical Officers' low risk drinking guidelines.

Responsible licensees can contribute to increasing the health intelligence of the population by promoting the Chief Medical Officer (CMO) guidance. The council would see the following steps taken by responsible licensees as a positive contribution to improving alcohol health awareness and reducing potential alcohol health harm:

- Chief Medical Officer (CMO) guidance on alcohol related health is displayed in at least one prominent point per floor, in the premises. (14 Units per week (for both men and women) taken over several days)
- Unit information (and calorie data if available) is displayed on any drink's menu available.
- Ensuring free (tap) water is available and the offer is visible to customers.

6.7 Design and layout of premises - The council expects all applicants to consider and address any potentially adverse effects on the licensing objectives related to the design and layout of their premises. We encourage consideration, particularly at the design stage, to best-practice advice such as the 'Licensed Property: Security by Design'(BBPA) or that found at www.securedbydesign.com (ACPO).

Applicants should clearly set out the relevant steps which they propose to take to promote the licensing objectives in the operating schedule including matters of design and layout. It will be for the applicant to determine exactly what steps should be taken in every case and what will be appropriate will depend on the size, characteristics and nature of the individual premises concerned. For example, what might be appropriate for large chain stores such as supermarkets might not be appropriate for smaller individual shop units.

Taking into consideration these matters, **the council encourages** applicants to identify and detail appropriate steps relating to layout and operational matters in the operating schedule. These may include the following:

- **Security measures and CCTV** – An applicant should identify relevant security measures, supervision by staff, and/or CCTV that will be in place to promote the licensing objectives.
- **Display Areas** – An applicant should identify the specified areas where alcohol will be displayed. Plans should be attached to the Operating Schedule identifying such areas. If the specified display areas are to be moved or altered significantly from time to time, the operating schedule should also specify the nature of any such changes. The Licensing Authority recommends that displays of alcoholic drinks should not normally be located at the entrance/exit points of the premises; in aisles which interfere with customer flow or at or near check-outs.

6.8 GDPR and the use of CCTV - If you use CCTV in and around your premises you will need to comply with the General Data Protection Regulations. CCTV cameras capture images that allow you to identify individuals, which means that these images fall within the GDPR's definition of personal data. You need to make sure you have appropriate signage in place to inform people that CCTV is in operation and why you are using it.

This isn't a new requirement and you should already be providing this information under the Data Protection Act 1998. However, the GDPR is more prescriptive and you should make sure that people are provided with all the privacy information required under the GDPR, possibly on your website or elsewhere on the premises. A guide to data protection and advice on the information you need to provide in privacy notices, including CCTV signage as well as important information concerning the control of data, can be found in the Information Commissioners website at <https://ico.org.uk/>

6.9 Arrival to departure – the council encourages a systematic and logical approach to the identification of problems, dangers and hazards along with the realistic estimation of likelihoods of adverse occurrences and the estimation of risk. Understanding the type and location of premises, its use and the nature and characteristics of customers will help to identify areas needing control and appropriate means of safeguarding people. In this manner the promotion of the objectives will be revealed.

Here are some brief examples of measures that may be considered to control and minimise risks:

- **On Arrival at premises** the following example of controls may be appropriate: The implementation of practices such as queue management techniques, using appropriate barriers, trained door supervisors, the use of metal detectors and search wands, search policies for drug and weapon detection and confiscation, Challenge 25/PASS card schemes, last time of entry policies etc.
- **At the Premises:** designing out crime risk through assessment, notifying the police of promoted events, maintaining staff training records, internal patrols to ensure safe capacities to reduce noise leakage. The introduction of anti-spiking measures, designated driver schemes, the creation and maintenance of incident logs and refusal registers. The use of polycarbonates rather than glass for use both inside and outside the premises.
- **Outside the premises:** Through effective management of external areas such as beer gardens, forecourts, marquees and smoking areas. The use of CCTV and door supervisors and regular glass collection and disposal.
- **Leaving the premises:** By means of a clear dispersal policy including neighbour courtesy and, get home safely posters, winding down periods, access to taxi services, door supervision. Maintenance of a robust dispersal policy.

Licensed premises in residential areas, or within any area subject to cumulative impact, are also expected to outline measures such as a suitable wind-down time where licensable activities will come to a gradual conclusion before closing time, to allow for a gradual and orderly dispersal from the premises and area. It is expected that all staff will be aware of any dispersal policy and wind-down times to ensure that customers actively leave the premises and area within permitted hours and with the minimum of disturbance to residents.

The council expects licence holders and designated premises supervisors and operators of nightclubs, dance venues and similar premises, to operate a wind-down time at least thirty minutes before closing time. During this time, the pace, volume and type of music played should be slowed down and reduced to background levels. The sale of alcohol should also cease, and staff should be available to assist in the gradual dispersal of patrons from the premises and the immediate area. It is expected that door supervisors should also assist with the gradual dispersal of patrons from the premises (and the area) and direct people to public transport if appropriate.

- **Promotion and support of other initiatives:** Such as, Purple Flag, Cardiff model (for violence prevention), Best Bar None, Pub Watch, Street

Pastors, Community Wardens, Taxi Marshals, Refuges and Safe Transport corridors.

- **Safeguarding is everybody's responsibility.** There is a responsibility on us all to report on concerns that we are made aware of. These might also be concerns that occur immediately outside of, as well as within, a premises. Report to Police intelligence – This can be ANYTHING from car details, locations, names, even 'rumour' information. Ring Police 101 or Crimestoppers 0800 555 111. If you are concerned about a child call First Contact on 03000 267979.

7.0 Promoting the four licensing objectives

7.1 The Prevention of Crime and Disorder - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

The council encourages, and will look positively on, the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

The council expects every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden, a marquee, in a smoking shelter etc.

The **council expects** all applicants to demonstrate, in their operating schedules, that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder.

The council recommends that procedures to deal with drunken customers, violence and anti-social behaviour, in and outside premises, and the provision of closed-circuit television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

The council encourages personal licence holders to actively participate in established “Pubwatch” schemes, where issues relating to crime and disorder can be addressed. **The council encourages** involvement in the “Best Bar None” initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

The council will take a positive view of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from DCC Licensing Services and Police.

The council also considers it to be good practice if the DPS or premises licence holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises
- At all times when the premises are a “vertical drinking establishment” where little or no seating is provided
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

Maximum occupancy: When its discretion is invoked, the council will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (the Council’s Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service) before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

Security: Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives, they will need to be licensed by the SIA as a supervisor/manager. The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment as well as the hours of trading.

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of

toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

The council and several of its partners have signed a collective new pledge as part of an ongoing campaign to eradicate single use plastics. The agreement commits all signatories to significantly reduce, and work towards ultimately removing, the use of unnecessary single use plastics from their operations. If alternatives to normal glass are used, the use of suitable alternatives, including non-single use plastics, is encouraged.

Drugs/Knives/Weapons: The council will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands or consumed within the premises to prevent tragedies and harm because of drug misuse.

The council will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The council also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

In addition to the information provided above, **Table 1 in Appendix VI** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.2 Public Safety - The Act covers a wide range of premises that require licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants and people in the immediate vicinity who may be affected by the premises and activities taking place therein.

Applicants are advised to seek advice on such matters from the council's occupational health and safety team, Health and Safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service. They should incorporate any recommendations from these responsible authorities in their Operating Schedule before submitting their applications. Matters for consideration include:

- First Aid
- Public security

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

In addition to the information provided above, **Table 2 in Appendix VI** provides recommendations, suggestions and examples of how to prevent the specific dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.3 Prevention of Public Nuisance - Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping near the premises.

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

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

The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway, relevant authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, the use of tables and chairs outside may be allowed however, the **council will normally expect** them to be removed before the premises close, and any resulting litter/debris cleared away.

Applicants should consider reducing potential noise nuisance by, for example (this list is not exhaustive):

- Assessment of likely noise levels in the premises

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

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

Applicants are advised to seek advice from Durham County Council's Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

Takeaways and fast-food outlets - The council expects takeaways and late-night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

Important note: The council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises ("takeaway" premises).

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the night time economy but without the same framework around them, e.g. pubwatch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

From a health perspective, obesity levels are rising nationally and locally; without action the health of the population will continue to suffer. Responsible licensees can support the 'Working toward a healthy weight in County Durham' goals and the council would see the following steps as a contribution to reducing health harms and health inequalities:

- Menu to display calories per portion information for all food offers.
- Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day for men it's 2,500).
- Menu to offer smaller / half portions.
- Salt and pepper available upon request rather than always on the table

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.4 Protection of Children from Harm - the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Secretary of State's Guidance to the Licensing Act 2003 also makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

While the Act does not prohibit children from having free access to any licensed premises, the council recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting. Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.

Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

The council will expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. **The council will also expect** any licence holder who wishes to hold events for children to provide it, and the Police, with a detailed risk assessment of that event including how the event will be managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

The council will give considerable weight to representations about child protection matters particularly from the Local Safeguarding Children's Board who act as the responsible authority under the Act for matters relating to child protection. In addition to the responsible authority whose functions relate directly

to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations.

These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the council, linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries), this evidence will be considered. The council will also consider what action is appropriate to ensure this licensing objective is effectively enforced.

In relation to applications for the grant of a licence in areas where evidence is presented, on high levels of alcohol-related harms in persons aged under 18, the council will also consider what conditions may be appropriate to ensure that this objective is promoted effectively.

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

The council will expect all licence holders or premises, that wish to allow children on to their premises, to ensure that access is restricted where appropriate. This could include ensuring that all children are accompanied and that they do not have access to, or sight of, alcohol. **The council will consider** the following when dealing with a licence application where children may have limited access:

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

The council recommends that retailers of alcohol ensure that their staff are properly trained in all aspects of responsible retailing, including the sale of alcohol and age restricted sales. The Council fully endorses and promotes knowledge of and adherence to Challenge 25 within the retail business sector.

Further advice and information on age restricted sales and training can be found by contacting Durham County Council's Trading Standards service at trading.standards@durham.gov.uk

The council will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to

the sale and supply of alcohol to children. We know alcohol is harmful to the health of children and young people whose minds and bodies are still developing.

Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17-year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

The council is aware of a young person's vulnerability to alcohol and events, which are aimed at children under the age of 18 years on licensed premises, will not be supported by the council unless the applicant can demonstrate that all safeguards for children have been addressed (such as the removal of alcohol advertising).

The council, Durham Constabulary Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the council and should be adhered to by licence holders and event organisers. The guide is reproduced in Appendix I.

Recorded staff training programs, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are encouraged by the council.

Access to Cinemas: The 2003 Act requires that any premises showing films must ensure that children are not able to view age restricted films (as classified by the British Board of Film Classification). **The council will expect** any licence holder or applicant who intends to show films to outline suitably robust measures on how they will protect children from exposure to this potential harm. The authority may impose suitable conditions if it believes it is required for the promotion of the four licensing objectives.

The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the council itself.

Should the council need to adopt its own system of film classification the information regarding such classifications will be published on the council's website.

Children and Public Entertainment: Many children go to see and/or take part in entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises. Where many children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

Where entertainment requiring a licence is specifically presented for children, the council will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The council will require those caring for or supervising children to have undergone an appropriate criminal record check with the Disclosure and Barring Service.

Venue operators may also apply their own admissions policy to their premises. If a venue has carried out a risk assessment that deems it appropriate to exclude children or young persons from their premises, then that is a matter for them.

The council will expect all venue operators to risk assess their venues accordingly against the nature of the licensable activities they intend to carry out. This could include, for example, allowing accompanied children into a premise up until a certain time and then excluding them for the rest of the time the premises are open.

Regarding this licensing objective, the council considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified because of premises, personal applications and all variations to licences are covered by this protocol.

Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications.

The council strongly recommends that events, involving persons under the age of 18 years and persons over 18 years, do not take place unless there are sufficient and robust control measures in place. Experience has shown that mixed age events are extremely difficult to control and manage and they have led to persons under the age of 18 being exposed to alcohol and entertainment late into the night.

It is the council's view that mixed age events should not take place within the late-night economy, particularly at venues that are alcohol and entertainment-led and which are operating late at night. It is the council's view that these mixed aged events can have an adverse impact on a young persons wellbeing as well exposing them to unacceptable levels of harms associated with the night time economy.

In addition to the information above, **Table 4 in Appendix VI** provides recommendations, suggestions and examples of how to protect children from each of the dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, cliental and workforce when identifying hazards, assessing risks and identifying controls.

8.0 Licensing of largescale public events

Specific risks are associated with largescale public events, such as concerts and festivals. The council has expectations concerning how such events are expected to be managed. This policy does not define what constitutes large scale public events. Advice may be sought from DCC Licensing Services and from the Safety Advisory Group. If you wish to hold an event in a public space, in County Durham, it is strongly recommended that you contact them in the first instance.

8.1 The Safety Advisory Group (SAG) – The SAG is made up of members from Durham County Council, the police, the fire and rescue service and the ambulance service. SAG's role is to promote and encourage high standards of public safety and wellbeing at events held in County Durham.

If you notify the council of your proposed event, the SAG will provide relevant guidance and feedback. For larger events (more than 500 people), please contact the SAG with your event details at least six months before the event takes place. For smaller events (less than 500 people), this should be at least three months before the event takes place.

In considering applications for such events, the council will have regard to any track record of the event organiser as well as the comprehensiveness of the event arrangements. Licensees are expected to have high regard to the management standards including the following matters (this list is not exhaustive):

- Setting up a management group for the event comprising relevant agencies, including but not limited to all responsible authorities
- Overall event safety control
- Production details
- Medical and first aid provision
- Site management and the structural integrity of all temporary structures
- Crowd management, stewarding, security and queuing control
- Fire safety and control
- Configuration and control of sound systems
- Management of any on-site and off-site car parking
- Management of concessions and franchises
- Provision and maintenance of water supplies
- Welfare and provision of information
- Provision and maintenance of sanitary facilities
- Reception, collection and removal of litter and other waste
- Liaison with residents and businesses

8.2 Events on council land - If your event is to be held on council land you must contact DCC Asset Management and they will assist you in gaining permission. A minimum of six weeks' notice is required to arrange a licence to occupy land and a fee will be charged to cover some of the cost in producing this. The application can only be processed following Health and Safety approval.

8.3 National Counter Terrorism Security Office guidance - As part of organising your event it's important to consider security. To help event/ security managers, the National Counter Terrorism Security Office have issued guidance on increasing the protection of crowded places from a terrorist attack:

Gov.uk: national counter terrorism security office

Gov.uk: crowded places guidance

Gov.uk: travel industry training staff to deal with terrorist incidents

9.0 Community Premises

Persons in control of premises, such as church or chapel halls, village or parish halls, community halls and buildings of a similar nature, may find the permitted annual number of Temporary Event Notices too restrictive. They should consider whether applying for a Premises Licence would be more beneficial. If premises such as this do make an application for a Premises Licence they may, at the same time, make an application for the disapplication of the mandatory condition relating to Designated Premises Supervisors.

The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls & c.) Order 2009 created an exemption for the requirement of a Designated Premises Supervisor for community premises, who may make application to the Licensing Authority to apply the alternative mandatory condition to their licence.

The alternative mandatory condition is that every supply of alcohol under the Premises Licence must be made, or authorised by, a Management Committee.

Where there is doubt as to whether premises are a community premises, the Licensing Authority will consider each case on its merits, with primary consideration being given as to how the premises are predominantly used.

The fact that a school or private hall is made available for hire by the community would not in itself be enough to qualify the premises as “community premises”. Though this may be provision of a service to the community, the Licensing Authority will consider whether halls, used largely for private hire by individuals or private entities, are genuinely by their nature “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use and not only at the usefulness of the premises for members of the community for private purposes.

The Licensing Authority expects the management committee to be a formally constituted, transparent and accountable body. The committee should provide enough oversight of the premises to minimise any risk to the licensing objectives. This could include management committees, executive committees and boards of trustees. The application form requires the applicants to provide the names of the management committee’s key officers e.g. the Chair, Secretary, Treasurer.

10.0 Fees

The Act requires the council to suspend a premises licence or club premises certificate if the holder fails to pay the annual licence fee in accordance with the invoice. Where the licence or certificate holder fails to pay the annual fee, when due, the council will notify the licence or certificate holder in writing specifying the date on which the suspension takes effect. This date will be 7 days after the day the Licensing Authority has given the licence or certificate holder such notice.

A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. If licensable activities take place at premises where the licence or certificate has been suspended, an offence will have taken place. However, it can, for example, be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. In the case of a licence or certificate, where more than one payment year has been missed, payment of the outstanding fee in relation to each year will be required to reinstate the licence.

The council will work with Durham Constabulary and appropriate enforcement action will be taken where premises continue trading whilst suspended.

Where the licence or certificate holder has paid the annual fee, the council will lift the suspension and inform Durham Constabulary accordingly.

11.0 Enforcement and monitoring

The council will employ officers and authorise them to carry out functions under the Licensing Act 2003 and will use the full range of enforcement actions, including the use of statutory powers if necessary. Where there is evidence to suggest that the licensing objectives are being undermined, enforcement action will be taken in accordance with the departmental enforcement policy.

This policy has been prepared having regard to Section 21 of the Legislative and Regulatory Reform Act 2006 and to the Gov.uk: Regulators' Code produced by the Better Regulation Delivery Office (BRDO). It sets out the key principles under which officers will seek to achieve compliance with the legislation enforced by these services. In carrying out their duty's officers will adhere to the principles of good enforcement set out in this document and in the Gov.uk: Regulators' Code. We will work to ensure compliance with the law by:

- Targeting and focusing resources and regulatory activities during the service planning process;
- Helping and encouraging businesses and individuals to understand their responsibilities by providing the necessary advice and guidance to allow them to comply with the law; and
- Responding proportionately and fairly to breaches of the law

Generally, a more informal approach will be used in less serious cases and partnership working is promoted to prevent problems arising.

If the formal enforcement action being considered is a prosecution we will also consider several additional factors in line with the Code for Crown Prosecutors and any other nationally recognised guidance

Although outside the immediate scope and remit of this policy, further information relating to the work of the Council and our partners which seeks to reduce the harm caused to communities by tackling alcohol related crime and disorder can be found in the County Durham Harm Reduction Strategy: <http://www.durham.gov.uk/article/3119/County-Durham-Alcohol-Harm-Reduction-Strategy-2015-2020>

And the Safe Durham Partnership oversees the strategic delivery of the 'Altogether Safer' theme as part of the County Durham Partnership. It is also the local Community Safety Partnership (CSP) for County Durham as prescribed in the Crime and Disorder Act 1998 and subsequent legislation: <http://www.countydurhampartnership.co.uk/article/8553/About-Us>

Once licensed, it is essential that premises are managed, maintained and operated to ensure the continued promotion of the licensing objectives and compliance with the Act. To ensure that licensable activities are carried out in accordance with licence conditions and therefore promote the licensing objectives, authorised council officers will carry out appropriate monitoring at licensed premises and activities. Appointed officers will investigate complaints and allegations of unlicensed activities and ensure that relevant conditions are

complied with. They will seek to actively work with Durham Constabulary and other responsible authorities in enforcing licensing legislation.

The council monitors compliance with the licensing objectives through programmed inspections and visits. Proactive visits are made to those premises where concerns have been raised relating to the licensing objectives. Inspections of premises will be carried out when and if they are justified with resources being directed towards high risk, poorly run premises as opposed to lower risk, well – run premises.

In cases where the Licensing Authority and another enforcement agency both have the power to prosecute, officers of the Licensing Authority will liaise with that other body to avoid inconsistencies with the policies and actions of the other agency and to ensure that any proceedings instituted are for the most appropriate offence.

The council expects that where enforcement action relates to a breach of one or more of the licensing objectives, one of the responsible authorities will consider making an application to the council to review the premises licence.

12.0 Complaints

Where the council receives complaints regarding licensed premises, complainants may be advised in the first instance, whenever possible, to raise their complaint directly with the licensee to resolve the matter. The council does however, recognise that it is not always possible or practical for the public to raise complaints directly with the licensed premises. In such circumstances complaints in the first instance should be addressed to:

Licensing Enforcement
Durham County Council
PO Box 617
DH1 9HZ

or e-mailed to licensingenforcement@durham.gov.uk

Complaints will be dealt with in a timely and efficient manner. However, it is expected that noise-related complaints will initially be raised with the Council's Noise Pollution Team. Complaints regarding unlicensed activities, and other breaches of licence conditions and premises/events operating outside the permitted hours, are directed to the DCC Licensing Services or the Police Harm Reduction Unit.

On receipt of a licensing-related complaint, a Licensing Enforcement Officer will investigate the circumstances, and if a complaint is validated, the council may seek a resolution through informal means prior to taking any formal sanction.

With complaints of a serious nature, the Licensing Manager and Licensing Enforcement Officers shall ensure that it is properly investigated, and that appropriate enforcement action taken.

The enforcement policy can be viewed on the Council's web site.

13.0 Appeals against the decisions of the Licensing Authority

There is a right of appeal for all parties concerned with the request for a review of a licensing decision (i.e. the applicant for the review, the premises licence holder or any other person who made relevant representations in relation to the application). This means that they can appeal to the magistrates' court if they are not happy with the decision of the licensing authority.

If there is an appeal against a licensing authority's decision, and you are unsuccessful, the magistrates' court can award costs against the appellant if it sees fit. This would mean that they would have to pay other parties' legal costs as well as your own.

If the licence holder appeals against the licensing authority's decision, the appeal will be heard by the magistrates' court. The council will be the respondent to the appeal and may call the person who brought the review (and any other person or responsible authority) as a witness in support of its case. The decision of the licensing authority in relation to the review will be suspended until the appeal is determined.

An application to appeal the decision must be made within 21 days of the notice of decision.

In hearing an appeal against the Licensing Authority's decision, the court will have regard to this policy and the guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both documents if it considers it justified so to do.

In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other authorisations must be made to the Magistrates' Court where the premises or event is situated.

14.0 Glossary

This section explains the key terms used in the policy statement. These terms are all defined in the Licensing Act 2003 ('the Act') and Guidance.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive nor are the definitions legally comprehensive.

ACPO – Association of Chief Police Officers (see www.acpo.police.uk)

Appeals – Appeals where the magistrates' court notified parties of its decision in the period specified. This includes the number of appeals against application decision and separately appeals against the licence review decision.

Applicant – A person making an application for a premises licence or club premises certificate

Application to vary a Premises Licence – Where a premises licence holder wishes to amend the licence the Act allows, in most cases, for an application to vary to be made rather than requiring an application for a new premises licence

ASB – Antisocial behavior

BBFC – British Board of Film Classification: the national body responsible for the classification of cinema films and videos

BBPA – British Beer and Pub Association (see www.beerandpub.com)

CCTV – Closed Circuit Television

Closure notice (premises licence) – Where a premise was prohibited from selling alcohol for not more than 48 hours following a notice under s.169A.

Club premises certificate – Club Premises Certificates are authorisations needed by clubs to carry on certain activities (e.g. selling alcohol to members and their guests). They may be granted to clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). These commonly include ex-services clubs such as the Royal British Legion, Conservative, Labour and Liberal clubs, working men's clubs, miners' welfare institutions and sports and social clubs. The application process is like that for a premises licence; for example, there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a premises licence, there is no requirement to identify a designated premises supervisor to allow the supply of alcohol under a Club Premises Certificate.

Completed reviews – Reviews where the licensing authority notified parties of its decision in the time specified. Excludes applications for a review that were withdrawn or did not go to a hearing. Includes completed reviews of

premises licences, following an application for the review under s.51 of the Licensing Act 2003 or following an application for an expedited/summary review under s.53A (which is instigated by the police) and reviews following closure under s.161 (which would also be instigated by the police).

Conditions – Conditions include any limitations or restrictions attached to a licence or certificate and essentially, they are the steps or actions the holder of the premises licence or the Club Premises Certificate will always be required to take or refrain from taking when licensable activities are taking place at the premises in question. The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing that is appropriate and proportionate to impose conditions. It may then only impose conditions that are appropriate to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

Conditions consistent with the operating schedule – Conditions include any limitations or restrictions attached to a licence or certificate and essentially, they are the steps or actions the holder of the premises licence or the club premises certificate will always be required to take or refrain from taking when licensable activities are taking place at the premises in question.

Councillor – An elected member of the Council

Cumulative impact area – Area that the licensing authority has identified in their licensing policy statement where there is a saturation of licensed premises and the ‘cumulative impact’ of any additional licensed premises could affect the licensing objectives. Further information on cumulative impact areas is available in the Amended Guidance issued under Section 182 of the Licensing Act 2003 on the Home Office website

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary>).

CSE - Child Sexual Exploitation

Designated Premises Supervisor (DPS) – The designated premises supervisor (DPS) is a personal licence holder specified in the premises licence. All premises licensed to sell alcohol will have an identified personal licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority on the premises.

Designated Public Place Order (DPPO)/Public Space Protection Order (PSPO) - Designated Public Place Orders are used by local authorities to deal with the problems of antisocial alcohol drinking in public places. Once a DPPO is in place the police can use their confiscation powers to enforce the restriction. It is not an offence to consume alcohol within a designated area, but failure to comply with an officer’s requests to stop drinking and surrender alcohol without reasonable excuse is. This power has been replaced by Public

Spaces Protection Orders (PSPOs), which were brought in under the Antisocial Behaviour, Crime and Policing Act 2014. PSPOs specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area.

Door supervisors - Door supervisors are responsible for the safety and security of customers and staff in venues such as pubs, bars, nightclubs and other licensed premises or at public events.

Expedited/summary review – A chief officer of police can apply for an expedited/summary review of a premises licence because of serious crime and/or serious disorder under s.53A of the Licensing Act 2003.

Family-friendly venues - Places that people with children can attend. These need not necessarily be places specifically aimed at children but could be premises appealing to adults that also provide for children.

Fee bands – In determining the amount of the licence fee for applications for new premises licences and club premises certificates, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. All premises licences and club premises certificates have a fee band, regardless of whether they pay a fee or not. For 2011/12, the application fees associated with each band for a new licence or certificate are as follows: Band A (£100); Band B (£190); Band C (£315); Band D [no multiplier] (£450); Band D with multiplier (£900); Band E [no multiplier] (£635); Band E with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D with multiplier (£640); Band E [no multiplier] (£350); Band E with multiplier (£1,050).

Forfeited (personal licence) – Suspension following a court order under s.129 of the Licensing Act 2003 specified (and where that order has not been suspended, pending an appeal under s.129(4) or 130 of the Act).

Guidance - Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue, and from time to time may revise, guidance to licensing authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for licensing authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.

Hearing – Used in the context of applications for a premises licence or club premises certificate that go to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates. The hearings figures

in this release exclude applications for a change to DPS, transfer of premises licence, review, or cancellation of interim authority notices following police objections that went to a hearing.

In the vicinity - Whether somebody lives or works 'in the vicinity' of a premise is a matter that will be decided by the relevant licensing authority. The word has no technical meaning and in licensing matters should be interpreted as an ordinary English word and in a commonsense fashion. In doing this, licensing authorities might consider whether the party is likely to be affected by any disorder or disturbance occurring or potentially occurring at those premises.

Irresponsible promotions - An irresponsible promotion is one that encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.

Judicial review – includes only those where the High Court notified parties of its decision in the time period specified.

Lapsed (club certificate) – Where a club premises certificate has lapsed because it had effect for a limited period, but that period has since expired.

Lapsed (premises licence) – Where a premises licence has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the Licensing Act 2003. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).

Late night refreshment – The provision of late-night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to anyone between 11pm and 5am, on or from premises to which the public has access. However, there are several exemptions in Schedule 2 of the Licensing Act 2003 (e.g. vending machines in certain circumstances, where the hot food or hot drink is supplied free of charge, or where it is supplied by a registered charity).

Licensable activities - Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provision of regulated entertainment and the provision of late-night refreshment. If you carry on any of these activities, you are likely to need an authorisation (a premises licence, a club premises certificate or a temporary event notice).

Licensee - Generally refers to the holder of a premises licence but also includes in this policy an applicant for a premises licence or applicant for a provisional statement unless otherwise stated.

Licensing Act 2003 – The Licensing Act 2003 became law on 24 November 2005. The Licensing Act 2003 (the Act) introduced a single licence scheme for licensing premises that:

- Supply alcohol
- Provide regulated entertainment
- Provide late-night refreshment

Licensing authority – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late-night refreshment. Durham County Council

Licensing authority area – The geographical area where a licensing authority exercises its functions under the Licensing Act 2003.

Licensing objectives - Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are:

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

Licensing authorities must decide applications in connection with premises licences and club premises certificates on the basis of the steps it considers appropriate to promote these objectives. Each objective is of equal importance.

Licensing Policy - See Statement of Licensing Policy

Licensing register - Licensing authorities are required to keep a register containing a record of all premises licences, club premises certificates and personal licences issued by it and temporary event notices received by it, as well as various other matters set out in Schedule 3 to the 2003 Act. Full details of the information that must be contained in the licensing authority register can be found on the DCMS website. You can inspect the licensing authority's register of licences during office hours without charge.

Licensing subcommittee - Full licensing committees delegate a number of their functions to one or more 'licensing subcommittees'. These are made up of three members of the full licensing committee.

Local authority (LA) type – There are six main LA types which share similar characteristics such as size and therefore they hold similar licensing statistics: Unitary Authorities; Metropolitan Districts; District Authorities; Welsh Unitary Authorities; London Boroughs and Unspecified (Inner Temple and Middle Temple within Greater London).

Mandatory Conditions - The 2003 Act provides for Mandatory Conditions to be included in every licence and/or club premises certificate. See Mandatory Condition section for conditions.

Minor variation (to licence or certificate) – Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am; or
- increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variations process and must be treated as full variations in all cases.

Multiplier – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a premises licence (fee bands D and E only).

Off-sales – The sale by retail of alcohol for consumption off the premises.

On-sales – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.

Operating schedule - The operating schedule is the part of the application form for a premises licence or club premises certificate where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities, proposed opening hours and times for licensable activities, proposed duration of the licence or certificate, and a statement of the steps the applicant proposes to take to promote the licensing objectives (for example, arrangements for door security to prevent crime and disorder). The significance of the operating schedule is that if the application for the premises licence or club premises certificate is granted, it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them.

Personal licence – Personal licences authorise an individual to supply alcohol, or authorise the supply of alcohol in accordance with a premises licence or a temporary event notice. Not everybody who works in any licensed premises will need to hold a personal licence; however, all premises licensed to sell alcohol will have an identified personal licence holder, known as the designated premises. In addition, all supplies of alcohol under a premises licence must be made or authorised by a person who holds a personal licence.

Premises licence – Authorising a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment, under the Licensing Act 2003. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value.

Provisional statement - This 'statement' can be applied for where premises are being or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the provisional statement. However, a provisional statement is not an authorisation, so the relevant permission must still be obtained to carry on licensable activities.

Qualifying club – Qualifying clubs are those clubs that meet the special requirements set out in Part 4 of the 2003 Act (regarding membership, that the club is established and conducted in good faith, and special conditions where the club supplies alcohol to its members). These are clubs where members join for a social, sporting or political purpose and then combine to purchase alcohol in bulk for its members (see examples under ‘Club Premises Certificate’ above). Such clubs carry on activities from premises to which public access is restricted and where alcohol is supplied other than for profit.

Region – Licensing authority data, presented as a supplementary table to this release, are also grouped into regions. Formerly covered by the Government Office Regions until they closed on 31 March 2011, there are nine regions in England: North East; North West; Yorkshire and the Humber; East Midlands; West Midlands; East of England; London; South East; South West. The Welsh licensing authorities are not regionalised in the tables.

Regulated entertainment - Generally speaking, the provision of regulated entertainment means the commercial or public provision of entertainment facilities or the commercial or public provision of any of the following sorts of entertainment:

- The performance of a play
- An exhibition of a film
- An indoor sporting events
- Boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to live music, recorded music or dance.

Schedule 1 of the Licensing Act 2003 contains further specific rules about where the definition of ‘regulated entertainment’ applies. These rules concern the intended audience and whether the regulated entertainment is for profit.

See the policy for details of which entertainment is deregulated and, therefore, not licensable.

Relevant representation - These are written representations about the likely effect of the grant of an application for or variation to a premises licence or club premises certificate, on the promotion of the licensing objectives. Any persons, such as residents, or businesses and responsible authorities, such as Environmental Health, can make representations. The term ‘relevant’ refers to representations that are considered ‘valid’ by the licensing authority. The representations must be made within 28 days after the day on which the application is given and if made by a person other than a responsible authority must be made seriously (i.e. must not be frivolous or vexatious). Representations can also be made in relation to an application for the review of a premises licence or club premises certificate.

Representation - Submission made to the licensing authority in respect of an application. Representations can be in support or against an application.

Revoked (personal licence) – If the holder of a personal licence is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the Licensing Act 2003.

Responsible Authorities - Responsible authorities include public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives.

Review - Interested parties including residents can also request a review of a premises licence when problems occur that are related to the licensing objectives. Following the review, the licensing authority can consider a range of responses such as suspending or revoking the licences, excluding certain licensable activities or changing conditions attached to a licence. However, it can only take these actions where they are appropriate to address the problem and promote one or more of the four licensing objectives.

Risk assessment - The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.

Statement of licensing policy - Every licensing authority will publish a 'statement of licensing policy' at least every five years. This will set out the general approach the licensing authority will take when making licensing decisions.

Surrender (of licence) – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a premises licence), section 81 (for a club certificate) and section 116 (for a personal licence).

Suspended by the court (premises licence) – A power under s.147 of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) to suspend a license for the sale or supply of alcohol, following an offence of persistently selling to underage children.

Suspended by the court (personal licence) – Suspension following a court order under s.129 of the Licensing Act 2003 specified (and where that order has not been suspended, pending an appeal under s.129(4) or 130 of the Act).

Temporary event notice (TEN) – This is the notice that organisers' of small-scale temporary events must give to make it a 'permitted temporary activity'. This notice must be in a prescribed form. There are certain limitations imposed on this system.

Types of Licence:

- **Premises licences** - A premises licence can be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of late-night refreshment or any combination of these activities. Its use for retail sale of alcohol

is for consumption on the premises, off the premises, or both on and off the premises.

- **Club premises certificates** - A club premises certificate authorises a 'qualifying club' to carry out 'qualifying club activities'. This includes time-limited certificates. A qualifying club is established and conducted in good faith as a club; has at least 25 members; and does not supply alcohol to members on the premises otherwise than by or on behalf of the club. These qualifying clubs (such as the Royal British Legion, working men's clubs, cricket clubs) are generally organisations where members join for a particular social, sporting or political purpose and then the club purchases alcohol in bulk for its members.
- **Personal licences** - The personal licence is separate from the licence which authorises the premises to be used for the supply of alcohol. Sales of alcohol may not be made under a premises licence (other than a community premises that has successfully applied to remove this requirement) unless there is a Designated Premises Supervisor in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder.
- **Regulated entertainment and late-night refreshment licences** - Regulated entertainment licensing is not covered in these statistics and is the responsibility of the Department for Culture, Media and Sport. Late night refreshment is the provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.
- **24-hour alcohol licences** - The possession of a 24-hour licence does not necessarily mean that the premises will choose to open for 24 hours. Prior to the 2003 Act, hotels were often authorised to sell alcohol to residents and their private guests only outside of permitted licensing hours.

Variation - See Application to vary a premises licence

Variation (to club premises certificate) – Applications made under s.84 of the Licensing Act 2003 to change the terms of a club premises certificate, for example the qualifying club activities or the conditions.

Vertical drinking - The sale and consumption of alcohol at premises with little or no seating for patrons.

Appendix I Guidance for the Protection of Young People - Children and young people under 18 years of age who attend events at licensed premises

The protection of children from harm is one of the four licensing objectives that underpin the Licensing Act 2003. Events aimed at attracting young people under 18 years old could involve some risk, even though alcohol may not be available at the event. Mixed age events (attended by young people, where alcohol is available for sale to persons over 18) increases this potential risk.

The Durham Safeguarding Partnership for Children and Young People expects that where children are permitted, the licensed environment must be safe and family friendly, in line with the council's licensing policy. We consider that licensed premises should operate in accordance with the following principles:

The Provision of a Family Friendly Environment

- **Alcohol** - Provisions should be in place to see that alcohol is not served to, or purchased on behalf of, under-age young people. This should include use of a recognised age verification initiative (Challenge 25) which requires, for example, photographic evidence of identity. All staff responsible for selling age restricted goods should be trained and staff training records should be maintained. This initiative should operate in compliance with the partnership guidance issued by Durham Constabulary, the Durham Safeguarding Children Partnership and Trading Standards.

The Durham Safeguarding Children Partnership expects that children will not be exposed, at licensed premises, to persons who are behaving irresponsibly (for example if they behave in a drunk or disorderly manner, if they become aggressive, use strong or offensive language, or engage in otherwise inappropriate behaviour).

Premises or clubs found to be selling alcohol illegally or irresponsibly, or those failing to provide a family friendly environment, are expected to attend the relevant training to safeguard children from the risks associated with alcohol.

- **Advertising** - Drinks promotions must comply with the requirements of the mandatory licence conditions. Applicants are recommended to consider advertising products and promotions in compliance with a recognised Code of Practice. Alcohol should not be advertised in a manner that may incite or attract young people to drink. Applicants should also consider their soft drink pricing policy so as not to discourage consumption of soft drinks by customers;
- **Signage** - should be displayed to indicate the age verification policy, the location of the designated family area and any restrictions relating to children (for example, if they are required in time to be off the premises)
- **Drugs/New Psychoactive Substances** - The trade or misuse of drugs or Psychoactive Substances (also known as legal highs) at licensed premises is

a safeguarding concern. At premises, clubs or events where substance misuse issues have been identified, the Durham Safeguarding Children Partnership expects that the premises management, or event organizer, shall implement a risk management plan and consider whether harm reduction measures would be appropriate as part of their policy.

It is expected that a risk management plan would include: the maintenance of an incident log; signage; regular and audited patrols of the premise including toilet/external areas; staff training and maintenance of training records; proactive interventions with customers considered to be at risk of harm; the use of safe ejection procedures.

Premises/clubs are expected to address substance misuse activity by working in partnership with the police and other agencies such as the Security Industry Authority. Event managers are also expected to manage risk in partnership with substance misuse treatment services or qualified welfare experts;

- **Noise** - Managers of licensed premises or clubs that are situated in residential areas need to be aware that children and young people living near those premises may be disturbed by any excessive noise (for example: loud music or noise made by customers leaving premises late at night). This should be addressed through signage and verbal advice to customers or members. If children are living at a licensed premises, consideration should be given to the impact of noise on the welfare of those children
- **Location** - Where licensed premises, certificated clubs or gambling premises are near schools, nurseries, parks, or other children's provision, there needs to be an awareness of how issues such as alcohol misuse, criminality, advertising and adult entertainment may impact on children, particularly during the day and in outside areas
- **Entertainment** - Safeguarding measures must be in place for the protection of children from adult entertainment, including striptease, 'blue' comedians, adult gambling, or the showing of films with inappropriate classifications or films considered unsuitable for children by the council
- **Child Entertainment** - Where an activity takes place at a licensed venue which is directly aimed at children, such as a children's party or show, consideration must be given to the content of the performance, the number of adults required to be present, the responsibilities of those adults required to be present and the responsibilities of staff, to ensure that children are supervised and protected from harm.
- **Staff supervision** - If staff have responsibilities for supervising children's activities in the absence of a responsible adult, or if staff are in one to one private contact with children, they should be appropriately vetted. If an activity requires children to be accompanied by a responsible adult, this requirement should be publicised (in the booking contract, tickets or publicity materials) and strictly enforced. Consideration must also be given to whether a child performance licence is required.

- **Child-Minding** - If children are living on the premises then adequate minding arrangements must be in place whilst their parents/carers are working. Working staff should not 'mind' children from a remote location, or attempt to care for children within the licensed areas when operating under a premises licence
- **Outside areas/play areas** - Children's play areas must comply with the requirements of the Health Protection Service and health and safety legislation will apply. All external areas should be routinely monitored to prevent children from being at risk of harm. Signage should be displayed regarding the policy for supervising children in play areas
- **Restrictions** - Where the council has placed specific restrictions on a licence relating to children, any breach of those restrictions, coming to the attention of the safeguarding partners, will be reported immediately to the Licensing Authority. The Durham Safeguarding Children Partnership considers that the restrictions imposed by licence conditions apply to all children accessing the event, premises or club, including children living, working, entertaining or socialising at licensed establishments
- **Smoking** - Children exposed to the effects of a smoking environment are at risk of harm and consideration must be given to the welfare of children when designating any external smoking areas. Consideration should also be given to the supervision of children if adults temporarily exit the premises to smoke. The Durham Safeguarding Children Partnership expects that at premises, where smoking is the main or sole activity (such as shisha venues), a policy should be in place to prevent underage tobacco sale, to prevent children being exposed the effects of smoke, and to prevent children being exposed to an adult-orientated environment.

B Staffing arrangements - Children working or involved in performance or entertainment

- **Under 18 staff** - No staff under the age of 18 years are to be employed (paid or unpaid) on the premises where adult entertainment takes place
- **Children of non-compulsory school age** – they are restricted when selling alcohol and sales may only take place in compliance with the Guidance issued under Section 182 of the Licensing Act 2003 which requires specific supervision by a designated 'responsible person'
- **Young people working** - If children of non-compulsory age are working within a licensed premises/club or event, the terms and conditions of their work must comply with health and safety working time regulations and a safeguarding risk assessment should be undertaken
- **Exclusion of children by condition** - Children must not remain in a licensed area if there are conditions to prohibit this

- **Work permits** - A work permit must be obtained for all children who are employed whilst of compulsory school age and regulations must be complied with regarding the type and hours of work they are permitted to undertake
- **Children performing** - Children involved in entertainment or performance may require a licence from the Council to ensure the necessary safeguards are in place. Children must not participate in performance or entertainment in breach of any restrictions imposed by any licence conditions
- **Submission of risk assessments** - It is expected that safeguarding risk assessments will be submitted to the council at the point of applying for a work permit or performance licence and that the Council's good practice guidance for chaperones is complied with for all children working or performing under the age of 18 years.
- **Vetting** - the applicant is responsible for ensuring that any staff working on licensed premises who may have specific access to children through the nature of their employment (for example, coaching, supervised play areas, children's entertainment) have appropriate Disclosure Barring Service (DBS) checks which are current
- **Entertainers** - children's entertainers who are contracted to work at licensed premises/clubs or events should produce a reference or if their responsibilities involve private contact with children or supervision, a personal and recent enhanced DBS check should be produced. This also applies to individuals volunteering their services, such as play supervisors or providers of children's entertainment.

Where an activity takes place at a licensed venue which is directly aimed at children, such as a children's party or show, consideration must be given to the content of the performance and the number of adults required to be present, the responsibilities of those adults required to be present and the responsibilities of staff, all to ensure that children are supervised and protected from harm.

- **Staff supervision** - If staff have responsibilities for supervising children's activities in the absence of a responsible adult, or if staff are in one-to-one private contact with children, they should be appropriately vetted. If an activity requires children to be accompanied by a responsible adult, this requirement should be publicised (in the booking contract, tickets or publicity materials) and strictly enforced. Consideration must also be given to whether a child performance licence is required.
- **Clear management plans** - should be in place demonstrating how the licence holder intends to control and mitigate the potential harm to individuals under 18 years of age attending these events, irrespective of whether alcohol is available or not.
- **Code of conduct** - Whilst every event should be assessed on its own merits, the Licensing Authority, Police and Local Safeguarding Children's Board strongly recommend that a code of conduct/policy for these events is

adopted to ensure that the four Licensing Objectives are complied with, particularly the Protection of Children from Harm objective. Measures expected to be considered include:

A Under 18 Only Events

- 1 The Police Harm Reduction Unit, DCC Licensing Services and Local Safeguarding Children's Board must be notified of any under 18 events at least 28 days in advance of the event. Such notification should be from the premises licence holder or the DPS. They would be held accountable should the event undermine any of the licensing objectives.
- 2 The premises must be covered by colour, digital CCTV which meets the requirements and expectations of the Police and council. This equipment to record whilst the event is being held on the premises; all recordings to be retained for a minimum period of 28 days and to be made available upon request to the Police or authorised officers of the council within a period of 7 days.
- 3 The operator to ensure that the premises have enough SIA registered security staff and they are employed to meet at least the following minimum ratio: 2 for the first 100 customers, one of which being female, 2 for the second 100 customers and 1 for every 100 customers thereafter. At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and protecting patrons from unwanted attention or harassment.
- 4 Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
- 5 Where there is normally a bar, ensuring that alcohol is not on display and is locked away.
- 6 Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.
- 7 Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.
- 8 Where alcohol is seized from persons aged under 18, the details to be recorded in a register.
- 9 Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to under 18's, nobody who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.
- 10 Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.
- 11 Toilet checks being carried out at regular intervals and records of such checks retained.

- 12 First aid provision to be available at the premises.
- 13 Ensure a policy is in place to prevent under aged persons leaving and returning to the premises to consume alcohol outside.
- 14 For events held on a Thursday, Friday or Saturday evening a terminal hour of no later than 11.00pm.
- 15 An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or, in the case of minors, until reunited with a parent, guardian or responsible adult.

B Additional Measures expected to be considered for Mixed Age Events

1. All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's.
2. Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.
3. At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and to protect patrons from unwanted attention or harassment.
4. Children under 16 years of age should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than 4 such children.
5. All drinks to be served in plastic or polycarbonate glasses.

It must be stressed that the above measures are not considered to be an exhaustive list and licensees are encouraged to discuss the management of any such events in detail with the responsible authorities as part of their risk management process.

Appendix II Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises

Category of Premises	Weekdays*	Weekends*	Bank Holidays*
Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises with licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g. takeaways	01.00	02.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)

*** NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

Appendix III Contact Details for DCC Licensing Services and all Responsible Authorities in County Durham under the Licensing Act 2003

Responsible Authority	Contact
Licensing Authority	Durham County Council EHCP (Licensing) PO Box 617 Durham DH1 9HZ Tel. 03000 261016 licensingenforcement@durham.gov.uk
Chief Officer of Police	Harm Reduction Unit Durham Constabulary Annand House John Street North Meadowfield County Durham DH7 8RS Tel. 0191 3752351 ahru@durham.pnn.police.uk
Fire Authority	Fire Safety Division County Durham & Darlington Fire and Rescue Service Fire and Rescue Service Headquarters Belmont Business Park Durham DH1 1TW Tel. 0345 305 8383 firesafety@dfire.gov.uk
Health and Safety Enforcing Authority - Depending upon the enforcing Health & Safety authority for the premises to which the application relates, send to one of the following: (Contact either authority to confirm which one is the enforcing authority for your premises, or look at the 'Health and Safety Law – What You Should Know' poster on display in the premises)	Durham County Council EHCP (Safety) PO Box 617 Durham DH1 9HZ Tel. 03000 261016 HM Principal Inspector Health and Safety Executive Yorkshire and North East Division Alnwick House Benson Park View Newcastle upon Tyne NE98 1YX Tel. 0345 300 9923 http://www.hse.gov.uk/contact/
Planning Depending upon which area the application relates, send to one of the following:	Durham City / Easington Areas Durham County Council Planning Development (Central/East) PO Box 616 Durham

	<p>DH1 9HY</p> <p>Chester-le-Street / Derwentside Areas Durham County Council Planning Development (North) PO Box 255 Chester-le-Street DH3 9EA</p> <p>Wear Valley / Sedgefield / Teesdale Areas Durham County Council Planning Development (South/West) PO Box 114 Spennymoor DL16 9BW</p> <p>Tel. 03000 26 0000 http://www.durham.gov.uk/enquiries</p>
Environmental Health	<p>Durham County Council EHCP (Pollution Control) PO Box 617 Durham DH1 9HZ</p> <p>Tel. 03000 261016 http://www.durham.gov.uk/enquiries</p>
Protection of Children from Harm	<p>Durham Local Safeguarding Children Board Durham County Council County Hall Durham DH1 5UJ</p> <p>Tel. 03000 26 0000 http://www.durham.gov.uk/enquiries</p>
Weights and Measures Authority (Trading Standards)	<p>Consumer Protection Manager Durham County Council EHCP (Trading Standards) PO Box 617 Durham DH1 9HZ</p> <p>Tel. 03000 261016 tradingstandards@durham.gov.uk</p>
Public Health	<p>Director of Public Health Room 3/56 – 3/71 Public Health Children and Adults services Durham County Council County Hall Durham DH1 5UJ</p> <p>Tel. 03000 260000 http://www.durham.gov.uk/enquiries</p>

Appendix IV Important Information for Residents and Other Persons – How residents and businesses can have their say in respect of licence applications and the operation of licensed premises in their area

This appendix provides information to residents and businesses on how to find out about applications and submit any comments (representations) in respect of them. Representations do not have to be objections and can be made in support of an application. In this section, references to ‘licences’ shall also be relevant to Club Premises Certificates.

Further useful information and guidance can be found on the Council’s website at: www.durham.gov.uk and on the Governments website at: www.gov.uk/alcohol-licensing

a) **Advertising applications** - Applicants for new licences and variations to existing licences must advertise the application in two ways:

- **Placing a notice at or on the premises:**

- On A4 (or larger) pale blue paper (or on white paper, in the case of an application for a Minor Variation)
- Printed legibly in black ink or typed in a font of at least 16 point
- Placed prominently at or on the premises where it can be conveniently read from the exterior of the premises
- Placed every 50 metres on the external perimeter of the premises abutting any highway (where applicable)

- **Placing a notice in a newspaper (not applicable for a Minor variation):**

- Newspaper circulation must be near the premises (or if there isn’t a local paper, in a local newsletter or circular)
- Advertisement will be at least once in the ten days following the application being given to the licensing authority

Both notices are required to give a brief description of the application including:

- The name of the applicant or club
- The postal address of the applicant or club
- The postal address and, where applicable, the internet address where we keep our licensing register and where and when the record of the application may be inspected
- The date by which representations from responsible authorities or other persons should be received and how these representations should be made
- That it is an offence to knowingly or recklessly make a false statement in connection with an application, and the maximum fine for which a person is liable on summary conviction for the offence

Non-statutory advertising – DCC Licensing Services also provides information on the council website and will email notifications of applications received by the council to County Councillors. We will also provide this information to MPs and Parish Councils on request.

The Council is not legally required to do this, and this information is provided as a courtesy to members and residents and there may be occasions when notice is not provided. Therefore, it is good practice to regularly check the Council's website and notices on premises in your local area.

Licensing Register - The electronic Licensing Register contains copies of all premises licences and Club Premises Certificates in County Durham. An application can be viewed in person, upon appointment, with DCC Licensing Services or a copy can be provided upon request. The licensing authority's 'licensing register' is not currently available online however the council is developing its on-line licensing capabilities and this service may be available soon.

Representations - If you want your views to be considered by the Council in respect of an application, you must submit a 'relevant representation'.

A relevant representation must:

- a) Be made by any person or responsible authority (see Appendix III)
- b) Be made in writing to the licensing authority
- c) Be received by the licensing authority no later than 28 days after the date the application was made (ten days for a minor variation)
- d) Relate to the likely effect of the granting of the application upon one or more of the licensing objectives, which are:
 - The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm

NOTE: Any representation that is considered as frivolous or vexatious by the licensing authority will not be accepted.

Representations may be made by email and the licensing authority does not require email representations to be followed up with a hard copy. Representations should be made to:

By Post:

Durham County Council
Licensing Services
PO Box 617
Durham
DH1 9HZ

Or by email: licensing@durham.gov.uk

Good practice for making a representation - you should clearly demonstrate how your representation affects the promotion of the licensing objectives. To achieve this:

- Provide an evidential base for the grounds of the representation, which could include written logs of problems, details of previous complaints, photographs or video evidence of the issues
- Ensure as far as possible that the representation is specific to the premises
- Consult the Licensing Policy, the Local Factors and Standards, and consider their relevance in relation to the application. If you consider that an application has not addressed any issues in the Policy, then you should highlight these and explain your reasons why you think these issues should be addressed
- Consider how you would like the issues to be addressed. For example, you may wish to propose additional or alternative conditions to those proposed in the application's operating schedule. Alternatively, you may wish to propose restricted hours or licensable activities
- If you are making a representation in support of an application, explain how the proposed application would promote the licensing objectives.
- Representations will not be considered if they are considered 'frivolous' or 'vexatious' by the licensing authority. 'Frivolous' and 'vexatious' have their ordinary meanings; therefore, the licensing authority might disregard representations that are made because of a business dispute between rivals or representations that lack seriousness

Disclosure of personal details - The council is required to provide the licence applicant with copies of any relevant representations received in respect of the application. The council may consider withholding some or all a person's personal details where that person can demonstrate they have a genuine and well-founded fear of intimidation and the circumstances justify such action.

The withholding of personal details by the licensing authority will only be taken in exceptional circumstances and any person requesting their details to be withheld will be expected to demonstrate why such action is necessary.

Where a person has concerns over an application but does not wish their personal details to be disclosed, alternative approaches include requesting a local councillor to submit a representation based on their concerns, or providing details on how the licensing objectives are likely to be undermined to a responsible authority, who may make representation if they consider it justifiable and appropriate to do so.

Councillors - can make their own representations in their capacity as a member of the Council. If you have concerns regarding premises and do not wish to submit a representation yourself, an alternative is to contact your local councillor to enquire whether they will make a representation. However, it is a matter for members whether they accept, and it is recommended that such requests are made in writing so that any request can be clearly demonstrated.

Nominations - If you have made a representation, you can nominate any person, including a local councillor, to represent you at the hearing. It is your responsibility to ensure that the nominated person is available and willing to represent you. As above, any request should be made in writing so that the licensing authority can be satisfied the person has been nominated by you prior to any hearing.

Appendix V Delegation of Licensing Functions

Where, under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers to speed matters through the system.

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor	All cases	
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc	All cases	
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application	All cases	
Determination of minor variation application	All cases	

From Revised Guidance issued under section 182 of the Licensing Act 2003

Appendix VI Suggestions, Recommendations and Examples - what may be included in applications and operating schedules to ensure that the licensing objectives are promoted

Table 1 below provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

Table 1. The Prevention of Crime and Disorder

Crime/Disorder	How to Prevent Crime/disorder
Illegal sales	<ul style="list-style-type: none"> • Implement a No ID – No Sale policy and use posters to advertise its use • Keep staff training records • Put up posters stating that proxy sales are unlawful • Record each time somebody is refused to be served due to being underage • Implement a plan to prevent counterfeit alcohol and tobacco sales • Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to prevent offences
Drunkness - Implementation of effective measures to prevent and deal with drunkenness at the premises	<ul style="list-style-type: none"> • Ensuring all alcohol sales are properly authorised - Positive consideration will be given to the DPS (and or at least one personal licence holder) being on duty on the premises at all times when it is open to the public • A documented policy in relation to preventing and managing drunkenness on the premises • Have procedures to deal with drunken customers • Access to the premises should not be permitted to any person who is visibly intoxicated • Participate in local “Pubwatch” schemes • Refuse to serve drunk people • Ensure a designated premises supervisor is on the premises whenever alcohol is sold • Do not have irresponsible promotions - Ensuring only responsible drinks promotions are operated at the premises • Plan for caring of intoxicated customers • Binge drinking reduction plan • Plans to distribute free drinking water • The sale of alcohol being subject to the use of waiter/waitress service for consumption by persons seated at tables • Displaying responsible drinking information and posters throughout the premises • Ensuring alcohol-free options are readily available • Making appropriate arrangements to ensure the safe transport home of vulnerable customers
Conflict - in and around the premises and the control of entry to and exit from the premises, including assessing the need for door supervisors	<ul style="list-style-type: none"> • Have procedures to deal with drunken anti-social behaviour • Effective monitoring of the premises (both interior and exterior) including the use of CCTV - A digital CCTV system installed in conjunction with any specification or recommendations of Durham Constabulary • Regular risk assessments • Implement a dispersal policy

	<ul style="list-style-type: none"> • Club hopping minimising plan • Capacity management policy e.g. head counts • Have plans to minimise queues • Layout and lighting designed to minimise opportunities for crime and disorder • Alcohol free areas • A documented risk assessment assessing the need for door supervisors at the premises. Where employed, door supervisors should be easily identifiable (through high-visibility uniform) and employed in appropriate numbers and during appropriate times • Written records to be kept of any door supervisors on duty • Designing out crime in the layout of the premises • Implementation of documented reporting procedures at the premises. Documented records to be kept in respect of: <ul style="list-style-type: none"> - Lost and found property - Refused sales of alcohol - Thefts - Banned and ejected persons - Injuries - Complaints and any remedial action taken
Theft	<ul style="list-style-type: none"> • Store alcohol away from doors • Security tag products • Ensure to have well-lit premises • Use well managed cloakrooms
Drugs	<ul style="list-style-type: none"> • Conduct searches in public and in view of CCTV • Devise an effective drugs policy containing details of search procedure and storage procedure of confiscated drugs
Weapons	<ul style="list-style-type: none"> • Use drinking vessels which cannot create sharp edges • Ensure there are no loose items which can be used as weapons e.g. heavy ash trays • Bottle bans • Use toughened/safety glass to hold drinks • Train staff in connection with drugs, knives and weapons

Table 2 below provides recommendations, suggestions and examples of how to prevent the specific danger outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

Table 2. Public Safety

Danger caused by...	How to prevent the danger
Fire	<ul style="list-style-type: none"> • Consider smoke free premises • Consider the fire risk of special effects • Have plans for a safe means of evacuation • Protect electrical installations, training of staff in fire safety and highlight visible escape routes in the fire risk assessment
Drinks	<ul style="list-style-type: none"> • Operation of a documented glass policy for the premises - A documented risk assessment in respect of the use of glassware on the premises. Where appropriate, plastic or polycarbonate drinking vessels shall be used, especially in outdoor areas or after specified hours • Operation of a documented glass collection and spillage policy - A documented policy to ensure that drinking vessels are not left unattended, and the efficient collection of glasses and cleaning up at the premises, especially in outdoor areas

	<ul style="list-style-type: none"> • Implement plans for reducing drink driving • Have plans to distribute free drinking water
Drugs	<ul style="list-style-type: none"> • Train staff in drug awareness • Use anti-spiking products • Report suspected and actual spiking to police • Use of controlled drugs wipes to identify where drugs may have been present and used on the premises
Over-occupancy	<ul style="list-style-type: none"> • Ensure safe design and layout of premises • Ensure that operating schedule states occupancy of individual floors • Use measures to count the number of people • Occupancy risk assessment – advice may be sought from the Fire and Rescue service
Lack of seating	<ul style="list-style-type: none"> • Provide seating in vertical drinking establishments
Arrival and dispersal	<ul style="list-style-type: none"> • Provide taxi contact information • Provide adequate lighting in car parks • Ensure a well-managed door policy and dispersal policy • Use and display of appropriate safety signage
Design, construction and layout	<ul style="list-style-type: none"> • Ensure the premises are suitably designed, constructed and laid out
Medical emergency	<ul style="list-style-type: none"> • Have a First Aid box available and a qualified First Aider • Have an accident book to log accidents • Have a written policy to deal with accidents and emergencies
The effective management of queues outside the premises	<ul style="list-style-type: none"> • Review the risk assessments regularly • Suitable and satisfactory safety policy in place • A documented policy addressing how queues outside the premises will be managed to ensure safety and prevent accidents, nuisance and disorderly behaviour

Table 3 below provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

Table 3. The Prevention of Public Nuisance

Nuisance caused by	How to prevent the nuisance
Noise	<ul style="list-style-type: none"> • Prevention of noise breakout from the premises • Participation in any local community initiatives • Communication with residents and groups • Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems • Hosting of meetings with residents to troubleshoot issues associated with the premises • Have suitable sound insulation in place • Consider car parking arrangements and effects on residents • Consider how much noise air conditioning systems create • Use a sound limitation device • Consider how much noise is created by taxis and routes to/from premises • Carry out regular noise monitoring • Train staff in reducing noise • Have a dispersal policy in place

	<ul style="list-style-type: none"> • Have plans of how to limit noise upon leaving premises • Dispose of bottles after 10.00 and before 23.00rs • Locate DJs/speakers away from doors/windows • Prevent people loitering outside off-license shops • Plan deliveries to avoid nuisance • Use door supervisors to reduce noise • Implement measures to minimise or divert queues away from residential areas • Provide the manager's contact details on request • Effective management of exterior spaces (e.g. beer gardens, smoking areas) • Supervision arrangements including how areas will be kept clean and free of litter, particularly at the end of trading • Customer noise and disturbance controls - Prevention of customers causing disturbance when leaving the premises • Policies for the dispersal of customers to ensure orderly conduct and minimise disturbance. • Supervision of customers leaving premises, including preventing customers congregating outside, the use of a winding-down period, providing a dedicated taxi/private hire calling service that operates a call-back facility
Waste	<ul style="list-style-type: none"> • Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter • Policies in place in relation to supervision arrangements and how such areas will be kept clean and free of litter, particularly at the end of trading • Clearly identify the locations of bins • Consider other emissions, e.g. using suitable ventilation systems to reduce odours • Consider methods to collect drinking vessels, crockery, cutlery and litter • Control of the use of flyers and other promotional material to minimise litter
Smoking	<ul style="list-style-type: none"> • Consider whether there is a need for door supervisors to control customers in smoking areas and reduce noise • Use of noise barriers • Keep smoking areas away from neighbouring properties
Light	<ul style="list-style-type: none"> • Consider nuisance caused by light pollution when using lighting to ensure safety or preventing crime and disorder • Use suitable lighting units that only illuminate areas in need of lighting

Table 4 below provides recommendations, suggestions and examples of how to protect children from each of the dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, cliental and workforce when identifying hazards, assessing risks and identifying controls.

Table 4. The Protection of Children from Harm

Danger or Risk	Ways to Protect Children and Minimise risks
Underage Activity	<ul style="list-style-type: none"> • Use a proof of age scheme e.g. Challenge 25 and signpost its use • Use and maintain a refusal register which can be made available for inspection. Records should include the refusal date and time, the product attempted to buy and a physical description of the customer

	<ul style="list-style-type: none"> • Implement measures to avoid proxy sales including use of CCTV, regular patrols, posters stating proxy sales are illegal, posters not obstructing shop windows (so that staff can see if proxy sales occur outside) • Locate all gambling machines in areas under the supervision of staff • Control deliveries of alcohol to prevent underage sales • Train staff and maintain training records to ensure that they are available upon request
Sexual exploitation	<ul style="list-style-type: none"> • Implement a child sexual exploitation policy and report suspicious behaviour • Train staff to recognise indicators of exploitation
Age inappropriate cinema	<ul style="list-style-type: none"> • Specify film minimum age and display notices • Check age at point of sale and prior to entry to screening room
Unaccompanied children of under age Prevention of under age Sales of age restricted products, and access by underaged persons Acting to prevent proxy sales of alcohol from the premises	<ul style="list-style-type: none"> • Implement procedures for lost and found children at large events • Follow the guidance in Appendix I. Guidance for the protection of young people under 18 years of age who attend events at licensed premises • The operation of Challenge 25 (on-licence and off-licence) with acceptable forms of ID • Operators should ensure staff are aware of the risks of proxy-sales and take appropriate measures to prevent offences

Appendix VII Application Processes

Apply for a premises licence - if you need to sell or supply alcohol, late night hot food and drink or provide public entertainment, you will need to apply for a premises licence to be granted under the Licensing Act 2003. Alternatively, if you are a qualifying club, you will need a club premises certificate.

Guidance and forms are available from the UK.Gov <https://www.gov.uk/government/publications/premises-licence-application-forms>

These documents give guidance on the application process for a premises licence. Application forms are also available above.

Regulated entertainment – includes:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description falling within the last three categories (but only where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators)

Late night refreshment - 'Late night refreshment' means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00pm and 5.00am.

Eligibility criteria - Any of the following may apply for a premises licence:

Anyone who uses or carries on a business in the premises to which the application relates to

- a recognised club
- a charity
- a health service body
- a person who is registered under the Care Standards Act 2000 in relation to an independent hospital
- a chief police officer of a force in England and Wales
- anyone discharging a statutory or function under Her Majesty's prerogative
- a person from an educational institute
- any other permitted person

Applicants must not be under 18 years of age.

Application evaluation process - We will only be able to deal with applications relating to premises located within County Durham. Applications must be correctly completed and include information as to the operating schedule, plan of the premises and a form of consent

from the premises supervisor (for applications where the sale of alcohol will be a licensable activity).

An **operating schedule** should include details of:

- the licensable activities
- the times when the activities will take place and any other times when the premises will be open to the public
- information regarding the person who will be specified in the Premises Licence as the Designated Premises Supervisor.
- whether the supply of any alcohol is for consumption on or off the premises (or both)
- the steps proposed to be taken to promote the licensing objectives
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate
- any risk posed to the local area by the applicants' proposed licensable activities
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks

When submitting your application to us, you must ensure that you take the following steps for it to progress:

- Advertise your application by displaying a public notice at the premises for 28 consecutive days (starting with the day after you submit your application to us).
- Place an advert in a local newspaper (at least once during the ten working days after you submit your application to us).
- Submit a copy of the application and required documents to all responsible authorities.

Other people and responsible authorities then have 20 working days in which to make representations about the application to us (as the licensing authority). Our “Reviewing and making representations about a club or premises” page has more information about other people and responsible authorities who can make representations in connection with a premises licence application.

Where no representations are made, we must grant the application, but conditions can be attached.

If relevant representations are made (in other words, they are not deemed to be frivolous or vexatious), it will be necessary to hold a hearing. This hearing must be held within 20 working days of the end of the representation period. The premises licence may then be granted - subject to conditions - or the application may be rejected. Licensable activities listed in the application could also be excluded.

We will serve a notice of our decision to the following within five working days of the hearing:

- the applicant
- any person who has made relevant representations
- any responsible authority who has made relevant representations

Matters arising with existing licences - Applications can also be made to vary or transfer a licence. As per the above, a hearing will take place if any relevant representations are made or conditions relating to a transfer are not met.

All other matters arising during the life of a premises licence that are controlled by the Licensing Act 2003, can be dealt with online.

Applicable fees - Gov.uk has a list of premises licence fees included in their alcohol licensing fee levels. Premises licence fees are statutory and are payable annually.

Implied granting of licence ('tacit consent') - If you have not heard from us, by the end of the target completion period we specify for dealing with your application, you have the legal right to act as though your licence has been granted. This is known as 'tacit consent'. This does not apply to minor variation applications.

Our target completion period for processing a correctly completed application is 90 working days. We aim to acknowledge your application within 5 working days of receipt. Please contact us using the details below if you have not received acknowledgement within 10 working days.

Apply online

- Apply for a premises licence
- Apply for a provisional statement
- Apply to remove Designated Premises Supervisor
- Apply to vary a premises licence
- Apply to vary a licence to specify an individual as designated premises supervisor
- Apply to transfer a premises licence
- Notification of an interest in premises under section 178
- Give an Interim Authority Notice
- Consent to transfer a premises licence
- Consent to be designated under Licensing Act 2003
- Apply for minor variation to premises licence
- Notification of change of name or address under licensing act 2003
- Request to be removed as designated premises supervisor
- Make annual payment for a premises licence

Applicant redress - If an application for a licence is refused, the failed applicant can appeal to a Magistrates' court within 21 days of notice of the decision. An applicant also has the right to appeal to the Magistrates' court within the same time frame against any conditions attached to a licence, a decision to reject a variation application, a decision to reject a transfer application or a decision to exclude an activity or person as designated premises supervisor.

Other persons/responsible authority redress - Other people and responsible authorities can make representations in connection with a premises licence application or apply for a review of an existing premises licence. Where this happens, a hearing will be held by the licensing authority within 90 working days of receipt of the application.

Our decision as a licensing authority will be communicated in writing within 5 working days of the hearing. Any appeals against this decision must be made to the Magistrates' court within 21 days of notice.

Consumer complaint - Contact us if you have any complaints concerning an existing premises licence.

Appendix VIII Planning and Development Control Matters

Planning Legislation and Building Regulations – Operation of licensed premises will require several additional approvals as well as under the Licensing Act 2003. One of the most important additional approvals is planning permission under the Town and Country Planning Act 1990. It is often the case that each discipline deals with applications which have relevance to the others' service area. Because of this, and being fully cognate of the benefits to the customer and better use of staff time in the enforcement arena, a procedure note has been jointly prepared with a view to improving linkages between the services.

The key aim of the note is to ensure standard operational procedures are put in place to ensure that issues of relevance to one service are routinely flagged with a customer as and when an application is made to an alternative team.

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the Licensing Committee of any variation of a licence, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.

Licensing control broadly covers two areas - those relating to the person and those to premises. Planning is concerned primarily with issues associated with the use of land. Having regard to this, planning regulation normally has no interest in licensing applications that relate to the person.

Planning permission is required for certain building operations (such as new buildings and alterations which materially affect the external appearance of the building) and material changes of use. Advice can be obtained from the Council's Planning Department on whether planning permission is required and about the planning process.

For those licensing applications, flagged as being of potential interest to Development Management (DM), the following process will apply:

- Relevant Licensing Team to notify relevant DM Office via e mail (see details below). When necessary, notification to include scanned details of licence application form.
- DM Office to check planning position (normally requiring site history search and consideration as to whether proposals require planning permission) and thereafter to inform Licensing Services of comments within the relevant consultation period
- Licensing Team to consider comments received from DM* and thereafter, following the issuing of the decision, send an electronic copy of the decision notice to the relevant DM Office

* Noting the separate legislative context, as discussed above, any comments made by DM to the effect that planning permission will be required for the proposal will, in most cases, not be influential to the final decision on a Licensing application. However, in these cases the Licensing Team will advise the customer that in addition to the License approval, an

application for planning permission will also be required. This advisory notification will provide the customer with the contact details, for the DM Officer, who should be contacted for further planning advice.

In some cases, involving applications made under the Licensing Act 2003, the DM Team may feel that there are clear and justified planning grounds (that coincide with the four aims of the Council's Licensing Policy) to object to a license application. An example of this could be where a previous planning application to carry out a form of development, now proposed in a licence application, has been refused and upheld at appeal on such grounds. In these cases, the DM Office will make clear in their response to the Licensing Team that a statutory objection is being lodged and as part of this response the grounds will be set out. In such cases the DM Office will also ensure representation is made at any committee at which the licence application is determined.

The Licensing Authority considers that in most cases all planning permissions, consents and certificates should be obtained before any licensing applications is made.

Under these circumstances, it is less likely that the local planning authority, as a Responsible Authority, will make representations in relation to the licensing application. Members of the public will also be less likely to be confused about the two separate issues and so less likely to make representations on planning matters to a licensing application.

There may be reasons why an applicant considers that it is necessary to make a licensing application before, or at the same time as, a planning application. If that is the case, applicants are requested to explain their reasons for doing so, when the licensing application is submitted. This may help to avoid representations being made.

Where an applicant indicates that a licensing and planning application has been made at the same time, licensing officers will consider whether there should be discussion with planning counterparts with the aim of agreeing mutually acceptable operating hours and scheme designs.

Contact E Mails for Development Management:

Northern Area: (for proposals in former Chester & Derwentside Districts) planning@durham.gov.uk

Central & East Area: (for proposals in former Easington and Durham City area) planning@durham.gov.uk

South West Area: (for proposals in former Wear Valley, Sedgefield and Teasdale Area): planning@durham.gov.uk

To ensure the inter departmental benefits to the customer, as discussed above, are fully realised Development Management will also ensure that the Licensing Section are notified of planning applications which may raise a licensing issue.

Unlike the position with Licensing, it is not possible to produce an overarching list of potential planning applications, which may have licensing implications. Because of this notification of relevant planning applications will be undertaken by the Development Management service sending the weekly list of applications to Environment, Health and Consumer Protection in Regeneration and Local Services (REaL).

PROCESS TO BE APPLIED TO CONSULTATION

The following process will be applied in respect of DM notifications to Licensing:

- DM Service to collate a single countywide list of all planning applications received. This list to be sent weekly to EHCP in Neighbourhoods, through the 'Neighbourhood Services Licensing' e mail address on the Council's Global address list and to ehcpsouth@durham.gov.uk.
- Relevant Licensing Officer to submit comments to DM Case Officer within 21 days of publication of weekly list.
- DM Case Officer to ensure that any Licensing comments received are attached to final planning decision. This to be achieved through an informative comment added to the decision notice or additional paragraph added to covering letter. This will detail Licensing comments together with contact details of Licensing Officer for further information.

In addition to the above standard procedure, additional licensing comments may be received when planning consultation responses are issued by the Pollution Control Team. In such cases, assuming these comments are not material to the planning decision itself, the DM Officer will ensure these are also extracted from the consultation response and added to any decision.

Licensing and Public Health - The impact of alcohol on County Durham

The licensing authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003.

Nevertheless, the Licensing authority recognises the potential impact of alcohol on the public health of the residents of County Durham. This can have a big impact on the National Health Service and medical providers locally. Public Health are a responsible authority under the Licensing Act 2003 and can make representations on licence applications as well as calling for reviews on premises that undermine the licensing objectives.

The Secretary of State's Guidance states that health bodies can make representations based on any of the four licensing objectives. The licensing authority considers that data:

- around hospital admissions due to alcohol consumption
- that shows a correlation between anti-social behaviour and excessive alcohol consumption in different localities
- that violence related to alcohol or the night time economy in general
- that links high alcohol consumption to a particular area
- that undermines the physical, moral and psychological of children and vulnerable persons

to all be relevant to the promotion of the licensing objectives. Any or all this data would be grounds for public health exercising their right to participate in the licensing process.

Although Public Health is not a licensing objective, we believe that this Statement of Licensing Policy needs to be placed in context with the alcohol-related harms that are apparent in County Durham. The Licensing authority takes the issue of public health extremely seriously and would expect applicants and licence holders to familiarise themselves with any local issues that may be detrimental to the public health of the people of County Durham. The licensing authority will take cognisance of the issues raised by public health in relation to licensed premises and issues surrounding alcohol and will determine applications in line with ensuring that all of the licensing objectives are actively promoted for the safety of the local communities in which a licensed premises operates.

It is estimated that 1.7% of adults in County Durham are dependent drinkers; this equates to around 7,000 people. This means County Durham is ranked in the top 30% of Local Authorities with the highest percentage of dependent drinkers.

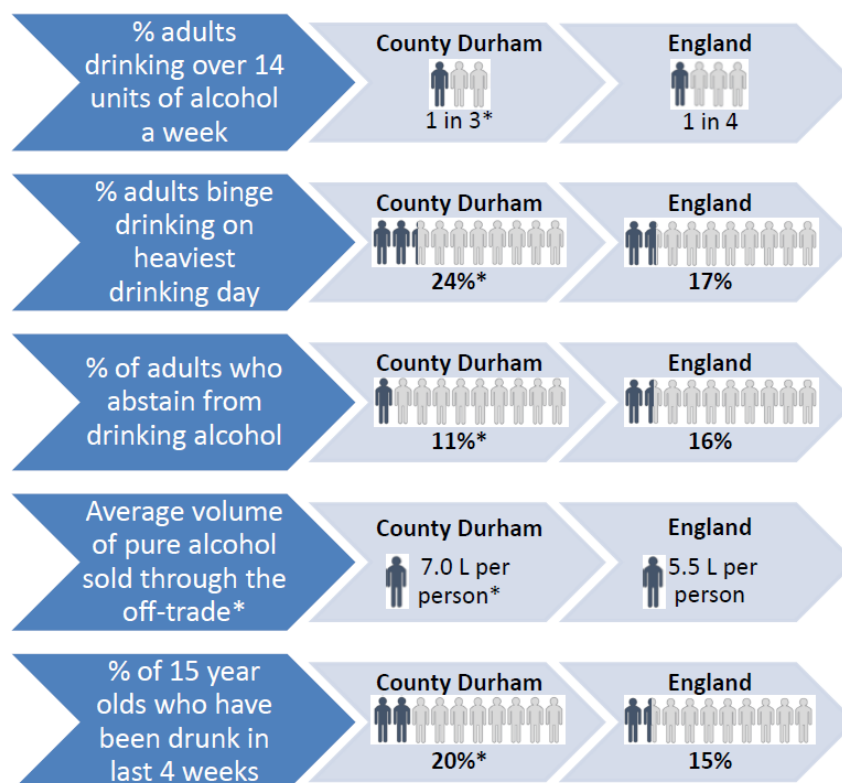
Alcohol has a significant impact on a range of health conditions and alcohol is seen as a factor in more than 60 medical conditions. The main health consequences of

alcohol misuse are liver disease, cancers (liver, oral, oesophageal, gastric, colon, breast), hypertension, stroke, acute intoxication and injuries.

Alcohol consumption – Alcohol-related harm is determined by the volume of alcohol consumed and the frequency of drinking occasion (PHE, 2018). Four years of the Health Survey for England have been combined to give robust Local Authority level data for adult consumption (Figure 1).

Additionally, volume of alcohol sales through the off-trade (supermarkets, convenience store and off-licenses) has been released as there is an association between these sales and alcohol-specific hospital admissions (Figure 1).

All indicators in Figure 1 below are statistically significantly worse in County Durham than England.



* = statistically significantly worse than England

Figure 1: Consumption of Alcohol in County Durham 2011-14. Source: PHE

Alcohol treatment in County Durham over the last three years

Over 1000 people in treatment at specialist alcohol misuse services each year

75% self refer into treatment (2016/17)

0% wait longer than 3 weeks for treatment

1 in 5 left treatment in an unplanned way (2016/17)

1 in 3 successfully complete treatment and do not re-present within 6 months

Treatment – It is estimated that 1.7% of adults in County Durham are dependent drinkers; this equates to around 7,000 people.

Structured alcohol treatment in County Durham helps people recover from alcohol dependence. When engaged in treatment, people use alcohol and illegal drugs less, commit less crime, improve their health, and manage their lives better.

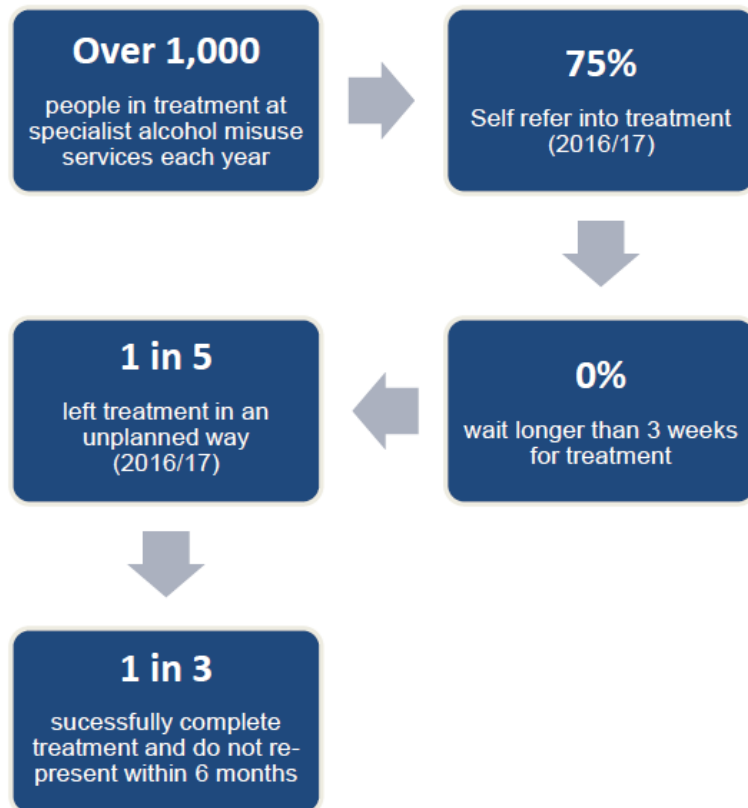


Figure 2 provides a summary of the last three years activity for alcohol treatment in County Durham.

Figure 2: Alcohol treatment in County Durham 2014/15 to 2016/17
Source: PHE

Local Health Profile – For all the six key indicators highlighted in the 2018 Local Health Profile County Durham is statistically significantly higher than England. Four out of the six indicators are ranked in the worst 30% of all local authorities nationally.

Indicator		Measure	County Durham	North East	England	Ranking (worst = top 10%)
2.01	Alcohol-specific mortality	DSR per 100,000	14.1	16.4	10.4	Top 30%
4.01	Alcohol-related mortality	DSR per 100,000	54.1	55.7	46.0	Top 30%
5.02	Admission episodes for alcohol-specific conditions—Under 18s	Crude rate per 100,000	56.2	64.8	34.2	Top 20%
6.02	Admission episodes for alcohol-specific conditions—all ages	DSR per 100,000	639	778	563	Outside top 30%
9.01	Admission episodes for alcohol-related conditions (Broad)	DSR per 100,000	2,514	2,689	2,185	Outside top 30%
10.01	Admission episodes for alcohol-related conditions (narrow)	DSR per 100,000	754	866	636	Top 30%

Figure 3: LAPE 2018 summary for County Durham, key indicator values and national ranking. Source: PHE

Cost – In 2015/16 the overall cost of alcohol harm in County Durham was estimated to be £181.6m; this equated to £349 per head of population. Figure 4 below shows how this cost is distributed between different sectors and how this compares with the other 326 local authority areas.

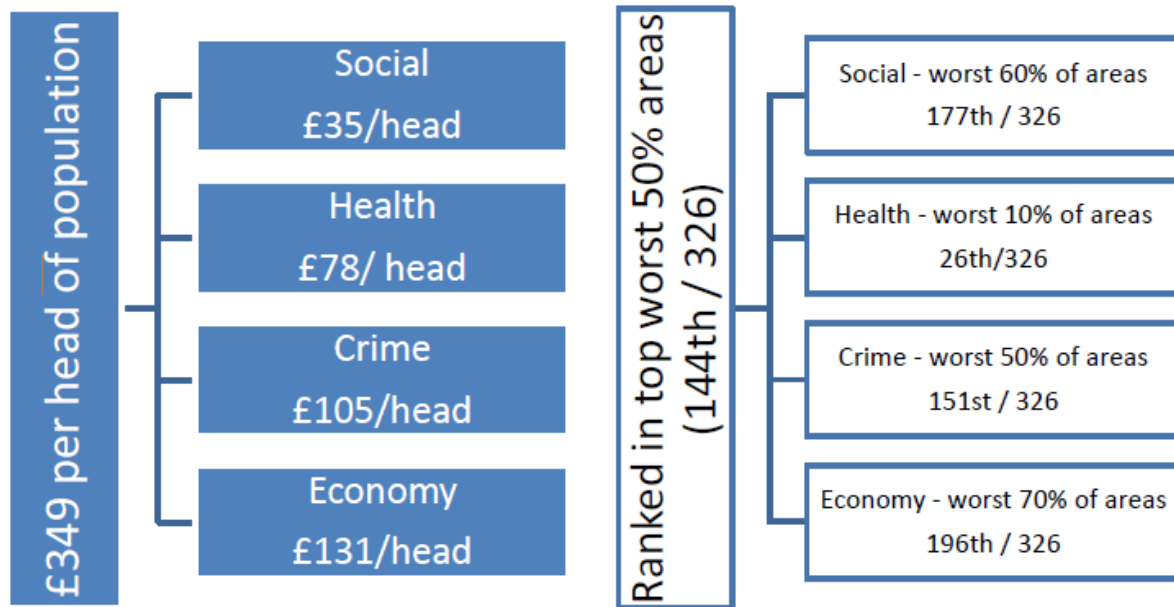


Figure 4: Cost of alcohol harm in County Durham, 2015/16. Source: Balance, 2018.

Pre-birth, children and young people – The Chief Medical Officer advises against pregnant women or women trying to conceive, drinking alcohol. The guidelines state that no level of alcohol is safe to drink in pregnancy.

Similarly, the medical advice for children and young people is clear; an alcohol-free childhood until the age of 18 is the healthiest and best option. For young people who do drink alcohol, the implications could be life changing. For example:

- **Young brains continue to develop and change until the mid-twenties.** *Drinking alcohol before adulthood can change or delay the development of the logical, thoughtful part of the brain.ⁱ*
- **Alcohol can affect a child's mental health and wellbeing.** *It is linked to stress, depression and self-harming behaviour.ⁱⁱ*
- **Children are smaller, which means alcohol's effects work more quickly.** *Alcohol poisoning can result in young people being admitted to hospital or worse.ⁱⁱⁱ*
- **Alcohol can lead to other risky, impulsive behaviour.** *Young people who drink regularly are four times more likely to smoke and three times more likely to take other, illegal drugs. They are more likely to get hurt due to an accident or because of violence.^{iv}*

- **Children’s bodies are still developing through the teenage years. We know that drinking alcohol can affect their liver, bones, hormones and their growth.^v**

Alcohol health awareness – Significant numbers of people in the North East continue to drink at risky levels. More worryingly, many of us drinking above those guidelines consider ourselves to be moderate drinkers and remain oblivious to the risks we are taking.

There is clearly an information deficit within the public when it comes to the Chief Medical Officers’ low risk drinking guidelines and the consequences of exceeding them on a weekly basis as detailed in the recent ‘Alcohol: Are we Kidding Ourselves?’ report from Balance.

- Over one in four NE adults (26%) are drinking above the Chief Medical Officer’s low risk guidelines of 14 units a week compared to one in five (20%) across the UK – that’s around 550,000 people in our region exceeding the guidelines.
- Nearly 9/10 North East adults drinking above 14 units a week consider themselves to be either “light or moderate” drinkers – that’s around 467,000 people.
- Nearly one in 10 (8%) NE adults are drinking at over 28 units a week – more than twice the weekly low risk guidelines. That’s over 169,000 people putting themselves at greater danger of over 200 alcohol-linked diseases and injuries.
- Three out of four people drinking more than 28 units a week believe they are a light or moderate drinker – that’s an estimated 123,000 people in the North East.

Alcohol: Are we Kidding Ourselves? report from Balance (2019)

¹ CMO for England (2009) Guidance on the consumption of alcohol by children and young people.

¹ CMO for England (2009) Guidance on the consumption of alcohol by children and young people. Newbury-Birch et al (2009) Impact of Alcohol Consumption on Young People. A Systematic Review of Published Reviews.

¹ PHE (2018) Local Alcohol Profiles for England.

¹ CMO for England (2009) Guidance on the consumption of alcohol by children and young people. NHS Digital (2016). Smoking, drinking and drugs use among young people.

¹ CMO for England (2009) Guidance on the consumption of alcohol by children and young people.

Appendix X Links to Other Important and Relevant Strategies and Policies - these may be of help/interest and contain further details of schemes available in Durham which applicants and licencees can participate in to assist in carrying out the objectives

1. Anti-social behaviour: <https://www.durham.gov.uk/asb>
2. Best Bar None: <http://www.durham.gov.uk/bbn>
3. Business: <http://www.durham.gov.uk/business>
4. Business Services: <http://www.durham.gov.uk/article/2094/Business-Services>
5. Business and street trading licences: <http://www.durham.gov.uk/article/2113/Business-and-street-trading-licences>
6. CCTV - Surveillance Camera Code of Practice: <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>
7. Child protection: <https://www.durham.gov.uk/childprotection>
8. County Durham Plan: <https://www.durham.gov.uk/cdp>
9. Council Plan and service plans: <https://www.durham.gov.uk/article/2366/Council-Plan-and-service-plans>
10. County Durham Alcohol Harm Reduction Strategy 2015-2020: <https://www.durham.gov.uk/article/3119/County-Durham-Alcohol-Harm-Reduction-Strategy-2015-2020>
11. Counter terrorism: <https://www.gov.uk/government/publications/counter-terrorism-protective-security-advice-for-bars-pubs-and-clubs>
12. Crime & Community Safety: <https://www.durham.gov.uk/article/3863/Crime-Community-Safety>
13. Crime prevention: <https://www.durham.gov.uk/crimeprevention>
14. Drugs and alcohol: <https://www.durham.gov.uk/alcohol>
15. Durham's City Safety Group: <http://www.durham.gov.uk/citysafetygroup>
16. Durham County Council: <http://www.durham.gov.uk/>
17. Entertainment and alcohol licences: <https://www.durham.gov.uk/article/2114/Entertainment-and-alcohol-licences>

18. (ESD)Privacy Notice, Durham County Council, EHCP Service - European Services Directive Licences: <http://www.durham.gov.uk/media/25347/Privacy-notice-licensing-European-Services-Licence/pdf/PrivacyNotice-EuropeanServicesLicence.pdf?m=636869409964230000>
19. Events safety information for organisers: <http://www.durham.gov.uk/eventsafety>
20. Gambling licences: <http://www.durham.gov.uk/article/2115/Gambling-licences>
21. Health & Safety: <http://www.durham.gov.uk/article/3811/Health-Safety>
22. Improving your premise's security: <http://www.durham.gov.uk/article/11325/Improving-your-premise-s-security>
23. Information Commissioners: <https://ico.org.uk/>
24. Licensing Act 2003 applications: <http://www.durham.gov.uk/article/2136/Licensing-Act-2003-applications>
25. Licences & Permits: <http://www.durham.gov.uk/licensing>
26. Multi-Agency Intervention Service (MAIS): <https://www.durham.gov.uk/MAIS>
27. Noise complaints: <http://www.durham.gov.uk/noisecomplaints>
28. Personal licence for alcohol: <https://www.durham.gov.uk/article/2172/Personal-licence-for-alcohol>
29. Planning and crime prevention: <https://www.durham.gov.uk/article/3883/Planning-and-crime-prevention>
30. Report a concern about a child: <https://www.durham.gov.uk/firstcontact>
31. Sale of alcohol - retailer guidance: <https://www.durham.gov.uk/article/5457/Sale-of-alcohol-retailer-guidance>
32. Safe Durham Partnership: <http://www.countydurhampartnership.co.uk/article/8552/Safe-Durham-Partnership>
33. Sex establishments and entertainment venues licence: <http://www.durham.gov.uk/article/2130/Sex-establishments-and-entertainment-venues-licence>
34. Street care and cleaning: <https://www.durham.gov.uk/article/3902/Street-care-and-cleaning>
35. Street cafe licence (to place tables and chairs on a highway in County Durham): <http://www.durham.gov.uk/article/2157/Street-cafe-licence>

36. Street trading consents and licences: <http://www.durham.gov.uk/article/2150/Street-trading-consents-and-licences>
37. Support for the community: <https://www.durham.gov.uk/article/3020/Support-for-the-community>
38. Trading Standards: <http://www.durham.gov.uk/tradingstandards>

Other Useful websites - The following websites provide more information on drugs, alcohol, treatment services and national policy:

- County Durham drug and alcohol recovery services - offers a range of confidential support to individuals, families and carers wanting to know more about all aspects of drugs and alcohol.
- NHS Drug addiction: getting help - if you need treatment for drug addiction, you're entitled to NHS care in the same way as anyone else who has a health problem.
- Talk to Frank: Drugs A-Z - is an easy to use guide on illegal drugs, their effects and their risks.
- NHS: Alcohol support - NHS website about alcohol support.
- NHS: Drink less - advice and tips on ways to reduce your drinking.

Adfam - is the national charity working to improve life for families affected by drugs or alcohol

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