

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Committee Room 2, County Hall, Durham on **Thursday 9 October 2014 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors E Bell (Vice-Chairman), A Batey, J Bell, B Graham, C Hampson, J Hart, D Hicks, K Hopper, I Jewell, J Lee, T Nearney, L Marshall, P May, D Stoker, A Surtees and A Willis

Also Present:

C Rudman – Licensing Manager
C Greenlay – Principal Solicitor (Litigation)
H Johnson – Licensing Team Leader
G Keay – Licensing Team Leader

1 Apologies for Absence

Apologies for absence were received from Councillors D Bell, P Crathorne, I Geldard, B Glass, O Gunn, A Hopgood and Mrs J Maitland.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 23 April 2014 were agreed as a correct record and were signed by the Chairman.

4 Review of the Council's Statement of Licensing Policy

Consideration was given to the report of the Corporate Director, Neighbourhood Services which sought approval of the draft Statement of Licensing Policy (for copy see file of Minutes).

C Rudman, Licensing Manager provided background to the proposed changes to the Policy which stemmed from recent changes to licensing legislation.

The report gave details of consultees and stakeholders, and their responses, some of which had been incorporated into the Policy. The main proposed changes and revisions were set out in a briefing note circulated to Members.

Councillor P May understood that licensed premises must make available a minimum measure of wine of 125ml but he was aware of establishments where this was not offered. He asked if this was addressed in the Policy.

The Member was advised that this was a statutory condition and failure to comply would constitute a breach of the Premises Licence. The purpose of the Policy was to advise the licensing trade how the Licensing Policy was administered and how the Council managed its licensing responsibilities. However, following a suggestion by Councillor E Bell the Licensing Manager advised that a statement could be included in the draft Licensing Policy to the effect that establishments were expected to comply with the legal requirements of their Premises Licence.

The Licensing Manager continued that one of the key changes to the Policy was the introduction of recommended hours for certain licensable activities for new applications, taking into consideration type, location and the potential impact on local communities.

Members were therefore asked to consider the proposals put forward by the responsible authorities and make recommendations in respect of the framework hours for inclusion in the draft Policy.

The Committee discussed the matter at length. Reference was made to the classification of weekdays, weekends and Bank Holidays. Members were of the view that weekdays should be from Sunday to Thursday with weekends being Friday night into Saturday morning and Saturday night into Sunday morning. This would reduce the potential for disturbance to local residents on an evening before a working day. The comment was made however that working weeks were no longer traditional because of shift work and weekend working. G Keay, Licensing Team Leader advised that the proposed distinction between weekdays and weekends was generally in keeping with applications received by the Licensing Authority.

For Bank Holidays Members considered that the proposal for 'plus one hour' should apply Good Friday, and for all other Bank Holidays an additional hour should be added to the terminal hour of the day preceding the Bank Holiday (ie if the Monday was the Bank Holiday, the Sunday would be normal trading plus one hour).

Members also noted that the Police had requested a distinction between nightclubs and pubs. The Committee questioned the need for this distinction and suggested that it be removed. The licensable activities, and in terms of promoting the licensing objectives, applied to both pubs and nightclubs and therefore a distinction between the two was unnecessary.

In determining the terminal hours for Premises Licences authorising the sale of alcohol for consumption on or off the premises in the City Centre and larger town centres Members had regard for the local economy, whilst also taking into account the well-being of local residents. The comment was made that a terminal hour that

was too early could lead to multiple purchases with excessive consumption of alcohol during 'drinking up time'. With these factors in mind Members agreed with the hours suggested by the Police and were of the view that a terminal hour of midnight on weekdays was appropriate, with 1.00am at weekends, and 'plus one hour' hour on Good Friday. For all other Bank Holidays an additional hour be added to the terminal hour of the day preceding the Bank Holiday.

In terms of premises authorising late night refreshment as the primary licensable activity, Members were minded of the problems of disorder in town centres, however appreciated that if takeaways were to close at the same time as pubs then dispersal could be an issue. Members therefore considered that one hour after licensed premises would be reasonable, and recommended a terminal hour of 1.00am on weekdays, with 2.00am at weekends and 'plus one hour' hour on Good Friday. For all other Bank Holidays an additional hour be added to the terminal hour of the day preceding the Bank Holiday.

For licences authorising the sale of alcohol for consumption off the premises, Members were advised that no distinction should be made between supermarkets and other off-licences such as corner shops. Councillor Batey felt that Members should be guided by the views of the Police as they dealt with the problems associated with excessive alcohol consumption. Councillor May remarked that it was common practice now for young people to have a drink before they went out for the evening.

Councillor Carr was aware that problems could arise when off-licences closed at the same time as pubs. There may be an expectancy by customers leaving pubs that alcohol could then be purchased from a store on their way home. He therefore suggested that off-licences should close half an hour before the terminal hour for pubs. It was recommended that the terminal hour for licences authorising the sale of alcohol for consumption off the premises only be 11.30pm weekdays, with 12.30am on weekends and 'plus one hour' hour on Good Friday. For all other Bank Holidays an additional hour be added to the terminal hour of the day preceding the Bank Holiday.

At this point Members gave consideration to community centres and village halls. The Committee felt that there should be no distinction made between these premises and pubs, and recommended that the terminal hours for licences not including the sale or supply of alcohol should be midnight on weekdays, with 1.00am at weekends and 'plus one hour' hour on Good Friday. For all other Bank Holidays an additional hour be added to the terminal hour of the day preceding the Bank Holiday.

Finally Members were asked to consider the application of these recommended framework hours to premises situated within smaller town centres and mixed commercial residential areas, premises in villages and semi-rural areas, and those in a predominantly rural setting. The Committee felt that in terms of promoting the Licensing Objectives, the same issues could arise irrespective of location. Members were also minded of the potential impact on the local economy, particularly in more rural areas and that the licensing hours should not be restrictive so as to have a detrimental effect on this. The comment was also made that the

recommended terminal hours for larger centres would provide flexibility if applied in these other locations. A pub in a rural or small town centre could close earlier than the terminal hour at such times where there was no demand. It was therefore recommended that the proposed terminal hours be applied across all areas.

It was noted that commencement hours were not included in the consultation and were advised by the Licensing Manager that this was because problems were more likely to occur during an evening. C Greenlay, Principal Solicitor (Litigation) stated that a commencement hour was advisable. Without this a commencement hour beginning immediately after the terminal hour could be applied for.

In discussing this Members noted that some premises already had a commencement hour of 7.00am for occasional sporting events or to serve breakfast, and were not aware that any problems had occurred as a result. The Committee therefore recommended that the commencement hour for all categories of premises be 7.00am, and that this be included in the draft Policy.

Resolved:

That

- a) The summary of consultation responses and the content of the final draft Statement of Licensing Policy be noted and agreed;
- b) The proposed Statement of Licensing Policy incorporating the following framework hours be recommended for adoption by Council:-