

**General Licensing and Registration
Committee**

7th October 2019

**Review of the Council's Statement of
Licensing Policy**

Ordinary Decision



Report of Joanne Waller, Head of Community Protection

**Ian Thompson, Corporate Director of Regeneration and Local
Services**

**Councillor Brian Stephens, Cabinet Portfolio Holder for
Neighbourhoods and Local Services**

Electoral division(s) affected: County Wide

Purpose of the Report

- 1 This report seeks General Licensing and Registration Committee (GLRC) approval of the revised Statement of Licensing Policy and recommends the proposed version of the revised policy for consideration by Council.

Executive summary

- 2 Following public consultation, the current statement of licensing policy was revised. Where it was possible and appropriate to do so, the suggestions and recommendations of respondents were incorporated into the revised statement.
- 3 The current policy has been reformatted and updated creating a policy document which provides applicants, licensees, Members, officers and the public with much more guidance, information and direction.
- 4 The policy changes aim to improve the quality of applications by assisting applicants to clearly and comprehensively demonstrate how they can promote the licensing objectives through their licensed business activities. They will also help responsible authorities and other

persons when considering and assessing proposed and existing licensed premises under the 2003 Act.

- 5 Members of the GLRC are asked to consider this policy revision with a view to recommending the policy to Council for adoption in October 2019.

Recommendation(s)

- 6 Members of GLRC consider the current policy, the comments received during consultation and the revised statement of policy.
- 7 Members of GLRC approve the revised statement of policy and recommend consideration by GLRC with a view to its adoption by Council on 23rd October 2019.

Background

- 8 The Licensing Act 2003 requires licensing authorities to prepare and publish a statement of their licensing policy at least every five years. The policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate. Durham County Council adopted the current Statement of Licensing Policy on 29th October 2014. It must be revised, adopted and published by Wednesday 30th October 2019.
- 9 The need to revise the current policy stems from the statutory timetable set in legislation. The current policy was deemed as being fit for its purpose however, it was recognised that improvements could still be made to the document and the review presents an opportunity to make several appropriate and desirable changes to the existing statement of policy.
- 10 The Statement of 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 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 residents through a failure to promote the licensing objectives effectively.
- 12 The Policy seeks to promote the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; and
- the protection of children from harm.

13 These are the only licensing objectives and no other objectives exist for England and Wales.

Statutory consultation

- 14** Prior to consultation, the Consultation Officers Group (COG) process was engaged. In accordance with the Government's Code of Practice on Consultation, 12 weeks was allocated for the consultation and for the return of responses. In addition to direct communications on the subject, the review was also advertised and publicised on the Council website.
- 15** A presentation for Members on Licensing Policy development took place in April, to which all members of the GLRC were invited, and officers also met with various representatives of the responsible authorities and Parish Councillors during the consultation period.
- 16** The consultation ran between Monday 11th February and Friday 3rd May 2019. In addition to the named statutory consultees, many other individuals, agencies and organisations considered to be affected by the policy were identified and their comments invited. The list of consultees that were communicated with directly in connection with this policy review are shown in Appendix 2.
- 17** All the responses received during the 12-week period were recorded. The Police submitted two responses after the close of the consultation. The late responses provided by the Police were accepted and added to the other responses received.
- 18** In total the Council received 28 separate responses. The respondents, their responses and associated commentary and information provided by the Licensing Manager are shown in Appendix 3. Officer comments relate to the relevance and appropriateness of the responses in terms of policy inclusion. Some of the responses or parts of the responses were relevant and appropriate for policy development.
- 19** To create the revised policy, all recorded responses were considered and the merits of each were judged against the legislation and statutory guidance.

- 20 Information that was relevant for policy development was identified. From the relevant information, that which was useful for policy development was identified highlighting practical, realistic suggestions, recommendations; material that could make a positive contribution to future policy.
- 21 The current policy and the salient responses were compared with a sample of several policy statements published by other licensing authorities.
- 22 Licensing Services also utilised the services of an undergraduate intern from Durham University under a formal 9-week working agreement. The intern produced a report '*Revising the Durham County Council Licensing Policy: An Investigation into Good Practice associated with the Promotion of the Four Licensing Objectives*'. This report is shown as appendix 4 and involved comparing DCC's policy with other licensing authorities' policies.
- 23 In choosing the councils, 6 notable characteristics were selected and licensing authorities which were like Durham County for each of the 6 features were chosen. These characteristics were: local authority type, heritage, population size, student population, crime rate, and proximity.
- 24 The information and results of this external study were also considered and helped to shape the content and layout of the revised draft policy.

Categories of review responses

- 25 Of the responses that were relevant, those that provided tangible, identifiable suggestions or specific issues for consideration can be grouped under the following headings:
- **The advertising and publication of licensing applications** – responses commenting on current arrangements and calling for improved methods of alerting the public to applications under the Act. (Mostly in relation to Durham City licensed premises)
 - **Licensing hours** – responses about current policy and the existing 'framework hours' and calling for a less permissive, more restrictive approach, shorter licensing hours, a stricter implementation of framework hours and efforts to reign-in existing terminal hours. (Mostly in relation to Durham City licensed premises)

- **Controls over the number of licensed premises in Durham City** – responses on current policy and highlighting the number of licensed premises, the number of applications and the effects of both on the promotion of the licensing objectives in Durham City. Calls for a Cumulative Impact Policy (CIP) or special policy and a late-night levy (LNL) to deter late opening; that respondents believed would address several problems they identified as being associated with too many licensed premises.

Main changes to current policy

- 26 During the consultation phase leading up to the revised statement of policy there were calls from the Durham City MP and from the Durham City Parish Council for a special policy or CIP for Durham City. To find out whether a CIP is necessary the council will carry out a cumulative impact assessment (CIA). That process will take several months to complete.
- 27 As a result, this interim revised policy statement will have to be reported to Council in time for adoption by the end of October. However, alongside this reporting process a CIA is being undertaken. It is 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 Council to incorporate a CIP.
- 28 Irrespective of whether the need for a CIP is identified by the CIA, it is anticipated that the CIA will assist the council and others by highlighting any problems and issues of concern within the City, thereby aiding the identification of possible solutions or remedial steps that could be applied.
- 29 Before turning to those matters that have been included in the revised statement of policy, in addition to the CIP, the situation regarding the framework hours must also be subject to further consideration before any recommendations may be made to GLRC and Council.
- 30 Although criticisms about the current framework hours were received, few respondents provided any alternative suggestions. The proposals on terminal hours for licensed premises that were received varied
- 31 Of the responses that were received from responsible authorities, the subject of terminal trading hours for licensed premises was not raised.

- 32 In the absence of any comments from those officers and organisations that have responsibilities and influence in connection with the investigation and control of public nuisance and crime and disorder, it is difficult to make a case for changes to the current framework hours.
- 33 Members of the General Licensing Committee will be asked to consider the existing framework hours.
- 34 The following matters have been included in the revised policy document:
- (i) Changes to layout, format, syntax – to improve the look and structure of the policy for clarity and readability purposes
 - (ii) Information concerning possible future changes resulting from the CIA
 - (iii) Addition of a version history table
 - (iv) Expanded content table and guide
 - (v) Expanded introductions to and explanations of the Licensing Act 2003 and the council's role within that legislative framework. Increased prominence of the four licensing objectives which form the bedrock of the licensing function, our main aims and enhanced description of the County of Durham in context.
 - (vi) Greater explanation in connection with the way in which we implement licensing policy in the County, providing important information about the context in which the policy sits and how it is used for the administration of the licensing function and its relationship to other strategic, policy and regulatory regimes.
 - (vii) Clearer descriptions of the application of the licensing policy highlighting several licensing principles, practices and processes that support and underpin the licensing function of the council.
 - (viii) Guidance on the application and operation of the policy in practice detailing the types and use of licensing conditions that may be attached to licences to control the use of premises where licensable activities take place, thereby safeguarding and promoting the licensing objectives.
 - (ix) Increased clarity on the means used by the council to promote the four licensing objectives with some reference to specific circumstances and situations such as licensed premises operating in and close to sensitive areas.
 - (x) Improved information about the practical application of licensing looking at the methods and standards of operating licensed premises that may be used to promote the objectives and to

encourage excellent standards of management by licence and certificate holders.

- (xi) Greater focus on each of the licensing objectives in turn, detailing with the use of examples how applicants and licence holders may practically demonstrate their understanding of and commitment to the promotion of the objectives at their premises.
- (xii) Clear descriptions and explanations of what the council expects, recommends, requires, considers and encourages and why.
- (xiii) Enhanced information on the purpose and use of the policy including detailed explanations of the use and purpose of operating schedules, licence conditions, GDPR, self-assessment activities and risk assessments, enforcement and monitoring activities and compliance
- (xiv) New information and guidance on the licensing of large-scale events, single-use plastics at licensed premises, counter terrorism complaints and appeals
- (xv) Updated information concerning responsible authorities contact details
- (xvi) More background information and data on public health matters associated with alcohol consumption in the County
- (xvii) Updated guidance on children in licensed premises
- (xviii) Enhanced glossary information
- (xix) More information for residents and other persons explaining how residents and businesses can have their say in respect of licence applications and the operation of licensed premises in their area
- (xx) New appendix with suggestions, recommendations and practical examples of what may be included in applications and operating schedules to ensure that the licensing objectives are promoted
- (xxi) Greater clarity in connection with planning and development control issues and the links between planning and licensing regimes.
- (xxii) New appendix showing links to other important and relevant strategies and policies that may be of help/interest and contain further details of schemes available in Durham which applicants and licensees can participate in to assist in carrying out the objectives
- (xxiii) Policy to refuse to grant licenses to sell alcohol for late-night takeaway premises

35 A copy of the draft revised policy that includes all the proposed revisions is attached in Appendix 5.

Options

- 35 Following consideration of the information presented in the table of responses and the current policy statement, GLRC may give support to the revised statement of policy and the associated proposals as they have been presented and agree to recommend the policy to Council unchanged.
- 36 GLRC may give support to some of the proposals and reject others with reasons. This would lead to a further revision prior to reporting to Council.
- 37 GLRC may reject the revised statement and associated policy proposals in full. Under these circumstances, unless an alternative policy was put forward, the existing policy would be submitted to Council for re-adoption.

Main implications

- 38 Supporting the proposals in full. This will allow the process to continue and the revised policy to be presented to all Members at Full Council on October 23rd, 2019.
- 39 Supporting the proposed revision of the policy statement in part. This option, with the less-than-full support being offered, depending on the exact nature and extent of any required changes would allow for those modifications to be made to the draft policy prior to submission to the Council.
- 40 Rejection of the proposal. This would require a detailed explanation of the committee's decision to withhold support for revised policy statement. Because of the timescales involved, rejection of the proposals would likely result in a failure to produce a revised statement of policy for adoption by Full Council by the prescribed date. Under these circumstances the existing policy would be presented to Council for re-adoption.

Conclusion

- 41 The current licensing policy requires revision and re-adoption by the end of October 2019. The current policy has been consulted on in accordance with statutory requirements and all the responses received have been considered.
- 42 Relevant information, suggestions and recommendations have been used together with information from other sources to draft a revised licensing policy. This policy together with the consultation response information was presented for consideration by SMT. Following

acceptance and agreement by SMT, the revised policy is now presented to Members of the GLRC.

- 43 Some matters raised during the consultation period have necessitated the carrying out of a CIA. The outcome of the CIA may then lead to further revision of the policy following it's adoption by Council in October 2019 however that is not a certainty.

Background papers

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

Other useful documents

- None

Contact:	Joanne Waller	Tel: 03000 260923
	Owen Cleugh	Tel: 03000 260925
	Craig Rudman	Tel: 03000 260090

Appendix 1: Implications

Legal Implications

Failure to adopt a revised statement of licensing policy by 29th October 2019 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 was undertaken following COG processes and procedures and was carried out in accordance with statutory guidance over a 12-week period.

Equality and Diversity / Public Sector Equality Duty

There are no known equality or diversity implications

Human Rights

There are no known human rights implications

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 of 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

Appendix 2: List of consultees

- Responsible Authorities for County Durham (the relevant licensing authority, the chief officer of police; the local fire and rescue authority; the relevant enforcing authority under the Health and Safety at Work etc. Act 1974; the local authority with responsibility for environmental health; the local planning authority; a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm; each local authority's Director of Public Health (DPH); the local weights and measures authority (trading standards); Home Office Immigration Enforcement (on behalf of the Secretary of State)
- All persons / bodies throughout the County holding premises licences or Club Premises Certificates including pubs, clubs, off licences, supermarkets, takeaways, restaurants and mobile food vendors
- Persons / bodies representative of local holders of Personal Licences
- Persons / bodies representative of businesses and residents in the County
- Safeguarding Children Board
- All Elected Members of Durham County Council
- Clerks of Town and Parish Councils throughout Durham County
- Safe Durham Partnership
- Durham CIU
- The British Beer and Pub Association
- The Federation of Licensed Victuallers
- British Institute of Inn Keeping (BIIB)
- Alcoholics Anonymous
- The Association of Licensed Multiple Retailers
- Equity
- North East Musicians Union
- Global Online Assessment for Learning (GOAL)
- Security Industry Authority
- Local MP's and MEP's
- Area Action Partnerships
- Citizens Panels
- County Durham Area Taxi Working Groups
- Safety Advisory Groups
- Business Support Managers
- Town Centre Managers
- Residents Associations
- Disability Groups
- North East Chamber of Commerce
- Night Time Economy Managers
- Local Multi Agency Problem Solving Groups
- Streetscene
- Community Safety Team
- Anti-Social Behaviour Team
- BALANCE

Appendix 3: Table of Responses – See Attached

Licensing Act 2003 – Review of Statement of Principles 2019

No.	From	Response Received
1	<p>Peter M. Aitken OBE. Secretary, Brancepeth Community Association .</p>	<p>Response: Your letter of 8 February refers. We are unimpressed that our thoughtful contribution to the National Review which should have informed your 2014 policy statement was not acknowledged. However, we are where we are. If you are seriously wanting advice on how to proceed, we are willing to participate.</p> <p>Our main point is that there should be a distinction between commercial operation and “not for profit” local charity fundraising initiatives. It seems to us that there should be a difference in charges, due to the difference in risk. Take for example our village hall. We hold 3 to 6 events a year where we include within the ticket price, the cost of a glass of wine at the start of an event. Since we do not set out to make a profit, – being a charity - only charging for what we sell, we are already in a loss position due to the TEN £21 licence fee. Before the 2003 Licencing Act came in we were charged £9.30 by the Justices. Even this small sum created losses. As soon as the Local Authority became involved due to the imposition of the new Act, the costs went immediately to £21. We were unable to see any increase in service or advantage to us for this outrageous 52% increase in cost.</p> <p>Our view is that since there is no question of competing with other licensed premises, the TEN licence fee for village hall/charity events should be “nil”, subject of course to notifying the Police etc that the event is taking place. Given that your aims are “The prevention of crime and disorder; public safety; the prevention of public nuisance, and the protection of children from harm”, none of these issues are central to normal village hall circumstances.</p> <p>I am copying this to Mid Durham AAP and our Parish Council. (Parish Clerk, for agenda).</p> <p>Comments: Fees for Temporary Event Notices are subject to national legislation, not local policy.</p> <p>The Licensing Act 2003 that requires authorisations for the sale of alcohol and it is Central Government that sets licensing fees. By law, the licensing regime administered by local government should aim to be cost neutral and fees are set nationally to achieve this.</p>

		No changes or amendments to policy can be based on this representation
2	Hannah Price Associate Poppleston Allen	<p>Response: Dear Sirs, we have received your letter in relation to the consultation of your statement of licensing policy.</p> <p>I have been on the website but cannot find your draft new policy? There are two links, but both take you to the current policy.</p> <p>There is nothing to suggest what changes the Council are proposing to make, which makes it impossible for anyone to consult on it?</p> <p>Please can you confirm what changes the Council are seeking to make? Or whether you will update the consultation page with a draft policy?</p> <p>Kind regards Hannah</p> <p>Comments: The website includes the following information:</p> <p>We are reviewing our current policy - We are now reviewing the current policy and we welcome your views and suggestions for improvements in the coming 5-year period.</p> <p>The letter we sent out also states: We would very much like to hear your views in relation to our current licensing policy. We would welcome any suggestions you may wish to make that might lead to improvements in our policy for the coming five-year period.</p> <p>We have not developed a draft revised policy in advance of the consultation, as to do so may attract accusations of pre-determination. At this stage, licensing officers are not making any proposals. Also, we are not currently aware of anything specific that any other organisation may want to see in the new policy, we can't include anyone else's proposals at this stage.</p>

		<p>The questions at this stage are straight forward and form the basis of this consultation: What do you think of our current policy? and do you have any suggestions as to how you think it could be improved for the future.</p> <p>No changes or amendments to policy can be based on this representation</p>
3	Hannah Price Associate Poppleston Allen	<p>Response: There is no cumulative impact assessment – are we to assume that one hasn't been completed? Or one has been completed but disregarded?</p> <p>Comments: A few years ago, we were part of a group that included the police, their analysts, legal advisors, Public Health and other responsible authorities which looked at the situation in County Durham. At that time there was no indication of the need for or the appropriateness of any special policies for our area. In short there was little available or identified evidence of any cumulative impact resulting from licensed premises in Co Durham. Durham Constabulary, The Police and Crime Commissionaire, public health etc. have not to date made any representations to the Licensing Authority on the basis of the existence or likely occurrence of crime/disorder, public safety issues or public nuisance resulting from any cumulative impact; in connection either with any licence applications, existing areas/premises or in connection with the need to do such work for the development of future licensing policy.</p> <p>Calls for a CIA has been made (see below) If we are presented with evidence to show that the number or density of licensed premises in any area is having a cumulative impact and leading to problems which are undermining the licensing objectives, we would review the situation and look towards the need for a CIP.</p> <p>No changes or amendments to policy based on this representation</p>
4	Nick Rippin Caseworker Office of Roberta Blackman-Woods	<p>Response: Many thanks for sending through confirmation of the review of the local authority's licensing policy.</p> <p>Roberta was grateful to receive this notice; however, she is very concerned about a number of aspects of this letter. First, the letter states that licensing authorities must prepare and publish a statement of their licensing policy every five years, where in fact the guidance from the Secretary of State indicates that this must be done at least once every five years. I have attached the relevant section of the guidance below for your information:</p>

MP for the
City of
Durham
Shadow
Minister for
Planning
and Local
Governme
nt

Licensing policies

1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.

As you will no doubt be aware, Roberta has for a number of years requested that the local authority review the licensing policy, given the number of issues that have been raised by Roberta and residents of Durham, and this guidance indicates that this could have been done at any time and it is extremely disappointing that the council have refused to move this forward when this was entirely in keeping with the Secretary of State's guidance.

Furthermore, Roberta is very concerned that this letter states that the council wishes to "consult with existing licensed premises and with organisations, persons and bodies representing responsible authorities and **most importantly, the licensed trade in our area.**" This statement appears to completely disregard the purpose of a licensing policy as outlined in both the Act and the most recent guidance. Both of these documents clearly state that the aim of the Licensing Act is to promote the four statutory objectives, which must be addressed when licensing functions are undertaken. Each objective is of equal importance, and the guidance itself states that the principles of the objectives include providing a regulatory framework that "reflects the needs of local communities" and "encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them."

It is difficult to see how any policy that considers the views of the licensed trade above those of responsible authorities, residents and their representatives can fully uphold the licensing objectives, rather than being focused on the economic and financial needs of the businesses operating in Durham. This is clearly not in keeping with the aims of the legislation. I have also attached the relevant pages from the Act and the guidance to this email.

As you will know, Roberta is holding a public meeting on Friday 1 March 2019 to discuss licensing with local residents and will be feeding this information back to the local authority as part of the consultation.

		<p>Comments:</p> <p>The current policy is considered sound in its application and interpretation and has been use effectively by applicants, responsible authorities and other interested parties since its adoption. In terms of who are consulted as part of the review, the guidance is quite explicit. Although we consult with the licensed trade and as licence holders, we encourage them to respond, this does not mean that their views are given any more weight or importance than those of anyone else who may respond. The purpose of the policy is to support the objectives and aims of the legislation. The consultation process is available for all with no one voice or organisation given more weight or credibility than any others.</p>
5	Jane Gilliead	<p>Response: Thank you for the opportunity to comment on the licensing policy</p> <p>I would like to comment on CCTV Data capture as you will be aware falls under GDPR AND DPA This commands registration with the ICO Wording of CCTV conditions are commonly worded with standards adhering to Durham Constabulary standards. Again, Durham Constabulary standards adhere to GDPR/DPA standards</p> <p>Should this not be reflected somewhere in the policy The ICO are pro-actively enforcing non-registration This is a criminal offence. Would a fine and appearance at magistrates Court be considered relevant for a premise licence holder?</p> <p>The trade is not aware of their obligations. This may not be the forum for the awareness.</p> <p>Or maybe it is.</p> <p>Comments: Improved/enhanced information and advice on use of CCTV and GDPR may be included in future policy and information on GDPR is included in the draft revised policy.</p>
6	Len Shield	<p>Response: Could I make the following comments that must be considered in your review?</p> <p>1/ section 2.10 refers to Disability Groups, please consult with the Durham access for all group.</p>

2/ section 2.18 in the current document refers to the Disability Discrimination Act 1995 This was incorrect then and it Should Be the EQUALITIES Act 2010 which is a consolidation act.

3/ section 11.15 Late night levy, starting hour must be changed 11.00pm or earlier and this levy must be charged and paid to the police.
The Council tax Police precept part is being increased due to government cuts and the general public are paying for policing the streets at night with in town centres when it should be the premises selling the alcohol.

As the licensing establishments are making profit by the sale of alcohol they must pay for the policing to cover the result that the alcohol causes.

I see no reason why rate payers who amount to probable 99% of the population and do not frequent the streets at night but end paying f Could I make the following comments that must be considered in your review.

Comments: In relation to disability discrimination. References to the Equality Act 2010 are made in the draft revised policy. The Durham Access for All Group will be added to the list of consultees.

In relation to the late-night levy. The starting times for licences that could be affected by a levy are set by government/legislation and the commencement is set at 11pm. They cannot be started any earlier.

Proposals for the adoption of a late-night levy generally come from Durham Constabulary and the Police and Crime Commissioner. A call for a LNL has been made by Durham City Parish Council and the planned CIA may also provide relevant information that could aid the decision making process in connection with this matter – this could influence future policy.

No recommended changes or amendments to the current policy based on this representation now. The draft revised policy does not include a LNL for Co Durham or any town or City within the County. It does however include information about LNLs.

7	Chris Batty (treasurer) Croxdale Community Centre	<p>Response: With reference to your letter of 08/02/2019</p> <p>Please note your records that this community centre does not retail or store any alcohol or tobacco products.</p> <p>Thank you.</p> <p>Comments: No changes or amendments to current policy can be based on this representation.</p>
8	John Spellman Chairman Castle Eden Cricket Club TS28 4TJ	<p>Response: Thank you for your letter dated the 8th February 2019</p> <p>As a local cricket club, we do hold a licence but very much to deliver a social service to the local sports community, rather than pursuing a wide range of entertainment projects. So, although we do hold a small number of events, the club generally supports a small network of social members and a small number of cricket team members. That said, we support the council's objectives in this area and will continue to support future initiatives so happy to work alongside you.</p> <p>In the specific areas that's bulleted in the email:</p> <ul style="list-style-type: none"> • Prevention of crime and disorder – we have had little trouble in this area considering we're quite remote. We have shuttered windows and doors with alarms and CCTV, so we try and protect ourselves as best we can. • Public Safety – Being a cricket club we need to be aware of the public in general and have processes and procedures in place. We also provide for disabilities with toilets and disabled access. We have never had any reason to question public safety on the premises. • The prevention of public nuisance – Like I say it's a cricket club and used essentially for that purpose – we have limited events but control and manage those events in a courteous and sensitive manner. Although we're surrounded by a residential area we seem to co-exist in a very amiable way and we don't tend to get any complaints • Protection of Children – we have approximately 20 people who hold current DBS certificates, from coaches through to committee members, bar and kitchen personnel. We also have 2 child welfare officers at the club, one male, one female and we have parental consent approval when required so we're well covered

		<p>Like I say I look forward to hearing from you in the near future and Castle Eden Cricket Club look forward to working with you in the future</p> <p>Comments: No changes or amendments to current policy can be based on this representation.</p>
9	David Duell	<p>Response: I have concerns over the number of premises operating in the City of Durham into the early hours of the morning. The number of food outlets in particular seems to have more than doubled over the last four years. I do not live in the City centre but have friends and colleagues who do and I know that their lives have been severely disrupted by antisocial behaviour and the general disturbance caused by many hundreds of people milling around the streets. Perhaps when the granting of a licence is being considered, the number of other premises operating in the vicinity could be considered. I would also like to see a restriction in the number of licences granted which allow operating after midnight.</p> <p>Comments: The respondent raises concerns over number of premises with late licences and voices concerns in relation to disturbance and anti-social behaviour not experienced by himself. To date we do not hold evidence for the need for a cumulative impact assessment or CI Policy (see below) the issue of cumulative impact can be raised at the application stage where evidence of such would need to be presented. In this manner, the number of existing licenced premises is and can be taken into consideration under the existing policy. Restrictions on the number of licences granted may only be applied by policy through the existence of a CIP, supported by evidence. Time restrictions may be applied via carefully considered applications with evidence-based decisions. A framework for operating hours already exists. While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social 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. Nonetheless, 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 in town and city centres. Other respondents have made calls for a CIA/CIP and this matter will be taken forward in due course. No changes or amendments</p>

		to current policy (CIP) can be based on this representation alone however, a planned CIA may lead to changes in policy later and this issue raised are worthy of further investigation.
10	Gilbert Stokoe	<p>Response: To whom it may concern, I see that you intend your policy to continue to promote the same four objectives. Why is the public not being asked whether or not the objectives themselves require scrutiny and change? The vast majority, if not all of those who visit licensed premises, do so in order to enjoy themselves in safety; your four objectives set out to ensure that this is mostly the case. However, the public expect more than that which the law demands; they are concerned about those other things that can affect its experience, amenities, cleanliness and such like. I offer no solutions, but merely ask why the objectives ignore the main concern of the public, namely that of their enjoyment, which must surely be its principal reason for visiting the premises in question. Yours sincerely, Gil Stokoe.</p> <p>Comments: The four licensing objectives are set by legislation. 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. It is not within the remit of DCC to question or scrutinise these four objectives when deciding on licensing policy that must be in accordance with national legislation and guidance. However, the legislation also supports several other, key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:</p> <ul style="list-style-type: none"> • 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, they need to effectively manage and police the night-time economy and act against those premises that are causing problems; • recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises; • providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

		<ul style="list-style-type: none"> • encouraging greater community involvement in licensing decisions and giving residents the opportunity to have their say regarding licensing decisions that may affect them. The revised draft policy contains more information and guidance that will help both applicants, responsible authorities, licensees and the public navigate the licensing processes. <p>Statements of licensing policy should set out the extent to which the licensing authority intends to facilitate a broad range of entertainment provision for enjoyment by a wide cross-section of the public. Statements of licensing policy should address what balance is to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. Licensing authorities should be conscious that licensing policy may inadvertently deter live music by imposing indirect costs of a disproportionate nature, for example a blanket policy that any pub providing live music entertainment must have door supervisors.</p> <p>No specific recommended changes or amendments to current policy are based on this representation however the draft revision contains information that may satisfy the respondent.</p>
11	<p>From: Rob Ferguson Sent: 29 March 2019 20:05</p>	<p>Response: I'm responding to this consultation as a resident in Durham City (DH1 postcode) and in connection with the 'Prevention of public nuisance' part of the policy. The existing policy document considers this only as regards the immediate surroundings of the licensed premises (paras 9.1+, also 12.14), but I suggest it also needs to consider public nuisance on the part of those dispersing after the premises close.</p> <p>I live around 10 minutes' walk from the nearest licensed premises, in a street with a mix of owner-occupied properties, properties let to young professionals, and student HMOs. Much of the City has been like this for a long time and more areas are becoming like it as student numbers expand. Since the extension of drinking licences to 2 a.m and 4 a.m.it is become normal to be woken up in the early hours by groups of students returning noisily from late-night socialising. Where I live this happens 2-3 times a week in term time. Noisy students are not a problem at 11-12 pm, but they definitely are at 2, 3 or 4 a.m. Please bear this aspect of 'public nuisance' in mind when reviewing the policy.</p> <p>best regards Rob Ferguson</p> <p>Comments: A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the</p>

		<p>licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.</p> <p>Nonetheless, 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</p> <p>Once away from the licensed premises, a minority of consumers may behave badly. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other mechanisms both within and outside the licensing regime that are available for addressing such issues. The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.</p> <p>No changes or amendments to policy (CIP) based on this representation however a planned CIA may be required and may provide evidence to determine whether a CIP is needed. Also, changes to framework hours may be considered by members.</p>
12	Sedgefield Town Council	<p>Response: Dear Mr Rudman,</p> <p>Review of Statement of Policy under the Licensing Act 2003</p> <p>Thank you for your recent letter dated 8th February 2019 giving us the opportunity to comment on Durham County Council's current licensing policy as part of your five yearly review. Based upon Sedgefield Town Council's experience of your Licensing Policy we would like to suggest the following improvements:</p>

• The Licensing Act 2003 requires the County Council to consult with local businesses and residents and their representatives. To ensure that this is carried throughout the County Council should include all Town and Parish Councils in the list of organisations automatically informed of any applications or variations. This would not only improve communications with the level of Councils most closely aligned to the local community but could also potentially save having to hold appeals when Town and Parish Councils find out indirectly and too late that application requests and variations have been considered.

• Darlington Borough Council's Licensing Policy states under item 9.5 that the maximum opening time for licensing purposes in residential areas is 11pm. Middlesbrough Council's Licensing Statement 2017/22 states under item 7.4 that no licensing activities are permitted after 11pm and premises are to close by 11.30pm. We feel both these points should be included in Durham County Council's Licensing Policy.

We look forward to hearing the outcome of your Review.

Yours sincerely,

Dr Jane Ayre,
Town Clerk

Comments: Guidance in connections with the Licensing Act 2003 sets out the requirements for consultation. The advertising, publication and notification of applications is prescribed in the Act and it should be noted that neither the Act or the regulations allow the licensing authority any discretion. Actions are being taken to drive forward on-line licensing systems and on-line public registers which may go a long way in meeting the aspirations of other bodies such as town and parish councils.

The Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each

		<p>application and must not impose predetermined licensed opening hours, without considering the merits of each application. Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so. Blanket restrictions and standard conditions cannot be justified and may be unlawful.</p> <p>No changes or amendments to policy (CIP) based purely on this representation alone however, changes to framework hours may be considered by members.</p>
13	Shildon Town Council	<p>Response: Dear Sir</p> <p>At a Meeting of the Town Council held on 8th April 2019 the Review of Licensing Policy was considered by Members of Shildon Town Council.</p> <p>Only one comment was made (Page 8) 4.1</p> <ul style="list-style-type: none"> • The retail sale of alcohol <p>Members felt this point should be defined to identify the areas where alcohol is sold, i.e. Pubs, restaurants, shops etc.</p> <p>No other comments were made with regards to the Review of the Licensing Policy</p> <p>Yours faithfully</p> <p>T A Bellas</p> <p>Comments: 4.0 Scope of the policy, 4.1 The licensable activities specified in the Act and covered by this policy, include:</p> <ul style="list-style-type: none"> • The retail sale of alcohol

		<p>The retail sale of alcohol refers to any premises and licensed area where retail sales of alcohol take place. Therefore, such activities do not include wholesale premises or any other premises that do not sell alcohol by retail. It would be possible to list the kinds of premises that do engage in retail sales such as public houses, restaurants, hotels etc. however it is not considered necessary that such a list of premises is vital for explanatory purposes. No changes or amendments to policy are recommended based on this representation.</p>
14	Jonathan Hobbs	<p>Response: Subject: Licensing: Guidance issued under section 182</p> <p>Dear Sir/Madam,</p> <p>I write regarding the "Revised guidance issued under section 182 of Licensing Act 2003" published 24 April 2018. I wonder if you could take a second to clarify a point.</p> <p>Under section 8. Applications for premises licences, parts 8.35-8.37 " Beer gardens or other outdoor spaces" it is stated that "in scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply. In such cases it will be not necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence."</p> <p>However, under "Changes to structure/layout", part 8.62 states "Many small variations to layout will have no adverse impact on the licensing objectives. However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by: • increasing the capacity for drinking on the premises; • affecting access between the public part of the premises and the rest of the premises or the street or public way, for instance, block emergency exits or routes to emergency exits; or • impeding the effective operation of a noise reduction measure such as an acoustic lobby."</p> <p>Would demolishing an external wall to join two outdoor areas and create a new beer garden come under "changes to structure/layout"?</p>

		<p>a) if the old and new beer garden do not appear on the plan? b) if the old beer garden appears on the plan but not the new one? c) both beer gardens appear but are not licensed for "on-sales"?</p> <p>In all scenarios you can assume that the gardens are used by the premises for off-sales drinking. You can also assume that the overall drinking capacity will be increased and that there may be some effect on access and noise reduction.</p> <p>I'd appreciate your clarification of this. Jonathan Hobbs</p> <p>Comments: This is not a policy consultation matter. This will not be responded to as part of the consultation process but has been passed to Licensing Administration for the provision of advice.</p> <p>No changes or amendments to policy can be based on this representation.</p>
15	Roberta Blackman-Woods MP for the City of Durham	<p>Response: RE: Review of Statement of Licensing Policy</p> <p>I am writing to you in relation to the review of the local authority's Statement of Licensing Policy, which runs until 3 May 2019.</p> <p>As you will know, along with local residents, I have for many years raised a number of issues relating to County Durham's Licensing Policy and its failure to address the unique challenges of Durham City as well as requesting on a number of occasions that the licensing policy be reviewed. As this review is finally taking place, I am getting in touch to once again raise a number of concerns, and I will address these in turn. My comments on this policy relate to many residents meetings that I have held over the years, a significant number of emails from constituents, and the most recent public meeting I held to discuss the issue of licensing on 1 March 2019.</p> <p>Structure of the Review</p>

	<p>First, as I raised in my response to the formal notification of the review, there are a number of issues with the process of this review itself. Within the text of the letter indicating that a review would be taking place, it is claimed that “licensing authorities must prepare and publish a statement of their licensing policy every five years”, where in fact the guidance from the Secretary of State indicates that this must be done at least once every five years.</p> <p>This means that the local authority could at any point in the last five years made the decision to carry out a review. Given the number of issues that I and others have raised over the years, it is disappointing that the council felt that this process could not be brought forward.</p> <p>Furthermore, in my response to the consultation notification, I highlighted my concern that the letter stated the Council was seeking to “consult with existing licensed premises and with organisations, persons and bodies representing responsible authorities and most importantly, the licensed trade in our area.” This statement appears to completely disregard the purpose of a licensing policy as outlined in both the Act and the most recent guidance. Both of these documents say that the aim of the Licensing Act is to promote the four statutory objectives. The guidance itself states that the principles of the objectives include providing a regulatory framework that “reflects the needs of local communities” and “encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.”</p> <p>It is difficult to see how any policy that considers the views of the licensed trade above those of responsible authorities, residents and their representatives can fully uphold the licensing objectives, rather than being focused on the economic and financial needs of the businesses operating in Durham. This is not in keeping with the aims of the legislation.</p> <p>As the Council will be aware, the aim of a licensing policy is to uphold and support the four licensing objectives outlined in the Licensing Act 2003. These are the prevention of crime and disorder; prevention of public nuisance; public safety and the protection of children from harm. There are no other licensing objectives contained within the Act, and each of these four is of equal importance, and must be the paramount consideration of any licensing policy.</p>
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Given the proliferation of licensed premises within the city, it appears that the Statement of Licensing Policy, and the process of determining licenses needs to be strengthened in a number of areas.

Current Licensing Process

Alongside the four licensing objectives, there are a number of issues relating to the current process of licence applications that must also be addressed. Paragraph 2.16 of the Statement of Licensing Policy states that “Licensing Services works almost exclusively with, through and for people”, yet it is hard to determine how this is achieved in practice.

It is clear from the correspondence I have received from residents on this issue, as well as the feedback I have been given at numerous public meetings, that many of those who live within the city feel that the steps that the Council take to ensure that new applications for licensed premises, or variations to existing licences are well publicised are simply not good enough. It is worth noting that planning applications received by the Council are displayed on the planning portal, yet should a resident wish to look at the details of a licence application, this can only be done by appointment at council offices located in Meadowfield. As the determination of licences can have a significant effect on those who live or work in the vicinity of the premises, it seems very unfair that people are presented with such an onerous task when viewing the details of an application.

It would be helpful if, as part of the review of the Statement of Licensing Policy the local authority would commit to greater transparency around applications, and ensure that residents living within the vicinity of the proposed establishment were better informed when a premises licence application has been received. It is also imperative that members of the public are able to view the details of a licensing application, either online as with planning applications, or at a location in the city. This could also potentially be expanded to other key locations throughout the county.

Indeed, Paragraph 9.2 of the most recent guidance indicates that hearings on licence applications should not take place unless representations have been received by the licensing authority, but it is apparent that in many cases people are simply not aware that an application has been made, nor have the opportunity to properly scrutinise the information submitted by the applicant.

Turning to the Statement of Licensing Policy itself, it seems that the current policy does not uphold the four licensing objectives, and I will address these in turn.

Public Safety

One of the key requirements of a Statement of Licensing Policy is that it promotes public safety, and it would appear that the local authority's current policy does not do this.

While some of the content of the policy is appropriate when applied to individual premises, such as the requirement that applicant discuss such matters as fire and building safety with the local authority, it is clear that the sheer number of licensed premises within the city centre is causing a wider safety concern.

In fact, the number of people leaving the Walkergate complex late at night and seeking transport home creates such a danger to the public that Durham County Council now closes Claypath to road traffic between 9pm and 4am on Friday and Saturday nights. Such drastic action indicates that this area has reached saturation point for bars and clubs, and public safety is a huge concern in the Walkergate area.

Alongside this, in February 2018, a young student died following a crushing incident while queueing outside a venue in the Walkergate complex. Although investigations are still ongoing, eyewitness reports at the time indicate that the area was full of people, and that it was not unusual for queues on busy nights to be disorderly.

It appears then that the continued approval of licences, and particularly late licences, in the City of Durham has led to a significant negative cumulative impact on public safety.

Prevention of Crime and Disorder

In paragraph 7.1 (Prevention of Crime and Disorder), the Statement of Licensing Policy indicates that licensed premises, especially those offering late night/ early morning entertainment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

The policy itself seems to acknowledge the issues around crime and disorder in paragraph 12.7 (Licensing Hours) which states that there is evidence to suggest that late night, alcohol-related crime and anti-social behaviour remains a problem in parts of the county. It goes on to say that the effect any such disturbance

	<p>may have “is a genuine matter to be considered when addressing the hours during which licensable activities may be undertaken.”</p> <p>Publicly available crime statistics indicate that reports to the police of the three offences most linked to alcohol consumption (Public Order offences, Anti-Social Behaviour and Violence) are concentrated in the Walkergate area and North Road (Appendix 1). Indeed, between March 2018 and February 2019, nearly fifty percent of these crimes that were reported to the police were concentrated in these two areas.</p> <p>This clearly indicates that there is an issues with overcrowding and saturation of venues in these areas, especially when considering that this reported crime rate is significantly in excess of other locations within the county (see Appendix 1).</p> <p>Given the above crime statistics, there is clearly an issue in Durham City that needs to be addressed, and this supports the argument that a specific policy for Durham City is needed, as other towns are not experiencing these issues to the same extent as Durham.</p> <p>Prevention of Public Nuisance</p> <p>Equally, the policy states in paragraph 9.1 (Prevention of Public Nuisance) that licensed premises that open late at night can cause a range of nuisances for people living, working or sleeping in the vicinity. These concerns relate to, amongst other things, litter; light pollution; noise and vehicles.</p> <p>It is clear from the feedback I have received from residents over many years that the policy in its current form is not upholding this licensing objective for people living in the city centre. The noise created by people moving around the city in the early hours of the morning is extremely disruptive, and many people feel the condition of the market place and the surrounding streets, particularly on a Sunday morning, is unacceptable, with a significant amount of litter left uncollected, and the city appearing dirty and unappealing.</p> <p>The issue of public nuisance is not just experienced by those living in the immediate city centre however. As Durham is a small city, many people choose to make their way home on foot. The immediate city centre is surrounded by residential areas in all directions, so whichever direction people choose to move through</p>
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	<p>the city, whether this be up Claypath towards Gilesgate, or through the city towards Neville's Cross, South Road or Framwellgate Moor, there will be disruption and noise for residents.</p> <p>Furthermore, Appendix B of the policy indicates the framework licensing hours – that is the recommended hours for the operation of licensable activities across County Durham. This appendix indicates that the recommended closing time for premises licensed for the sale of alcohol on Friday and Saturday nights is 1am, yet within the city there are a number of venues, mostly clustered around Walkergate and on North Road, that open to 2 am on Saturday nights. One is licensed until 2.30am. Within the Walkergate complex, four out of six bars operate until 2am on Fridays and Saturdays.</p> <p>While it is sensible for the local authority to produce a framework of suitable hours, what is not clear is how this framework was decided. As has been highlighted above, paragraph 2.16 of the Statement of Licensing Policy states that “Licensing Services works almost exclusively with, through and for people”, yet residents in the city clearly do not want licensed venues to be open to these hours. It is hard to determine therefore where the mandate for the Council to produce this framework comes from, or how the creep up to 2am for some venues has been allowed.</p> <p>This problem is exacerbated by the increasing use of Temporary Event Notices (TENS) by venues in the city centre. Current legislation allows for a venue to apply for fifteen TENS in a year, and this has seen a number of venues in Durham, particularly clustered around Walkergate, open until 4am for certain events. Given that there are six bars within the Walkergate complex, this could potentially lead to ninety TENS being granted over a year in this small area alone – nearly two a week. While the legislation may allow for this, the effect this will have on the local community has clearly not been considered by the licensing committee when granting licenses in such a small, residential city centre, and it is simply ridiculous that venues should be allowed to open to such early hours with such frequency.</p> <p>It is clear that this framework has not been fully considered or adhered to, and allowing the proliferation of licenses to this time has contributed to a cumulative impact of public nuisance in the city centre. It could equally be argued that moving away from this framework has had a significant impact on public safety and the prevention of crime and disorder.</p> <p>Protection of Children from Harm</p>
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In correspondence I have received, a number of residents and business owners indicated that drinking at weekends is starting earlier. This of course has an impact on families and visitors in the city, and the increased number of stag and hen parties visiting Durham mean that more raucous behaviour and inappropriate language is evident within the city at times when Durham should be particularly welcoming to visitors and families. The policy does state that applicants for a licence will be expected to demonstrate that suitable measures will be implemented to minimise disruption, but the sheer number of venues with licences in such a compact area is leading to a cumulative effect of significant volumes of people drinking in the city centre late at night, and increasingly during the day.

Cumulative Impact Policy

Given the above information, and the concerns that have passed on to me by residents of the city it seems that Durham City has reached saturation point for bars and clubs, and a specific policy is needed to address the licensing issues faced by Durham City Centre.

Durham is a small, compact city with very challenging topography, and a significant number of licensed premises. It is also home to Durham University, which has in the region of 17,000 students, most of whom live within the city centre.

The area that could be considered the centre of Durham covers approximately one square mile, yet contains in the region of forty licensed premises, mostly concentrated in Walkergate and North Road. A number of these premises operate with late licenses on Friday and Saturday nights. Alongside this, each college at Durham University also contains a bar that is open to students.

The compact nature of the city centre, the unusual topography of the area, and the concentration of licensed premises mean that the blanket policy for the county does not address the unique issues within Durham, and a more targeted approach to licensing within the city centre must be taken. As the local authority will be aware, this can be achieved through the introduction of a Cumulative Impact Policy, via a cumulative impact assessment.

Cumulative impact assessments were introduced in the 2003 Act by the Policing and Crime Act 2017 and are the method by which a licensing authority measures the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. The most recent revised

	<p>guidance issued under section 182 of the Licensing Act 2003 provides further detail on this in paragraph 14.21:</p> <p>“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 as a result of 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.”</p> <p>Indeed, Durham County Council’s own Statement of Licensing Policy itself recognises the potential cumulative effect of the number, type and density of licensed premises in a given area in Section 11, and in paragraph 11.2 states that “Where there is evidence that such a problem exists, the Licensing Authority may decide that it is no longer appropriate for any further licensed premises to be established or variations to existing licenses to be made in the area, and that a Policy relating to cumulative impact should be adopted.”</p> <p>The local authority does not have to look too far to find an example of a successful cumulative impact policy, with Newcastle City Council introducing such measures in seven different areas of the city. The Statement of Licensing Policy adopted by Newcastle City Council states in paragraph 7.1.1.</p> <p>“There is evidence of a clear positive relationship between increased outlet density and alcohol consumption in adults and young people The evidence shows that increases in alcohol outlet density tend to be associated not only with an increase in alcohol consumption, but also increased alcohol-related crime and violence and under-18 alcohol-specific hospital admissions. Also where licensed premises are clustered together within an area they are more likely to compete on price and promotions which can lead to increased consumption and alcohol related injury and violence.”</p> <p>Newcastle City Council has also gone one step further in ensuring that these special policies are as effective as possible, by introducing two different policies, which apply to different types of licensed premises and with different requirements for each zone (Appendix 2).</p>
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	<p>Given that Newcastle is a significantly larger city than Durham, with a much more clearly defined area for city centre activities, it is astonishing that Newcastle City Council have put in place seven Cumulative Impact Policies, yet despite all the representations made by myself, residents and others over many years, Durham County Council has not yet introduced a single one.</p> <p>Another example of how a Cumulative Impact policy can be applied can be found in Cambridge City Council's Statement of Licensing Policy (Appendix 3). Within this document, the Council also identifies several different areas across the city, and in some cases goes as far as to break these down to individual streets.</p> <p>Chester is another historic city, such as Durham, that has residents living in close proximity to city centre activities, and a further example of how a Cumulative Impact Policy can be used to minimise disruption and promote the licensing objectives can be found in the Statement of Licensing Policy of Cheshire West and Chester Council. Within this policy, paragraph 11.3 states that:</p> <p>"The Council introduced the Cumulative Impact Policy in parts of Chester because of the impact on the promotion of the licensing objectives of the number, type and density of licensed premises in the area defined in the Special Policy. The concentration of licensed premises in this area has led to problems of noise, nuisance, crime and disorder outside of, or a distance from licensed premises particularly late at night or early in the morning..."</p> <p>A good example of how existing legislation can be used to define uses within an area can be found in Lambeth's Statement of Licensing Policy (Appendix 4). This policy not only contains a Cumulative Impact Policy, but also specifies which areas of the borough are considered to be Major, District and Local Town Centres, and outlines what the Council expects from applicants in these zones. This is also a great example of how local authorities can protect residential areas, and how local people can be more involved in the licencing process, as this policy requires all applicants to canvass residents' views before submitting an application and producing an operating schedule.</p> <p>Given that Durham County Council is currently examining responses to the recent consultation on the County Durham Plan, which contains analysis of sub-regional and town centres, it would seem a simple step for this work to be applied to the Statement of Licensing Policy, and requirements for applicants to</p>
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	<p>properly canvass the views of people in areas that contain residential properties should be adopted by the local authority as part of this review.</p> <p>It is clear therefore, that there are steps that Durham County Council can take to properly uphold the licensing objectives within the city, and to deal with the issues that have been raised with both myself and the local authority for many years. This is not the first time I have raised with the local authority how other areas of the country are doing licensing much better however, and is a matter of great sadness and distress to the people of Durham that this information has not been acted on previously to strengthen</p> <p>It is therefore imperative that the local authority urgently carry out a cumulative impact assessment on Durham to address these issues.</p> <p>The evidence that local authorities can draw on when carrying out a cumulative impact assessment is outlined in the revised guidance (paragraph 14.29) and includes local crime and disorder statistics; crime hotspots; anti-social behaviour offences; health related statistics; environmental health complains, particularly in relation to litter and noise; residents questionnaires; evidence from elected members and information gathered through consultation.</p> <p>In fact, Durham County Council's own Statement of Licensing Policy outlines the process that the Council would follow in order to introduce such a measure. Paragraph 11.5 states that, should the local authority be minded to introduce a Cumulative Impact Policy, then concerns relating to crime and disorder or public nuisance must be identified and consideration must be given as to whether it can be evidenced that incidents of crime and disorder and nuisance are arising from and caused by the customers of licensed premises. If so, then the local authority must identify the area from which problems are arising or whether risk factors are such that the area is reaching a point when a cumulative impact is imminent. Following this, consultation must take place with the prescribed statutory consultees on the content of the policy.</p> <p>It is clear that evidence exists of a significant negative cumulative impact of licensed premises on the city centre already, and it is important that, as the local authority are already consulting on the Statement of Licensing Policy, that a cumulative impact assessment is carried out as soon as possible.</p>
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The Statement of Licensing Policy indicates that “residents need to live and work in a safe and healthy environment”. It seems apparent from the correspondence I have received, and no doubt from that received by the local authority, this is simply not the experience of many living in the city centre.

Furthermore, as indicated above, investigations are still ongoing into the death of a student in Walkergate in February 2018. It would be helpful to know when the Council expects the outcome of these investigations to be known and, given that the review of the Statement of Licensing Policy is happening now, how any recommendations made by the final report will affect the Statement of Licensing Policy should that be needed.

I urge Durham County Council to acknowledge the specific issues affecting Durham and take steps immediately to carry out a cumulative impact assessment and introduce a specific licensing policy for Durham City Centre.

Yours sincerely

Comments:

Structure of the Review

Licensing Authorities can review and renew their policy any time within a five-year period.

The current policy is considered sound in its application and interpretation and has been use effectively by applicants, responsible authorities and other interested parties since its adoption

We consult with the licensed trade and as licence holders we encourage them to respond, this does not mean that their views are given any more weight or importance than those of anyone else who may respond. The purpose of the policy is to support the objectives and aims of the legislation therefore your points on this matter is disputed. The consultation process is available for all with no one voice or organisation given more weight or credibility than any others.

Current Licensing Process

The process followed by Licensing Services upon receipt of an application or variation is that which is prescribed. In addition to the displaying of notices, Durham County Council Licensing services also send

	<p>the information to every County Councillor who will be aware of the application whether it is in their ward boundary or not.</p> <p>It is accepted that applications for Planning permissions are dealt with differently to applications under the Licensing Act. This is because of the differences that exist between planning and licensing legislation.</p> <p>It is recognised that vicinity of a proposed establishment is not defined.</p> <p>Any resident or interested party can submit a review of any premises licence at any time. This includes Councillors and MPs. Any persons or organisations who consider that the activities at the premises do not uphold the licensing objectives may make representations, so although on occasions a resident may be unaware of an application before it is granted, should the grant of that licence cause concerns linked to the objectives, there is a swift prescribed process to follow which could lead to an effective remedy.</p> <p><u>Public Safety</u></p> <p>It is accepted that many instances of crime and anti-social behaviour can be caused by those under the influence of alcohol. The data provided does not correlate the actual nature of any of the offences and number of licensed premises and does not directly attribute crime numbers or rates of increase in crime directly with licensed premises.</p> <p>It is of course likely that some of the crimes reported are related to alcohol consumption and with the night time economy however, without further information there is no way to identify exactly what the data is showing.</p> <p>It is recognised that certain categories of crime are on the increase nationally. It is also recognised that alcohol consumption is reducing, especially amongst younger age groups. It is difficult to support an assumption that increasing crime levels shown by unqualified, numerical data proves or even indicates that the root cause is the number of licensed premises under these circumstances.</p> <p>Durham County Council's Alcohol Harm Reduction Strategy 2015-20 incorporates information and data produced a few years ago when this same issue was being explored. Based on this information, the document states "<i>the overall density of licensed premises was not directly correlated with the rate of alcohol related events within the local areas. However, alcohol -related events (particularly ambulance call-</i></p>
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outs and hospital admission episodes) were positively correlated with Index of multiple deprivation scores". The same document also states that "In County Durham alcohol is now consumed more in the home than in pubs and clubs. Many pubs and clubs are closing as they are unable to compete with the cheap price of alcohol from off trade supermarkets"

Evidence from the earlier study did not support the necessity for a CIP in any area of the County. I accept that circumstances *may* have changed since the last study however, that remains to be evidenced.

The road closure in Claypath was brought about because of problems associated with taxis and private hire vehicles queuing up a narrow street, blocking the road and ranking outside residential properties. The measures were introduced to alleviate concerns from residents and the emergency services on traffic matters. This measure resulted purely from road traffic, road safety and access related issues. This road closure is not an indication that the area has reached saturation point for bars and clubs.

The City Safety Group have worked closely with ROSPA on many aspects of safety within the City and their findings in the Licensing Review report was that there was "no absolute correlation identified between footfall and incidents of crime".

One of the recommendations in the report is to "Consider allowing the increase in the number of licensed premises to maintain the ratio of capacity to student numbers" and concludes "The City of Durham has put in place different measures to ensure that the night time economy is properly managed. This is achieved through a mix of measures applied by venue operators, the University and the Council. The measures in place are largely well co-ordinated between the different stake holders through the Pub Watch scheme. The recommendations made should not detract in any way from the good standards of operation that were seen during periods of observation"

Prevention of Crime and Disorder

Durham City has a significant night time economy in comparison to other areas of County Durham and will attract visitors from outside of the County and probably the region. Statistics for Durham City, Bishop Auckland and Barnard Castle, all show a rise of violent crime and sexual offences. There has been no evidence provided that these increases are because of the number licensed premises and their trading hours.

Prevention of Public Nuisance

Licensing law is not the primary mechanism for the general control of nuisance and anti-social 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. Nonetheless, 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. Inevitably there will be noise generated from any night time economy and it is unclear at this stage not known how or if a licensing policy could prevent this.

The existing framework hours were decided by Full Council upon adoption of the policy following a consultation process. Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The current approach including the framework hours was discussed with and recommended by elected members of the General Licensing and registration Committee to Full Council prior to the adoption of the policy.

As part of this policy review members may wish to amend those hours but this may depend on the consultation feedback and when evidence or justification can be provided.

Although the recommendations are within the policy, in accordance with legislation and licensing guidance, each application should be considered on its own merits and if applicants are able to demonstrate that later hours could be appropriately addressed then through negotiation or at a hearing, it may be possible for later hours to be allowed. However, should any responsible authority or interested party wish to review any licence based on a premise not promoting one or more of the objectives and they have evidence to show that, a review may be taken.

Temporary Event Notices (TENs) do allow for premises to operate outside of their standard hours. The Police and Environmental Health can and do object to TENs when they consider it necessary. As the process and number of TENs is prescribed, any Policy changes could not restrict these further

Cumulative Impact Policy

An assessment of the need for a cumulative impact policy in various areas of the County, including Durham City, was carried out in 2014. At that time there was insufficient evidence to support the introduction of such a policy in any of the areas identified. However, despite the recent ROSPA recommendation of "allowing

	<p>the increase in the number of licensed premises to maintain the ratio of capacity to student numbers”, the Licensing Authority will undertake to carry out a Cumulative Impact Assessment to see if the situation has changed since the last time these issues were considered. Such an assessment involves personnel from many sections of the authority as well as external organisations and agencies. CIA’s cannot be completed quickly, and it would not be possible to commission a CIA for County Durham and expect it to be completed before the policy is to be adopted in October. However, should following the publication of a CIA it be found necessary to implement such a CIP, whether that be in Durham City or elsewhere in the County, the policy would then be revised accordingly.</p> <p>Should an area have a CIP, this will not have the effect of reducing the number of licensed premises in that area and would not reduce their hours of trading. A CIP also does not preclude other licences from being granted, but it does reverse the presumption to grant under the Act. Such a special policy once adopted may be challenged and contested either by Judicial review or by individual applicants. Therefore, they must be based on good, supporting evidence. Any good policy should set out the evidence base for restraint, be that in relation to controls over the number of licensed premises or the hours during which they may operate.</p> <p>We have had the benefit of research carried out by a student intern from Durham University to consider recommendations/good practice from other licensing policies which will be fed into the draft revision. However, it is recognised that there is no one size fits all policy and it would be inappropriate, without the necessary evidence, to compare one authority’s policy to another, especially considering the unusual topography and demographics of each area.</p> <p>A key objective of the County Durham plan is the expand the night time economy offer through the promotion of responsible drinking practices and through the development of alcohol-free alternatives. As the Licensing policy has been consulted on widely to both the public, responsible authorities and the trade we would hope that this objective can be supported further in the future through the new policy.</p> <p>The Licensing policy cannot address all concerns that exist around the night time economy and the effects of alcohol consumption. A planned CIA may provide the Council with information that could lead to future changes to licensing policy.</p>
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16	<p>From: Caroline Gardner Sent: 16 April 2019 11:49</p>	<p>Response: Subject: RE: Review of Durham County Council's Statement of Licensing Policy</p> <p>Hi Helen</p> <p>Just to let you know that I have read the document and have the following queries –</p> <p>Does the document need to reference wider enforcement powers such as the ‘CPW’ and ‘CPN’ in respect of ASB linked to alcohol?</p> <p>Reference the ‘MAPS’ and ‘TLP’ process regarding addressing lower level locality issues?</p> <p>Reference access to the First system in respect of accessing Police and DCC reports of ASB displayed on the mapping screen of this system? (as well as access to other data held in this system)</p> <p>Include an approach to addressing increasing violence linked to the NTE?</p> <p>Thank you Caroline</p> <p>Comments: Reference may be made to these wider enforcement powers Reference may be made to the ‘MAPS’ and ‘TLP’ process Reference may be made to these sources of information More assessment and information necessary to address this within the policy if anything relevant and meaningful is to be included. A CIA may provide the evidence that may be used to inform future policy changes.</p>
17	<p>Donna Gracey Corporate Governanc</p>	<p>Response: DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY 2019- 2024 CONSULTATION Punch Taverns Response</p>

<p>e and Estates</p>	<p>Punch is one of the UK's largest leased pub companies, with around 1300 pubs across the UK. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.</p> <p>We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations.</p> <p>Under the ownership of Patron and May Capital, we have exciting plans to grow our business: longer term through potential acquisition opportunities and – in the here and now – by substantially investing in our teams, our pubs and Publicans.</p> <p>Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.</p> <p>The Punch Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used pub managers and team members.</p> <p>As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported Drinkaware’s campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice. We also support industry led initiatives to promote responsible retailing and are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).</p> <p>We are pleased to be able to contribute to this consultation, we have always prided ourselves with working with Local Authorities and Responsible authorities.</p> <p>Punch Taverns are the landlords of 20 licensed premises within Durham County and therefore is one of the largest premises licence holding companies in the council area. We would ask therefore that the opinions expressed in this consultation response are given due weight in these circumstances.</p> <p>We have considered the existing policy and base this response on best practice we have seen around the country in terms of not just policy documents, but also in relation to how best councils can seek to frame their licensing remit to ensure that the correct balance between operators being able to thrive and residents having proper protections within the remit of the four licensing objectives.</p>
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Response to consultation

Section 3: Integrating Strategies and Avoiding Duplication

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1Licensing policies works best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area.

Often it can be difficult to find these documents online and therefore reference to them and indeed a general statement that the authority will take into account other strategies is both a pertinent and of benefit to applicants and responsible authorities alike.

Links to specific strategies, will also assist new potential businesses to understand and factor in the likely costs of entry into the city. We note a reference to 'Plymouth plan for plastics, later in the policy. We feel that this should be referenced in the general section too under the above heading.

Planning

2We would also urge you to clarify in your policy that where conditions are stipulated on a planning permission, such as restriction on hours or activities, these do not need to be repeated in the premises licence, unless there is good reason to do so. Often conditions relating to extract systems, closing times of external areas, etc. appear on both permissions and on occasion they do not even mirror the other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.

3 Para 6.5 Promoting excellent standards of management

Whilst we support the council making it clear the council's intentions to promote excellent standards of management, there is little pre-amble to give context to the examples then provided. A significant number of the examples given have little or no relevance to the majority of licensed premises, being more relevant to larger nightclubs and late night venues. As such, we suggest that this important message would be better made with a reference beforehand along the lines of:

'The council recognises that individual premises will all need to assess their own management needs to establish best practice. Therefore what would be good practice at one premises may be a financial or otherwise unnecessary burden on another. The examples below are indicative of different measures that premises managers/ licence holders may wish to consider to assist them in improving management standards:'

**4Para 6.11: Layout and Operation of Premises-
Security measures and CCTV**

We note that the policy does not make reference to the GDPR

One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.

For instance, the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV condition's to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal. Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate

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reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest licensing officer or police officer would arguably breach GDPR were it to be enforced. This means that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an operator to breach GDPR.

Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be

made clear to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR. We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.

5Section 7.0: The Prevention of Crime and Disorder

The prevention of crime and disorder is one of the four licensing objectives and clearly a major pillar of licensing legislation. However, we have become increasingly concerned that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises. For instance, when Police present evidence of crime and disorder in relation to licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as licensed premises but generally. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises.

Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included. We feel it is important that the council recognise in their policy that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing authority's expectation is that they will only be presented with evidence where it directly relates to the licensable activities being provided within the premises themselves.

6Section 9: Prevention of Public Nuisance

The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier- one that was not intended by the Licensing Legislation. We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence.

Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to

public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.

7Para 9.4: Tables and chairs on the highway

External areas, especially gardens and enclosed spaces laid out to tables and chairs, are often attractive in their own right, as well as promoting businesses. Where they are on council land, they can be useful sources of revenue for local authorities. We would ask that your policy refers specifically the tables and chairs policy in place, with links to where application forms can be found on the council website etc. Whilst not strictly related to the Licensing Act 2003, the council policy document is a useful guide to licence holders and the more information that can

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be provided about ancillary matters, the more likely it is that licence holders and applicants will use this resource.

8Section 11: Cumulative Impact

We suggest that this section needs to be updated since the change in law has put cumulative impact on a statutory footing and requires Cumulative Impact Assessments every three years (maximum).

We note that your policy excludes cumulative impact zones, and we feel that this is appropriate in these circumstances.

Cumulative impact policies can have the effect of dissuading operators from even attempting to get a licence. This unintentionally penalises operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in the CIP. For the same reason, such policies also promote ubiquity and stagnation as the only operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. Given the plight of the pub market 5 years ago and now the casual dining market, in part because their offers failed to change as the market developed around them, the use of CIPs needs careful oversight to ensure it is not deterring investment

Cumulative impact assessments need to be scrutinised with an open mind. Stagnation will kill a vibrant area and CIP's, if left to choke the area they were designed to protect can do as much damage as good. If a CIP is deemed necessary, we would expect that it clearly and explicitly states the type of premises that it intends to apply the rebuttable presumption to, for instance, nightclubs or off-licences, rather than just applying to all licensed premises. This would allow for an area to gradually adapt and change with the policy, so long as the policy then adapts and changes to the area.

9Section18: Conditions

Whilst Punch Taverns recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right. Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with. We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area. Punch has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class, This has taken over from a proper analysis of the need for such conditions in the first place. In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it.

The case of Taylor v Manchester City

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Council makes is clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that operators are unlikely to challenge their right to impose such conditions where the cost would be send the matter to a hearing.

We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees. Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Also, licences grandfathered in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

10 Appendix B: Framework Hours

Whilst we appreciate the reasoning behind setting out framework hours, we feel that unless it is clearly expressed to be the case in the appendix that such hours are only to be a guideline, they tend to be taken as hours an applicant can expect to be granted or hours that a committee are expected to limit applications

to. This can have the effect of dissuading applicants from applying outside of these hours where they would otherwise have good reason to do so and where the application would not undermine the licensing objectives and may also influence committee members to limit otherwise perfectly legitimate applications.

Other matters we would ask the committee to consider referencing in the policy

11 On and Off-Sales

Recently we have become aware that the definition of on and off-sales has caused some confusion. In particular there appears to be confusion around whether an off-licence is required for customers to take drinks outside a premises, for instance onto the pavement, and consume their drinks there.

We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off'

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sales originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

As such, we feel that this needs to be clarified in the policy. We would propose a statement along the following lines:-

"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person

who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.

An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it"

12 Agent of Change

Whilst we recognise that the principle is currently being debated in terms of planning, it is equally as important in licensing. We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development. In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.

We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.

13 Minor Variations

The use of minor variations is a very useful tool and we feel that your policy should reflect this. Minor variations are there to ensure that cost and time is saved where appropriate for applicants seeking to make changes to their licence that would not undermine the objectives. We feel it would assist if you set out in your policy those applications that would fall ordinarily within the minor variation class. We would propose these are as follows:-

- Changes to layout that do not increase the customer area (beyond a de-minimis increase of, we would suggest, 10%).
- Amendment and removal of conditions in agreement with responsible authorities.
- Changes to opening times to allow for earlier opening for premises for non-licensable activities, ie. to permit premises to open to serve coffee and/or breakfast.
- Removal of conditions that are no longer relevant to the operation of the premises or are redundant following imposition of new law, such as the Regulatory Reform (Fire Safety) Order 2005.

Submitted for and on behalf of Punch

Comments:

1 further reference to other policies that may be of use to applicants etc. can be included

2 further clarification and guidance on the interface between planning and licensing regimes can be provided in the appendix

3 Further explanation may be provided to expand on the subject of good management practice, especially in relation to smaller licensed premises.

4 Policy to be updated in relation to GDPR and its application to licensed premises

5 The Council cannot dictate what information or evidence organisations and individuals might present in cases of contested applications and reviews. It would be in connection with the circumstances of each case that any such data and information would have to be tested to give weight to any argument presented by any organisation and for the applicant to challenge the use/misuse of such data and information should they wish to do so. The promotion of the four licensing objectives is of paramount importance in every case.

6 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains **its broad common law meaning**. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise because of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

	<p>As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living near the licensed premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should know other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.</p> <p>Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. Therefore, there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.</p> <p>7Any existing tables and chairs policy may be referenced. See appendix showing other relevant strategies, policies etc.</p> <p>8Although the law has put CI on a statutory footing it is not the case that the law requires cumulative Impact Assessments every three years (maximum).</p> <p>A cumulative impact assessment (CIA) <u>may</u> be published by a licensing authority. <u>If</u> a CIA is published, then after publishing a CIA, the licensing authority then must, within three years, consider whether it remains of the opinion set out in the assessment.</p> <p>In determining or revising its policy, a licensing authority must have regard to any cumulative impact assessments published by it under section 5A. To date we have not published one. If a CIA is carried out and evidence for the need for a CIP is found, then the Council may adopt a CIP as part of future policy.</p> <p>9The Council will adhere to legislation and statutory guidance in relation to the use of conditions.</p> <p>10the purpose, use and interpretation of the framework hours will be clearly stated and explained in the policy.</p> <p>11The council will apply the provisions of legislation and guidance in relation to both on and off-sales of alcohol. Clarification and definition may be provided in the glossary to the policy.</p> <p>12Agent of change is principally a planning issue and the Council would expect such considerations to be identified, addressed and resolved via the planning process in most circumstances and situations.</p>
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		<p>13 Greater clarification of the minor variation process with examples may be provided in the new policy to assist licensees and applicants</p>
18	Balance Consultation Response	<p>Response: Balance welcomes the opportunity to respond to the County Durham Statement of Licensing Policy (SLP) consultation and our submission covers a variety of points. We acknowledge that we have been asked to comment on the previous Statement of Licensing Policy and we feel that there are several points which should be considered for inclusion in the new document.</p> <p>Proposed Amendments and additions</p> <p>Para 2.13 – We feel that this paragraph should be revised, as the Government has previously set out a commitment to developing a new national alcohol strategy. In addition, the Government is currently developing a ‘Prevention Green Paper’, which may include content around alcohol and supersede any plans to launch a dedicated alcohol strategy document.</p> <p>Balance was involved in an informal consultation event for the national alcohol strategy, with an indication that the document would potentially cover three key themes:</p> <ul style="list-style-type: none"> • Preventing and reducing harmful drinking (preventing dependency, improving pathways into treatment, preventing re-offending); • Tackling vulnerability (Support individuals who are vulnerable to harm due to their own misuse of alcohol); • Professionalisation of the licensing regime (provision of good quality training, improving the statutory guidance, sharing good practice with local regimes). <p>As noted above, we are not entirely sure whether the national alcohol strategy will be finalised and launched, or whether the Prevention Green Paper will set the direction of travel for the future. However, it is worth acknowledging that the three themes above are potentially of importance from a national perspective and should be considered in redrafting the SLP.</p> <p>Para 2.15 – Balance sits on the County Durham Drug and Alcohol Harm Reduction Strategy Group. With this in mind, we believe that the paragraph should be replaced with the text below:</p> <p>Key objectives within the County Durham Alcohol Harm Reduction Strategy 2015 – 2020 Plan on a Page are</p> <ul style="list-style-type: none"> • Prevention and early intervention • Providing specialist interventions to promote recovery • Protecting children and vulnerable adults at risk • Strengthening leadership, management and governance

	<p>We believe that point 6.11 should be amended as follows:</p> <p>Alcohol health awareness – A recent report, produced by Balance, entitled “Are we kidding ourselves?” showed that around 550,000 North East adults are drinking above the recommended low risk guidelines of 14 units per week. In addition, the report concluded that many higher risk drinkers were not aware of the health risks associated with alcohol, nor were they accessing the necessary information around units. Key findings were as follows:</p> <ul style="list-style-type: none"> • 89% of people in the North East drink alcohol compared to 78% across the UK. • 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. <p>[Source: Balance report, “Are we kidding ourselves” – March 2019]</p> <p>Taking all of this into account, there is clearly an information deficit when it comes to the Chief Medical Officers’ low risk drinking guidelines of 14 units per week.</p> <p>Balance believes that responsible licensees can contribute to increasing the health intelligence of the population by promoting the Chief Medical Officer’s (CMO) low risk guidelines; and that this could be embedded within the SLP. We would like to see the inclusion of example conditions within the SLP to encourage responsible licensees to make a positive contribution to improving alcohol health awareness and reducing potential alcohol health harms. For example, such conditions could ask licensees to ensure that:</p> <ul style="list-style-type: none"> • Chief Medical Officer (CMO) low risk guidelines are displayed on at least one prominent point within in the premises. (14 Units per week (for both men and women) taken over a number of days) • Unit information (and calorie data if available) is displayed on any drinks menu available. • Free (tap) water is available and the offer is visible to customers. <p>General Comments – Price and Promotion</p>
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	<p>The context in which we consume alcohol has changed significantly over recent years, with massive shifts in levels of consumption, availability and pricing. There are almost 8,000 premises licensed to sell alcohol in the North East - giving the region one of the highest outlet densities in the country. At the same time, alcohol has become much more affordable, costing 64% less in real terms than in 1987 . These shifts have contributed to a striking increase in alcohol-related harms across the North East, which suffers from some of the highest rates of alcohol-related hospital admissions, mortality and morbidity.</p> <p>In the North East and across England as a whole, we are increasingly choosing to drink at home. This is explained, at least in part, by the availability of cheap alcohol via the off-trade; alcohol bought from the off-trade now costs on average one third of the cost of alcohol bought from the on-trade :</p> <ul style="list-style-type: none"> • Figures released by the British Beer and Pub Association (BBPA) show that of the 44m hectolitres (7.74bn pints) of beer sold during 2015 in the UK, 51% was sold by the off-trade, mostly through supermarkets . • The amount of alcohol sold by the on-trade has dropped by 40% between 2001 and 2008 – alcohol duty policies have helped the on trade more than the off-trade. • The number of UK off-licenses has increased by 25% in the past 30 years, fuelled by the expansion of supermarkets and convenience stores (Tesco Metros etc.) • Off-licenses are the predominant direct and indirect source of alcohol for under-18s, with growing international evidence linking off-license density with a range of negative alcohol-related consequences. All of this is hugely challenging and creates a new environment when it comes to licensing. Balance believes that used creatively, the Statement of Licensing Policy is one of the key tools at our disposal to reduce alcohol harms within our communities. Cheap, strong alcohol is a particular scourge and there is a clear correlation between cheap alcohol and harm. As the price of alcohol increases, consumption and harms reduce and several localities have implemented voluntary minimum unit price (MUP) schemes, to positive effect. For example, Newcastle City Council has a MUP condition in its SLP as follows: <ul style="list-style-type: none"> • There is strong evidence that setting a minimum unit price will have an impact on reducing alcohol consumption. The Licensing Authority would therefore like to encourage all licensed premises to apply a minimum unit price of 50p to all alcohol 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 Committee may decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.
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We hope that County Durham will consider embedding a similar approach to pricing within the new Statement of Licensing Policy. It would also be helpful to include a strong expectation around opening and closing times, ideally with the aim of preventing on-trade premises selling alcohol before 10am and closing after 2am and restricting trading hours within the off-trade.

From an advertising perspective, there is overwhelming evidence that alcohol marketing profoundly influences children. It encourages them to drink earlier and once they have started, it encourages them to consume more; and it is both the content and volume of advertising and marketing that causes the damage. Similarly to pricing, we believe that the SLP can set out a bold approach to restrict the exposure of children and young people to alcohol marketing. For example, we believe that the document should set out an expectation that alcohol should not be advertised within a 400m radius of schools, children's homes, external to petrol stations, within licenced taxi cabs, or in other locations which are likely to be seen by high numbers of children and young people. From a wider perspective, we would encourage the council to consider a ban on alcohol advertising on all council owned advertising spaces.

The impact of alcohol

Whilst we appreciate that public health is not a licensing objective, Balance believes that public health considerations must be placed at the heart of the Statement of Licensing Policy. Alcohol is a leading cause of preventable morbidity and mortality, representing one of the most immediate challenges for County Durham. The harm caused by alcohol is immense and, when it comes to health harms, growing:

- Public Health England data estimates that 1.7% of adults in County Durham are dependent drinkers, equating to around 7,000 people. This means that County Durham is ranked in the top 30% of Local Authorities with the highest percentage of dependent drinkers.
- Among those aged 15 to 49 in England, alcohol is now the leading risk factor for ill-health, early mortality and disability and more working years of life are lost in England because of alcohol-related deaths than from the ten most prevalent cancers combined.
- Alcohol is a risk factor in over 200 health related conditions, including liver disease, cardiovascular disease and at least seven types of cancer.
- Harmful alcohol consumption costs the NHS an estimated £3.5bn a year. The North East has the highest rate of alcohol related hospital admissions in England, totalling over 71,800 in 2017/18, with costs to the NHS estimated to be in excess of £200m.
- The level of unmet treatment need for alcohol dependence has been increasing since 2013, with an estimated 4 in 5 alcohol dependent adults not accessing treatment.

		<p>Alcohol is also a huge issue for children and young people and Public Health colleagues from County Durham council are closely involved in a package of work co-ordinated by Balance, around the promotion of an alcohol free childhood. From a health perspective, the 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:</p> <ul style="list-style-type: none"> • 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. • Alcohol can affect a child’s mental health and wellbeing. It is linked to stress, depression and self-harming behaviour. • Children are smaller, which means alcohol’s effects work more quickly. Alcohol poisoning can result in young people being admitted to hospital or worse. • 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 as a result of violence. • Children’s bodies are still developing through the teenage years. We know that drinking alcohol can affect their liver, bones, hormones and their growth. <p>We believe that the council has a responsibility to embed a preventative approach throughout the SLP, both to contribute to the prevention of wider alcohol-related health harms (as outlined above) and also to protect children from harms associated with alcohol. The latter is clearly one of the core functions of licensing and the SLP could outline a number of expectations which would promote an ‘alcohol free childhood’ and support innovative approaches, for example:</p> <ul style="list-style-type: none"> • An expectation that licensees would display point of sale information highlighting CMO guidelines for children and young people and pregnant women; • An expectation that events aimed primarily at families would not be granted licenses for the sale of alcohol, or that alcohol sales would be confined to small areas of the event site; • An expectation that licensing applications would not be received for places frequented mainly by children and aimed at meeting their needs (e.g. soft play areas); and • An expectation that licensed premises would have ‘alcohol free’ spaces set aside for families. <p>Conclusions</p>
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		<p>Taking all of the factors above into account, Balance believes that improving the public health of the population needs to be central to the development of the new Statement of Licensing Policy for County Durham. Whilst we appreciate that the promotion of public health is not a mandated function of the document, alcohol causes a raft of health harms across Durham, which can only be addressed through concerted, partnership working. At the same time, the protection of children from harm is a central objective of licensing and we believe that the SLP could be a crucial lever when it comes to promoting approaches in line with an 'alcohol free childhood'. We would urge partners in County Durham to be bold and innovative when it comes to redrafting the policy and consider including a range of expectations (such as voluntary limits on opening hours, pricing etc.), which would ensure that licensees across the county made a positive contribution to preventing alcohol harms.</p> <p>CMO for England (2009) Guidance on the consumption of alcohol by children and young people. 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. PHE (2018) Local Alcohol Profiles for England. 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. CMO for England (2009) Guidance on the consumption of alcohol by children and young people.</p> <p>Comments: Although Health is not a licensing objective, the information and date provided in this response may be included in the policy documentation for information purposes. See appendix of draft revised policy</p>
19	City of Durham Parish Council	<p>Response: 1 Introduction</p> <p>The City of Durham Parish Council is pleased to be given this chance to comment on the current operation of the 2014 to 2019 Licensing Policy and to suggest amendments for the revised version. These comments are based on the Parish Council Licensing Committee's experience of working with Durham County Council's Licensing Policy since May 2018. As individuals, Committee members have varying degrees of experience over several years of making representations at licensing hearings. In considering how far and in what way the current Licensing Policy may require revision or updating the City of Durham Parish Council is very conscious of the significant changes taking place in its area due to</p> <ul style="list-style-type: none"> • many new retail and leisure developments including several licensed premises • the rapid recent and ongoing expansion in student numbers from 13,250 in 2003 to 21, 500 in 2026

		<ul style="list-style-type: none"> • the building of numerous large Purpose-Built Student Accommodation blocks, each housing several hundred young people, located in close proximity to, or in the midst of, well established residential areas thereby increasing the likelihood of more early hours disturbance. <p>2 General statement</p> <p>There is a widespread feeling that the current Licensing legislation is no longer fit for purpose in the constraints it imposes on local decision making but until change can be progressed at a national level the comments below reflect concerns expressed about licensing in the Parish area.</p> <ul style="list-style-type: none"> • The City of Durham Parish Council recognises that whilst many of its younger residents are not 'children' within the meaning of the Act, many are thousands of miles from home, maybe for the first time, living and working in social settings whose expectations they may not be familiar with and subject to unsought social and commercial influences. • The City of Durham Parish Council believes it has a duty to support the health and well being of all those it represents. This includes both long standing, permanent residents and those who are only in the city for 3 or 4 years. • The City of Durham Parish Council also has to balance the part played by licensed premises in the local economy (particularly the city's tourism goal of increasing the number of overnight stays) with the right to a comfortable and healthy life of those living and working in the city. • In view of the media attention being given to mental health issues the City of Durham Parish Council would like much greater involvement of Public Health in Licensing Policy. • Disappointment has been expressed about the absence of comment on particular alcohol license applications from Responsible Authorities and would ask if the new Statement of Policy will have anything to say about this part of the decision-making process. Further, with the rapid and massive expansion of the University across the County the City of Durham Parish Council requests that they are added to the list of Responsible Authorities <p>3 Comments on the Statement of Licensing Policy 2014 -2019</p>
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	<p>1 In para 1.01 Introduction the City of Durham Parish Council believes the University of Durham has now grown so large - and is still growing - that it warrants a longer and more specific reference than ' a historic University'. Taken together the staff and students are virtually a separate community within the city and claims are made of its significant economic impact across the County.</p> <p>2 The City of Durham Parish Council is pleased that in para 2.5 the Licensing Authority recognises that 'residents need to live and work in a safe and healthy environment'. In light of the moves to more early hours closing it would like this to be followed by ' and to enjoy their right to a good night's sleep as enshrined in the UN's declaration of Human Rights.'</p> <p>It is noted that Public Health England's Guidance note - Alcohol Licensing: a guide for public health teams - states that 'PHTs make sure that licensing policy and applications consider the health and well being of local communities'.</p> <p>This is important because in the City of Durham Parish area there is now growing evidence from all sides that noise between midnight and 4 am is occurring so regularly that many peoples' health is suffering because of disturbed sleep.</p> <p>The City of Durham Parish Council believes that the current policy does not give enough weight to the need for the negative health impacts on local communities to be assessed by public health teams who have access to relevant data and this evidence should be taken into consideration when new premise license applications are considered.</p> <p>Additionally, it would be helpful if the final words of para 2.5 were plainer e.g. 'and to require licence holders to display sensitivity to the impact of their premises on local residents.'</p> <p>3 In para 2.7 the list of priorities and plans taken into account could usefully include Durham University Policy on Student Alcohol Awareness and Use.</p> <p>4 para 2.10 whilst many college bars may have been included individually, the list of bodies consulted in determining the statement of policy should include Durham University. Also, those management companies running Purpose Built Student Accommodation blocks which have bars.</p> <p>5 para 3.3 The City of Durham Parish Council recognises the need to avoid unnecessary duplication and feels that planning and licensing procedures would benefit from much closer alignment if not full integration. Any proposals brought forward to address this by the House Commons Select Committee on Licensing will be most welcome.</p> <p>6 para 6.1 sets out the 4 Licensing Objectives. In the current climate of growing concern about mental health, especially among younger people, there is a feeling that the time has come for Legislation to be amended to introduce a 5th objective dealing with alcohol related health issues. The City of Durham Parish</p>
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	<p>Council urges Durham County Council to be at the forefront of any campaign to amend legislation accordingly.</p> <p>Meanwhile it is hoped the Licensing Authority can find a form of words in para 6.4 to emphasise their intention to increase partnership working with Public Health and other relevant organisations on community health matters, both when considering revisions to the Policy Statement and considering individual licensing applications.</p> <p>7 The City of Durham Parish Council is grateful for the policy on 'promoting excellent standards of management' in para 6.5 but hope more can be done on reducing the potential for public nuisance outside a premise by requiring 'effective design and management of external areas'.</p> <p>Also, consideration should be given to the introduction of a general requirement for no bottles, cans or bins to be moved between say 11pm and 7am again on grounds of preventing public nuisance. This is an increasing problem in the City's narrow streets with more cobbled yards and passageways being used for business waste storage.</p> <p>8 With patrons now leaving one or another premise until the early hours most nights there is a growing problem of noise disturbance across the city. We would like the dispersal policy to be strengthened by much earlier reduction of music volume, use of any available screens for announcements about respect for neighbours and other residents on the way home etc. It is hoped the revised Statement of Licensing Policy can find a way to support the growing campaign around the "Shh 11-7" message being promoted by local residents' groups in conjunction with the University.</p> <p>9 The City of Durham Parish Council has expressed a very strong preference for a rolling back of the time licences may be granted from 4am to 2am. However, we recognise that the trade will argue margins, costs, viability, competition from other areas, preloading on cheap supermarket drinks, student bars etc. However, with public nuisance and disturbance continuing to escalate there is a growing risk a) to public health and b) to the tourism economy with stagnation in the number of visitors staying overnight.</p> <p>10 Anti social behaviour and nuisance are also dealt with in para 6.12. The City of Durham Parish Council strongly supports calls for the city centre Public Space Protection Order to be reinstated when it expires. In conjunction with the final bullet point a provision being introduced whereby a licence review automatically takes place each time a premise changes ownership would be welcome.</p> <p>11 The City of Durham Parish Council has no comments to make on Sections 7 and 8 of the current policy. In Section 9 para 9.6 it is reassuring to see that means of reducing the potential for a premise to be a source of public nuisance should take into account 'the needs of the local community.'</p>
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		<p>12 In Section 10 Protection of Children from Harm para 10.13 the adequacy of a policy expecting 'at least one member of staff for every 50 children present' for a licensed entertainment with no mention of any other accompanying adults is questionable as this leaves 49 individuals unsupervised or guided if one needs adult attention.</p> <p>13 The City of Durham Parish Council applauds the inclusion of Section 11 on Cumulative Impact. In view of the steadily increasing number of premises licensed to sell alcohol in the city centre the Licensing Authority is urged to proceed with all speed to consult widely and begin to collect the evidence needed for the introduction of a Cumulative Impact Policy for the city centre. We appreciate that the issue is complex and will require all partners to be fully engaged.</p> <p>14 The City of Durham Parish Council favour the introduction of a Late-Night Levy in the City Centre. However, we appreciate the implications for all other licensed premises throughout the County. Should the parties named in para 11.17 decide to introduce a LNL the City of Durham Parish Council would support work by the Licensing Authority to bring forward proposals for its design and administration.</p> <p>15 The City of Durham Parish Council would like the Framework Hours to permit the sale of alcohol no later than 2am throughout the County for the reasons set out in para 12.7/12.8 and in conjunction with para 12.9 - "concerns expressed by residents".</p> <p>4 Further Comments</p> <p>Since its inception in 2018 the City of Durham Parish Licensing Committee has become very aware of the hard work done by and the support offered by the Licensing Authorities Officers involved in managing the Licensing system.</p> <p>The following comments are made in case they can be added into revised Statement of Policy 2019-2024.</p> <p>a Applications should be available on line in the same way as planning applications to allow easier public access. If they have to be redacted this should be the responsibility of the applicant, saving Licensing officer time.</p> <p>b A register of all licensed premises operating between 12am and 6 am should be readily available so that an informed decision can be made taking into account the number of licensed premises within a given area.</p> <p>c Information about TENS should be more widely publicised so the public know how they are operated and for local residents to know when there is likely to be additional late-night noise.</p> <p>d The Glossary could usefully include definitions of student and minimum unit price</p>
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	<p>however we will explore opportunities for closer working arrangements and where this is reasonable, practical and lawful. See also proposed appendix on planning and development control.</p> <p>3 6 opportunities to work closer with public health may be explored</p> <p>3 7 non-mandatory general and blanket conditions cannot be applied to premises licences however greater emphasis on the noise from premises and waste disposal activities may be included</p> <p>3 8 more examples of good practice at reducing noise from premises may be included.</p> <p>3 9 the licensing process allows applicants to apply for late licences and for responsible authorities and others to object should they consider the licensing objectives may be undermined or to promote the objectives. Framework hours are open to discussion and amendment</p> <p>3 10 a PSPO is not part of the licensing policy.</p> <p>3.11 A provision being introduced whereby a licence review automatically takes place each time a premise changes ownership would be unlawful, and the council would be acting ultra vires if it attempted to introduce such a requirement. – reviews must be called for by Responsible authorities or others and cannot automatically occur as a matter of policy</p> <p>3 12 guidance on matters such as supervision are not set by Licensing but come from experts in the field of child protection</p> <p>3 13 section 11 sets out what a CIP is. To date there is insufficient evidence to support the need for a CIP however a CIA may be carried out and if evidence supporting the need for a CIP is found, a CIP could be developed.</p> <p>3 14 To date there has not been call for a LNL. However, an assessment may be carried out, possibly as part of a CIA and if evidence supporting the need for a LNL is found, a LNL could be developed.</p> <p>3 15 the proposal can be considered by Members</p> <p>4 further comments</p> <p>aCurrently all applications are put on the Council website and steps have been taken to add the operating schedules.</p> <p>Bsuch information may be available following the development of a licensing portal which does not exist presently</p> <p>c such information may be available following the development of a licensing portal which does not exist presently</p> <p>dglossary information can include a definition of MUP – which currently does not exist as a national requirement in England</p>
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		<p>esuch information is known to the responsible authorities but in most cases data protection and GDPR would exclude such personal information from the public domain</p> <p>fno comment</p>
20	<p>Amanda Healy, Director of Public Health for County Durham</p>	<p>Response: The Public Health response to the County Durham Statement of Licensing Policy consultation covers a number of points. It identifies the Public Health amendments to the current document to reflect updated polices, services and other information that has change since the publication of the previous Statement of Licensing Policy.</p> <p>It also provides additional Public Health content to be considered for inclusion in the new Statement of Licensing Policy. Lastly, we provide evidence of the impact of alcohol on County Durham to support the suggested inclusions. This information is all publicly accessible and can be included in the Statement of Licensing Policy at your discretion.</p> <p>Public Health is assured that responsible authorities in County Durham have robust structures in place to respond to their own licensing objectives, (crime and disorder / public safety / public nuisance / protection of children from harm), therefore, the Public Health response is focused purely on a population health perspective.</p> <p>Please note – these amendments and inclusions are based on the current format of the Statement of Licensing Policy. If the format or layout of the new Statement of Licensing Policy is vastly different or requires a rewording of the content, then my team is available to you to develop and agree the final wording. In this instance please contact Sean Barry, Public Health Practitioner sean.barry@durham.gov.uk 03000 265 434</p> <p>Amendments and additions</p> <p>Para 2.12 – Replace County Durham Alcohol Harm Reduction Strategy 2009 – 1012 with County Durham Alcohol Harm Reduction Strategy 2015 – 2020</p> <p>Para 2.13 – This paragraph needs revising as the government are currently developing a new national alcohol strategy.</p> <p>From the information we have the key themes for the new national alcohol strategy may cover are:</p> <ul style="list-style-type: none"> • Preventing and reducing harmful drinking (preventing dependency, improving pathways into treatment, preventing re-offending); • Tackling vulnerability (Support individuals who are vulnerable to harm due to their own misuse of alcohol);

		<ul style="list-style-type: none"> • Professionalisation of the licensing regime (provision of good quality training, improving the statutory guidance, sharing good practice with local regimes). <p>Para 2.14 – The paragraph should be replaced with the text below.</p> <p>Local and national evidence continues to identify links between the consumption of alcohol and alcohol related crime and alcohol related health harm. Alcohol is a contributory factor of violent crime, domestic abuse, sexual violence, anti-social behaviour 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.</p> <p>Up-to-date statistical information for alcohol related harm can be found on Durham Insight https://www.durhaminsight.info Durham Insight 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.</p> <p>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. While the protection of public health is not a licensing objective we have seen closer working with Public Health colleagues. Coupled with the regulation of alcohol licensing and increasing standards of premises which are licensed to sell alcohol, the Local Authority Licensing Policy can continue to contribute and reduce alcohol related harm.</p> <p>Para 2.15 – The paragraph should be replaced with the text below.</p> <p>Key objectives within the County Durham Alcohol Harm Reduction Strategy 2015 – 2020 Plan on a Page are:</p> <ul style="list-style-type: none"> • Prevention and early intervention • Providing specialist interventions to promote recovery • Protecting children and vulnerable adults at risk • Strengthening leadership, management and governance
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	<p>Para 2.16 – In respect of health inequality the content of the last sentence of this paragraph can be updated with the text below.</p> <p>Licensing Services works 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 it is taking action to ensure all aspects of service delivery addresses equality and diversity issues. In addition this policy aims to contribute to addressing issues of health inequalities and poor outcomes for the people of County Durham.</p> <p>In addition, we know health inequalities due to alcohol harm in County Durham is 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.</p> <p>The Licensing Authority recognise 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.</p> <p>Para 3.2 – The content of the paragraph can be updated with the words ‘public health’ in the highlighted text below.</p> <p>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 also to obtain information on the effects of this Policy on local regulated entertainment.</p> <p>Para 6.10 – The content of the paragraph can be updated with the words ‘health promotion’ in the highlighted text below.</p> <p>The Licensing Authority 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.</p>
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	<p>Insert new title after Para 6.10 – The new paragraph should be titled alcohol health awareness and contain the following text.</p> <p>6.11 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.</p> <p>Responsible licensees can contribute to increasing the health intelligence of the population by promoting the Chief Medical Officer (CMO) guidance.</p> <p>The Licensing Authority would see the following steps taken by responsible licensees as a positive contribution to improving alcohol health awareness and reducing potential alcohol health harm.</p> <ul style="list-style-type: none"> • 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 a number of days) • Unit information (and calorie data if available) is displayed on any drinks menu available. • Ensuring free (tap) water is available and the offer is visible to customers. <p>Para 9.8 – Takeaways and fast-food outlets. A second paragraph to be added as follows</p> <p>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 Licensing Authority would see the following steps as a contribution to reducing health harms and health inequalities.</p> <ul style="list-style-type: none"> • 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 <p>Para 10.4 – The content of the paragraph can be updated with an additional sentence in the highlighted text below.</p> <p>The Licensing Authority 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</p>
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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.

Page 48 - Primary Care Trust should be replaced with Public Health Team. Alcohol Harm Reduction Co-ordinator should be replaced with Director of Public Health. The address remains the same.

General comments and observations

Over the last ten years alcohol consumption has changed. We have seen a shift in people drinking alcohol in the home ; a decline pubs and clubs; an increase in the purchasing of alcohol from supermarkets and shops and an increased knowledge of the health harms associated with alcohol.

As the Statement of Licensing Policy is about the effective control of alcohol within our communities we believe that the Licensing Authority advice in relation to a voluntary minimum unit price of 50p and the availability of high strength products (Para 6.7, 6.8) should move to a statement of intent to review in appropriate circumstances. An example is provided below, adapted from Newcastle City Council.

There is strong evidence that setting a minimum unit price will have an impact on reducing alcohol consumption. The Licensing Authority would therefore like to encourage all licensed premises to apply a minimum unit price of 50p to all alcohol 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 Committee may decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.

We know that alcohol advertising has significant impacts on young people starting to drink and those who do drink drinking more. We believe that there should be some restrictions in the licensing policy on where alcohol can be advertised for example not within a 400m radius of schools, external to petrol stations or within licenced taxi cabs.

We believe potential applicants would benefit from a best practice completed application form as a guide and this should include specimen conditions and the reason for these conditions. We believe that giving

	<p>guidance to applicants about what the Responsible Authorities and the public expect in relation to the sale of alcohol (both on and off the premises) and late-night refreshments will improve both the standard of applications and the management of new premises.</p> <p>This has the possibility of saving time and money that Responsible Authorities spend on challenging and negotiating applications for premises licences. We would be happy to provide the Licensing Authority with the specimen conditions that we have already developed.</p> <p>The impact of alcohol on County Durham</p> <p>Whilst we appreciate that public health is not a licensing objective we believe that the Statement of Licensing Policy needs to be placed in context with the alcohol related harms that are apparent in County Durham. This information is presented below and is publicly accessible and can be included in the Statement of Licensing Policy at your discretion.</p> <p>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.</p> <p>Alcohol has a significant impact on a range 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.</p> <p>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).</p> <p>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).</p> <p>All indicators in figure 1 below are statistically significantly worse in County Durham than England.</p> <p>* = statistically significantly worse than England</p> <p>Figure 1: Consumption of Alcohol in County Durham 2011-14. Source: PHE</p> <p>Treatment – It is estimated that 1.7% of adults in County Durham are dependent drinkers; this equates to around 7,000 people.</p>
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		<p>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.</p> <p>Figure 2 provides a summary of the last three years activity for alcohol treatment in County Durham.</p> <p>Figure 2: Alcohol treatment in County Durham 2014/15 to 2016/17 Source: PHE</p> <p>Local Health Profile – For all of 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.</p> <p>Figure 3: LAPE 2018 summary for County Durham, key indicator values and national ranking. Source: PHE</p> <p>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.</p> <p>Figure 4: Cost of alcohol harm in County Durham, 2015/16. Source: Balance, 2018.</p> <p>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.</p>
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	<p>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:</p> <ul style="list-style-type: none"> • 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. • Alcohol can affect a child’s mental health and wellbeing. It is linked to stress, depression and self-harming behaviour. • Children are smaller, which means alcohol’s effects work more quickly. Alcohol poisoning can result in young people being admitted to hospital or worse. • 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 as a result of violence. • Children’s bodies are still developing through the teenage years. We know that drinking alcohol can affect their liver, bones, hormones and their growth. <p>Alcohol health awareness – Significant numbers of people in the North East continue to drink at risky levels. More worryingly, many of us are drinking above those guidelines consider ourselves to be moderate drinkers and remain oblivious to the risks we are taking.</p> <p>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.</p> <ul style="list-style-type: none"> • 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.
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		<ul style="list-style-type: none"> 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. <p>Alcohol: Are we Kidding Ourselves? report from Balance (2019)</p> <p>We believe the suggested amendments and additional content proposed for the new Statement of Licensing Policy will complement the range of alcohol intervention provided within County Durham. In addition, improving the public alcohol health awareness knowledge can contribute to population level behaviour change and reduce some of the significant health issues we face in relation to alcohol consumption.</p> <p>Yours sincerely</p> <p>Amanda Healy Director of Public Health</p> <p>Comments: Although Health is not a licensing objective, the information and date provided in this response may be included in the policy documentation for information purposes. See appendix of draft revised policy</p>
21	Durham Safeguarding Children Partnership	<p>Response: Currently, we assess applications around 4 themes related to this objective</p> <ul style="list-style-type: none"> Challenge 25 Prevention of under-age sales Staff training Maintaining a refusals register Preventing proxy sales <p>I’d propose a further 2 aspects be considered as part of the consultation exercise</p> <ul style="list-style-type: none"> A strengthening of guidance in relation to Under 18s attending licensed premises for events e.g. 18th birthday parties (see guidance attached) Secondly, perhaps more difficult to stipulate/enforce is to put greater responsibility on licensed premises to report in concerns within or immediately outside of their premises. What I’d have in mind is:

		<p>Safeguarding is everybody's responsibility. There is a responsibility on us all to report in concerns that we are made aware of. These might also be concerns that occur immediately outside of as well as within your 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. Or, if you are concerned about a child call First Contact on 03000 26 79 79</p> <p>Comments: Changes to current policy and proposals included in draft revision.</p>
22	Shan Sandanarajah	<p>Response: I refer to your letter dated 8th February 2019 with regards to Licensing Policy I would like to draw your attention.</p> <p>I do agree with the current policy on all four of your main objectives; Prevention of Crime, Public Safety, Prevention of public nuisance, Protection of children from harm.</p> <p>However, I recommend the council to facilitate retailers for taking part in age restricted sales courses and encourage the staff to take active responsibilities in the society.</p> <p>Responsible retailing is the core for protecting children from harm.</p> <p>Other councils already provide free courses for Licensed business communities.</p> <p>Kind Regards</p> <p>Shan</p> <p>Comments: The policy supports well trained retailers to know their responsibilities under the act in connection with the protection of children from harm. Trading Standards may provide responsible retail training and the policy may signpost enquirers to this section of the organisation.</p>
23	Durham City	<p>Response: 1</p>

<p>Chamber of Trade</p>	<p>The Durham City Chamber of Trade was founded in 1913 as the then City of Durham and District Chamber of Trade. The name change was introduced by constitutional amendment in 2003, otherwise the Chamber's written constitution and objectives have remained the same. The primary objective is:</p> <p><i>“For the association of traders, professional people, services and other interested people persons to consider and promote such lawful measures as may further the trading and commercial interests of the members of the Chamber and Durham City and its neighbourhood.”</i></p> <p>Application for Membership of the Chamber is open to all individual companies or firms interested in or engaged in business in Durham City. It is a “non-trading” entity in its own right, with neither profit objective nor any individual business aim.</p> <p>2</p> <p>This is the first occasion in the Chamber's one hundred and six year history that it has felt compelled to respond formally, to a review of the County Council's licensing policy. The author is a partner in a business that has traded in Durham city centre since 1966.</p> <p>The Chamber fully supports the submission by the City of Durham Parish Council Licensing Committee in its Response to Durham County Council Licensing Policy Review. - Request for Comments; both in “2 General Statement” and “3 Comments on the Statement of Licensing Policy 2014 -2019”.</p> <p>However, the Chamber of Trade's principal concern is with afternoon binge drinking. Currently this is inadequately monitored, often ineptly managed and mostly ineffectively policed; directly producing public nuisance, disorder and anti social behaviour that is drastically bringing about the rapid decline of the “daytime” city retail and tourist related city centre economy.</p> <p>3</p> <p>Although licensed premises obviously do produce city centre “footfall” and input substantial commercial activity, this should be controlled in some meaningful way. It should not be widespread and indiscriminate across Durham City centre as it currently is, and frequently at the expense of the reasonable enjoyment of the public realm by the “average, non-intoxicated” member of the public.</p>
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		<p>The jobbish, aggressive, rowdy, noisy and often intimidating behaviour of “afternoon binge drinkers in Durham”, is especially off-putting to vulnerable and younger people, parents / guardians and children, or visitors to the City who are unprepared for the “wild-west” environment often created by adult drinkers, (sometimes quite elderly); often intimidating the public or blocking roads and footpaths, particularly so on Saturday afternoons from circa 3.00pm onwards.</p> <p>The real world consequence of the drive to expand the euphemistically termed “evening economy” is to create an anti social environment, shunned both by local people and tourists in ever increasing numbers. Consequently this is having a demonstrably negative impact upon Durham city centre trade and employment; that is significantly attributable to anti social behaviour in public areas, resulting primarily from excessive alcohol consumption. This is particularly exacerbated by alcohol consumption immediately outside some poorly managed licensed premises.</p> <p>If invited by the appropriate committee, I should be happy to substantiate the above remarks regarding anti social behaviour and public nuisance, with photo and video evidence.</p> <p>Yours faithfully</p> <p>Peter Jackson Acting Secretary</p> <p>Comments: 1no comment necessary 2the 2003 licensing act only came into operation in 2004 See responses to Parish Council in relation to supported matters. 3this is outside the scope of the Licensing Authority and Licensing policy. A CIA may provide relevant information to address these matters. 3Any evidence of poorly managed premises and resulting problems should be reported to the police/licensing authority. A CIA may find any ‘evidence’ useful</p>
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24	British Beer & Pub Association Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR	<p>Response: Introduction</p> <p>The British Beer & Pub Association is the UK's leading organisation representing the brewing and pub sector. Our members account for 90% of the beer sold in the UK and own around 20,000 of Britain's pubs. The pub plays a vital role in community cohesion and social life in Britain. They remain one of the few places where communities can come together to socialise. The British pub has been part of people's lives for hundreds of years. First and foremost, they are businesses which serve their local communities and contribute much to the social life of each and every community. The pub sector has enormous potential to generate economic growth and create jobs. It can also play an important part in local regeneration projects and has been at the heart of the regeneration of many of our key towns and cities over the last fifteen years. A major study undertaken by Oxford Economics in 2018 clearly identifies the significant local impact of brewing and pubs. Currently over £1.5 billion is invested in the pub sector per annum. Indeed, pubs are labour-intensive businesses so this investment directly correlates to jobs. Pubs employ 600,000 people across the UK, often providing vital work in small towns and villages. Indeed, 45% of those employed in the sector are aged 16-24 providing a vital route to work and first career-step for many young people. Across Britain, 30 million people visit Britain's pubs each month, with over 15 million people drinking beer. BBPA's Response to the consultation on the Statement of Licensing Policy (SoLP) for 2020-2025</p> <p>We note that:</p> <ul style="list-style-type: none"> • the only document provided for consideration is the existing 2014-2019 Statement of Licensing Policy; • no changes are being proposed by the Council as part of this consultation. Instead, the "consultation" would appear to be more like a call for evidence, seeking suggestions and evidence from stakeholders for possible changes to the SoLP; • the intended implementation of the new SoLP from the end of October 2019, but that there are no plans to have a further consultation if the Council wishes to make any changes to the current SoLP for the 2020-2025 version. We would strongly advise that if the Council decides to make any changes to the current version, these must be consulted upon before a decision is taken whether or not they are implemented; • there are no changes to opening hours guidelines; • Section 11.0 of the SoLP includes details of how a Cumulative Impact Policy might be established, and how a Late Night Levy might be introduced. We also note that there are no proposals to introduce either. <p>We propose that no changes are made to the SoLP other than:</p> <ul style="list-style-type: none"> • the references in paragraph 6.5, 7.5 and 10.4 to the suggested use of Challenge 25 should be changed to Challenge 21, which is the widely-used industry standard used by pubs; • to update any references to legislation that have been superseded or newly introduced.
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		<p>Comments: Some relevant comments in relation to the use of the challenge 21 scheme which the respondent refers to as the industry standard. It is recommended that the policy continues to reference and promote the challenge 25 scheme which is supported by the local public and safeguarding of children's board representatives and which offers a high standard of protection for young people who may be under the age of 18 and who could attempt to purchase alcohol.</p>
25	Durham Constabulary – Police Harm Reduction Unit	<p>Response: From: Caroline Dickenson Sent: 27 February 2019 11:11 To: Rachel Stockdale <Rachel.Stockdale@durham.pnn.police.uk> Cc: Dean Haythornthwaite <dean.haythornthwaite@durham.pnn.police.uk> Subject: Statement of Licensing Policy comments</p> <p>Hi Rachel</p> <ul style="list-style-type: none"> • First point and by far the most important I feel needs addressing at the very start of the policy is what happens if people don't comply with the policy? What are if any the consequences? - this is a recurring question throughout the policy. The policy often refers to "good practice"... but what happens if people aren't following this practice? I think this needs to be clear. • Secondly, it would be useful if the Licensing Authority/Committee chose to deviate from the policy in granting an application that contradicts it eg sits outside framework hours, then there should be some clear justification and rationale for this which can be read, for example on the notice of determination. In the absence of this the policy is at risk of becoming meaningless • 7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

	<ul style="list-style-type: none"> • 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 is 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. <p>“Someone” is a little vague – the nature of being open for business means surely there’ll be “someone” present and this wording leaves “wiggle room”. We have seen in other Authorities’ statements that they require specifically a “personal licence holder” to be on the premises (for example see 11.5 of the Darlington Policy). We have been on several visits (far too many to count) with the licensing authority where the DPS/manager or anyone of any responsibility is absent and we are simply greeted by a “member of staff” who cannot answer any questions. I’ve yet to see any reference by the licensing authority to this section of the policy in such circumstances or any action taken. 6.1.3 of the Newcastle City Council states that the DPS should be present in excess of 50% of a seven day week, these are clear. It also prevents the same person being DPS at more than one place, it would be physically impossible to adhere to this requirement.</p> <ul style="list-style-type: none"> • A minor point but in the existing policy there are two 12.10s and two 12.11s • 12.14 – The framework hours – we use this hours as the basis of our objections and have in the past found that licenses are granted beyond these hours. Its our understanding that stepping outside of the policy should be the exception, if the policy is to include hours and remain a meaningful document then there should be some clear reasons why a decision has been taken to step outside of this. • Promoters – Newcastle City Council use the below wording around promoters, we would support and suggest that this could be replicated within the Durham Policy: <p>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 in the event that it is required whether or not the event in question has been “promoted” and run by another person. In addition the Licensing</p>
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	<p>Authority 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 authority, Licensing Authority, police authority and fire authority.</p> <ul style="list-style-type: none"> • Planning vs Licensing – We have discussed this many times in the past but we feel that it is possible for the policy to state that planning consent should be obtained and demonstrated prior to a licensing application. Several authorities across the county already include this, see protocol A of the Newcastle City Council Statement of licensing policy. • Takeaway food premises – We would like the policy to address the sale of alcohol within takeaway food premises, proposed wording: <p>“The Licensing Authority considers that it will normally 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).”</p> <p>Justification – Takeaway premises are often open late at night and can be associated with disorder as people under the influence of alcohol congregate there after leaving or even being ejected from late night licensed premises. They operate within the night time economy but without the same framework around them, e.g. pubwatch, security staff etc. In addition this alcohol being sold makes its way in to the public space, often for immediate consumption without the same controls as a licensed premises.</p> • Repeat DPS/PLH applications – suggested wording: Where a person has been refused at committee as a DPS or PLH or where they have withdrawn an application after objections have been received, they should not apply again to be either a DPS or PLH within a 12 month period. <p>Comments: Some relevant points made and changes, additions can be made to the current policy to address these matters. The Policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the Licensing Authority in relation to applications is only engaged if relevant representations are made. The answer to the question of non-compliance with policy depends on whether the premises already has a licence, whether an application has been submitted and is under</p>
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	<p>consideration and most importantly, whether any of the licensing objectives are being undermined. – further information may be included.</p> <p>The law does not require the DPS or Premises Licence holder to be on the premises at all times, but the council may recommend this as good practice</p> <p>Although we may encourage increased attendance at the premises by the DPS and or Licence Holders, because the law does not require this, policy cannot either. There are significant reservations attached to using the wording taken from NCC policy – how could it be checked and enforced, many organisations e.g. off licence chains use area managers to be the DPS of more than one shop – this would render such DPS incapable of conforming with policy if adopted.</p> <p>The discretion of the Licensing Authority in relation to applications is only engaged if relevant representations are made.</p> <p>Controls are offered when hours later than framework are applied for – can be tested and assessed by RA and Committee with clear NOD</p> <p>If hours are granted outside framework hours reasons may be given</p> <p>Include information on promoters</p> <p>it is not possible for the policy to state that planning consent should be obtained and demonstrated prior to a licensing application. This would not be lawful.</p> <p>Newcastle’s policy has several protocols at the back of the policy, but which do not form part of the statement of policy – i.e. they are not policy matters but are separate protocols giving advice and recommendations. Newcastle in their protocol ‘considers’ that that in most cases all planning permissions, consents and certificates should be obtained before any licensing application is made.</p> <p>It would not be lawful to try to prevent someone applying for a licence under any of the circumstances suggested.</p>
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26	Hannah Shepherd Community Liaison Officer Durham University	<p>Response: In response to the County Council’s call for comments on its Licensing Policy Review (http://www.durham.gov.uk/article/19878/Consultation-on-our-Statement-of-Licensing-Policy) we would like to offer the following.</p> <p>The University works closely with local residents through Durham University Residents Forum, the Community Engagement Task Force and various working groups and is aware there are community concerns that the current licensing policy does not address some of the unique challenges Durham City faces, particularly in relation to its night time economy and the impacts on students and residents of the intense concentration of licensed premises within the city (exclusive of college bars).</p> <p>We support the consideration of a differential approach to licensing within Durham City; including the provision and development of college café bars and the Students’ Union to further keep students on campus, therefore minimising negative impacts associated with Durham City’s high density areas and late night noise for local residents.</p> <p>Governance of University college cafes/bars is currently being reviewed. To improve and share best practice for supporting licensing objectives, support for student development and promotion of longer term healthy lifestyle choices the University welcomes Durham County Council’s and Durham Constabulary’s input into this review.</p> <p>We would hope to be alerted to and included in the development of any city-specific approaches through our membership to Durham City Safety Group. We also remain committed to maintaining our ongoing working relationship with local residents groups, through Durham University Residents Forum, to ensure that ongoing challenges linked to the use of, and travel to and from licensed premises, by students, are understood and considered in our own ongoing development.</p> <p>Please note that the University’s Deputy Head of Catering (Colleges), Bursarial Lead on Alcohol, and Head of Student Wellbeing and Community Engagement were involved in this response. We have also liased with Durham Students Union through their Welfare & Liberation Officer and Commercial Manager. I think I speak fairly when I say that we would all welcome feedback and engagement from Durham County Council, following the consultation closing today, on the ongoing development of the licensing policy.</p>
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		<p>Kind regards,</p> <p>Hannah Shepherd Community Liaison Officer</p> <p>Comments: No changes or amendments to policy based on this representation.</p>
27	Durham Constabulary	<p>Response: From: Caroline Dickenson Sent: 07 May 2019 15:02 To: Dean Haythornthwaite <dean.haythornthwaite@durham.pnn.police.uk> Subject: statement of licencing policy additional information</p> <p>Hi Dean</p> <p>Please see below additional comments which I would like to be considered by DCC for the 2019-2024 statement of licencing policy</p> <p>1. Petrol stations and service stations</p> <p>Applications have been received to licence petrol stations for the sale of alcohol could DCC consider adding guidance around this so any Applications relating to Petrol stations and service stations need to adhere to the following as “primary use” figures don’t tend to be provided by the applicant</p> <p>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.</p> <p>The Licensing Authority 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.</p>

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.

2. Temporary Event Notices

In relation to TEN's other please see below which other licencing authorities have adopted within their policies especially the part in bold as it does seem the majority of TEN's received are to extend the existing hours of operation and not bona fide community events

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

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.

The Licensing Authority will encourage bona fide community events. Applications for TENS at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation and applications made in cumulative impact areas will be subject to increased scrutiny.

The Licensing Authority expects those who have given notice of a temporary event to have identified the issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies.

Where events qualify for a temporary Event Notice, 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. Publicly

Durham Constabulary are involved in a number groups within have a vested interest in licencing i.e. parish council, university groups and they have voiced to the police they are not made aware of applications both new applications, variations and TEN's. Other licencing authorities have address this by including in their statement of licencing policies additional publicly measures around licencing applications.

Durham Constabulary feel it is important to ensure that everyone likely to be interested in an application is aware of it, and would suggest additional measures are taken to notify councillors and neighbours.

1. Councillors

Send details by email to councillors representing the ward in which the premises are situated. We notify them of all applications/new applications. Variations, minor variations, reviews, transfers, interim authority notices and temporary event notices.

2. Neighbours

Notify neighbouring residents and businesses who fall within a circle with a radius of 30 meters drawn from the point at the centre of the premises of any

Applications for new premises licence

Applications to vary that will result in an increase the hours during which the premises may operate or will result in the premises operating later

Applications to vary a licence by including the sale or supply of alcohol

Applications to vary a licence by adding music

Notice will be given by letter

Thanks

Caroline
SGT 484 Dickenson

Comments: 1 guidance may be added to the policy or produced as a separate guidance document.

2TENs – guidance may be provided in relation to submission periods for temporary events. However, 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 legislation and the guidance do not reference Bonafede community events and does not prevent existing licensed premises from using TENs. It is uncertain what encouraging Bonafede community events means and how such events could be defined. Similarly, the purpose or worth of a policy that does not encourage TENs at existing licensed premises is questionable. The reasonableness of expecting written policies to be in place that are not required by legislation is doubtful. The very premises that the police do not want to encourage to have TENs are more likely to have such written policies whereas the types of events they want to encourage are less likely to have or be capable of having written policies.

3. Publicity – the matters raised in this section are associated with licensing processes that are specified in legislation and guidance which the Council adheres to. They are not matters of policy but are associated with process. Nevertheless, each licensing authority must also provide facilities for making the information contained in the entries in its register available for inspection by any person during office hours and without payment. We can also on request supply a person with a copy of the information contained in any entry in its register. In addition, to meeting these minimum statutory requirements, in accordance with published guidance, Durham County Council is currently exploring bringing TENs to the attention of local councillors and residents by making their register available online or by including relevant details of a TEN when it is received, along with notice of licence applications on the authority's website. Currently, such facilities have not been developed and are not yet available to us.

		<p>Currently all applications including variations are made available to County Councillors</p> <p>The advertising and publication of applications is specified in legislation and guidance.</p> <p>If the building is large, 30 meters from the centre point would be within the perimeter of the premises themselves. Some premises don't have premises next to them. Some may only have other commercial and licensed premises next to them. Case law regarding writing to neighbours suggests this may not be a good idea as some neighbours might get missed and then complain or claim against the council. To identify every property around or near every applicant etc. would be difficult, time consuming and expensive in terms of the extra work and sending out communications by letter. The costs of licensing that are over and above that which the legislation expects would have to be met by the authority and could not be passed on to applicants as the fees under the Licensing act 2003 are set by Central Government.</p> <p>See link below for the Licensing Applications page on our website.</p> <p>http://www.durham.gov.uk/article/2136/Licensing-Act-2003-applications</p> <p>See Westminster City Council and the Albert Court Residents Association Court of appeal (Civil Division) 13/04/2011 case no. C1/2010/0687 & C1/2010/1083 – Neither the Act nor the regulations impose any duty on a licensing authority to advertise such an application or to take any steps to notify anyone affected by it that it has been made. The sole duty to advertise and to give notice of the application is placed on the person making the application.</p> <p>Future developments in on-line licensing and IT improvements in connection with public registers will enhance the existing application etc. publication and notifications process. These are procedural, process related matters, rather than policy matters</p>
28	Single Use Plastic Task Group	<p>Response: Reference to SUP and seek to influence traders and street operators to seek alternatives to single use plastics.</p>

		Comments: Revised draft statement will refer to SUP and put details of protocols and recommendations in appendix with links to website and other SUP related information
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Appendix 4 Durham University Intern Report: ‘Revising the Durham County Council Licensing Policy: An Investigation into Good Practice associated with the Promotion of the Four Licensing Objectives’ – See Attached



**Revising the Durham County Council Licensing
Policy: An Investigation into Good Practice
associated with the Promotion of the Four
Licensing Objectives**

Abstract

Statements of licensing policies address economic needs of businesses whilst promoting the four licensing objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm. Prior to revising the Durham County Council licensing policy, the level of guidance which the policy provides to applicants of licensed premises needs to be investigated. Comparisons were made between the Durham policy and six other UK licensing authority areas' policies. Thematic analyses identified common themes within each objective addressed by the policies. It was concluded that good practice associated with the licensing objectives involves targeting all these themes, as well as considering the issues specific to each local authority area, as this influences the level of focus required on each objective. To communicate good practice, it is suggested that the revised policy should be structured according to these common themes, and appendices should guide applicants on how to ensure they are addressed. Queuing, club-hopping, underage sales and binge drinking were identified as central issues within Durham County, thus should be highlighted in the policy. These changes will better communicate to policy readers what good practice entails.

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Summary of suggested revisions

The following bullet points summarise suggestions to be considered by Durham County Council licensing authority when revising the statement of licensing policy for adoption in October 2019. It is proposed that by including these revisions, good practice will be more effectively communicated to prospective premise licence applicants. The points that are outlined will be discussed in more detail further on in the report.

- The authority should address each of the four licensing objectives by breaking them down into smaller sub-objectives to ensure all aspects of each objective are addressed sufficiently. The policy should be structured in accordance with these sub-objectives. Suggested sub-objectives are as follows:
 1. The Prevention of Crime and Disorder: Illegal sales, Drunkenness, Conflict in and around the premises, Theft, Drugs, Weapons.
 2. Public safety: Fire, Drinks, Drugs, Over-occupancy, Lack of seating, Arrival and dispersal, Construction, Medical emergency.
 3. The Prevention of Public Nuisance: Noise, Waste, Smoking, Visual.
 4. The Protection of Children from Harm: Underage activity, Sexual exploitation, Age inappropriate cinema, Unaccompanied children.

- The authority's minimum expectations of what to include in an application should be stated in the main body of the text, and an appendices section should be added, offering further suggestions for what applicants should consider including in their application to ensure that the objectives are carried out. Examples of suggestions are outlined in the results section.

- The policy should contain further details of schemes available in Durham which applicants can participate in to assist in carrying out the objectives. Active schemes include the Best Bar None scheme, ERASE exploitation, Safe City Watch Radio scheme, and the UK Drowning Prevention Strategy.

- The policy should include a general section informing applicants that they must use their initiative to assess whether the 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.
- The authority should consider tighter expectations regarding how applicants plan on mitigating risks posed by central issues in Durham. These concerns include busy queues, club-hopping, binge drinking, and underage sales.

Glossary

The first use of the words or phrases defined in the glossary within the body of the report are highlighted in boldface.

Applicants – Individuals who are applying to the authority for a premises licence.

Licensing authority – The group responsible for the licensing of alcohol, regulated entertainment and late night refreshment.

Licensing authority area – The geographical area where a licensing authority practices its functions under the Licensing Act 2003.

Local authority type - Authorities which share similar characteristics, such as size, have similar licensing statistics. There are six main local authority types: Unitary Authorities, Metropolitan Districts, District Authorities, Welsh Unitary Authorities, London Boroughs, and Unspecified (Inner Temple and Middle Temple within Greater London).

Operating Schedule (OS) – A document written by the applicant outlining how the licensed premises is proposed to be run, including steps that will be taken to promote the four licensing objectives. The operating schedule is submitted to the licensing authority as part of a premises licence application, and is used in the decision process.

Premises licences - A licence used for the sale or supply of alcohol, the provision of regulated entertainment or late-night refreshment or any combination of these activities. Retail sale of alcohol refers to consumption on the premises, off the premises, or both on and off the premises.

Introduction

Statements of licensing policy are written by **licensing authorities**, to be used as a framework when considering licence applications and provision of these **premises licences** in accordance with the Licensing Act 2003 (Salford City Council, 2019). Policies involve the licensing and regulation of businesses where there is the sale of alcohol, provision of regulated entertainment and late-night refreshments (Ealing Council, 2019).

In order to prevent adverse effects of activities associated with licensed premises, the Licensing Act 2003 states that a licensing authority must ensure that all premises are seeking to promote the following licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance;
4. The Protection of Children from Harm.

With this in mind, a statement of licensing policy has two main purposes. Firstly, it provides a decision-making framework for the licensing authority 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 carried out. It guides **applicants** in how to apply for a licence in accordance with the licensing authority's expectations, and which factors must be considered when drawing up an application. Licensing policies aim to balance the legitimate needs of businesses and public demand for leisure and cultural activities alongside the need to mitigate against potential adverse effects. Failure to achieve the correct balance could lead to a policy being overly prescriptive and therefore reducing the freedom permitted to leisure activities. Alternatively, the policy could be open to challenge or otherwise unsuccessful in the protection of local residents through a failure to promote the licensing objectives effectively. When policies are under-prescriptive it can reduce the efficiency of the licensing application process as applications for premises can be rejected due to insufficient detail. It is within the interest of the applicant and the authority for the policy to be as clear as possible about what should be included in an applicants' **operating schedule**, and in their application as a whole. Inclusions

of suggestions and expectations within a licensing policy for the applicant to follow ensure an efficient licensing application process.

Section 5 of The Licensing Act 2003 states that every “licensing authority [is required] to determine and publish a statement of its licensing policy at least once every five years” (Home Office, 2018). The policy must be reviewed and the licensing authority may make appropriate revisions to it. Durham County Council (DCC) adopted the current statement of licensing policy on 29th October 2014, thus it must be revised, adopted and published by Wednesday 30th October 2019. Part of the reviewing process involves comparing the current licensing policy to those written by other licensing authorities in the UK.

As such, in order to achieve an adequate balance between demands for licensed premises and prevention of associated adverse effects, the current project aims to research recognised good practice associated with the promotion of the four licensing objectives to assist in the development of a revised statement of principles for adoption in October 2019. Research will involve reading licensing policy statements from other authorities across the United Kingdom, identifying differences in content and level of detail included compared to the DCC policy. This research will be used to decide what good practice involves, and what changes can be made in the revised statement by the Durham County licensing authority to ensure that good practice is communicated to applicants. Suggestions will encompass possible structural changes, including the level of detail, as well as highlighting issues applicable to Durham County, that should be considered in the revision.

Method

The first stage of the project involved background reading (Chambers & Butterfield, 2006; Home Office, 2018) to better understand licensing law and provide context to the statement of licensing policy. Following this, as the project involved comparing DCC's policy with other licensing authorities, decisions had to be made as to which licensing authorities should be selected for this comparison. It was important to select authorities which faced similar issues to one another as this influences what needs to be considered within the licensing policy. Six notable characteristics were selected and licensing authorities which were similar to Durham County in each of these features were chosen. These characteristics were: local authority type, heritage, population size, student population, crime rate, and proximity. These features were selected as areas varying in these characteristics will have different issues to tackle which will effect what should be focused on in a licensing policy. A policy covering a licensing authority area with a large population size may have higher numbers of residents close to licensed premises, thus will need greater focus on the Prevention of Public Nuisance objective than would a licensing authority area with a smaller population size. Likewise, a policy for an area with a high crime rate would require greater focus on the Prevention of Crime and Disorder objective than a policy covering an area with a low crime rate. Moreover, student population size was considered to be an important characteristic to include because such a population will influence the nightlife climate in the city centre. Student culture is associated with binge drinking (Carpenter et al., 2008; Chambers & Butterfield, 2012), as such, licensing policies covering areas with a high student population need to focus more on ensuring premises know how they can attempt to best control and manage binge drinking in order to ensure that the four licensing objectives are carried out.

Regarding which licensing policies were selected, Cheshire East was included as, like Durham, its **local authority type** is a unitary authority (Cheshire East Council, 2019; Durham City Council, 2019), where one tier of local Government provides all services (Gov.uk, 2019). These authorities are categorised together due to holding similar licensing statistics (LG Inform, 2019). For heritage, York and Durham are both part of "a collection of unique and fascinating historical cities across England" (Heritagecities.com, 2019). Moreover, they are both located in North East England, and have a cathedral in the city centre. As such, York was

considered to match to Durham in heritage. Sheffield was selected as it has a similar population size to that of Durham County, where both populations are just over half a million, according to the 2011 national Census of Population (Durham Insight, 2019; Sheffield City Council, 2019). Oxford was selected as its student population size of 23,975 (University of Oxford, 2019) is comparable to the 18,031 students residing in Durham County in the term time (Durham University, 2019). Great Yarmouth was chosen as it had a similar crime rate (police recorded crimes per 1,000 population) to Durham County in the year ending September 2018, namely 97.84 relative to 96.4 in Durham (Police.UK, 2019). Finally, Newcastle was elected due to its close proximity to Durham, therefore they are assumed to have a similar night-time and drinking culture to one another.

Firstly, internet research identified issues central to Durham County which should be addressed in the policy. Following this, for the remainder of the process, the four licensing objectives were targeted one at a time. To help in deciding what represents good practice, and thus provide suggestions for the licensing policy in order to achieve good practice, thematic analyses was conducted for each objective (see appendix A for details of the analyses processes). Firstly, after reading DCC's Policy in order to become familiarised with the policy, the main points from each objective were summarised, hence making the information more accessible to allow easy further interpretation. This same process was repeated for all of the policies, summarising the main points from each objective. During this step, notes were also made regarding the difference in general structure and level of detail within the policies compared to the Durham policy. Following this, upon reading the condensed notes, initial codes were identified and sorted according to their overarching themes. The most common themes that emerged from the six policies for each objective were noted in tables, providing "sub-objectives" within the larger objective.

The sub-objectives identified by the analyses guided how DCC's policy could be structured. Using the identified themes, each policy was revisited and common suggestions for how to address each sub-objective which emerged across the city policies were noted down, providing further guidance for what could be included in the Durham policy.

Meeting with representatives from the local responsible authorities under the Licensing Act 2003, including fire and police departments and the council, provided the opportunity to discuss initial ideas of what good practice consists of, specific issues that Durham faces, and suggested improvements for the policy.

Results

Focusing on the structure and level of detail within licensing policies, the thematic analyses identified different sub-objectives to be addressed within the larger objectives. Common suggestions which emerged across the licensing authority policies for how to address each sub-objective are outlined.

Licensing Objective 1: The Prevention of Crime and Disorder

Six sub-objectives were identified within the larger objective of Prevention of Crime and Disorder, as shown in table 1, and suggestions for how to prevent the specific crime/disorder are outlined.

Table 1. The Prevention of Crime and Disorder

Crime/Disorder	How to prevent the crime/disorder
Illegal sales	Implement a No ID – No Sale policy and use posters to advertise its use Keep staff training records Put up posters stating that it is a crime to do proxy sales Make a note each time somebody is refused to be served due to being underage Implement a plan to prevent counterfeit alcohol and tobacco sales
Drunkenness	Have procedures to deal with drunken customers 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 Plan for caring for intoxicated customers Binge drinking reduction plan Plans to distribute free drinking water Measures to limit alcohol abuse caused by drinking games → especially suitable for a student population with a binge drinking culture

Conflict in and around the premises	<p>Have procedures to deal with drunken anti-social behaviour</p> <p>Ensure to do ongoing risk assessments</p> <p>Implement a dispersal policy</p> <p>Club hopping minimising plan</p> <p>Capacity management policy eg head counts</p> <p>Have plans to minimise queues</p> <p>Layout and lighting designed to minimise opportunities for crime and disorder</p> <p>Drinking location restrictions</p> <p>Drinking display areas to be considered</p>
Theft	<p>Store alcohol away from doors</p> <p>Security tag products</p> <p>Ensure to have well-lit premises</p> <p>Use well managed cloakrooms</p>
Drugs	<p>Conduct searches in public and in view of CCTV</p> <p>Devise an effective drugs policy containing details of search procedure and storage procedure of confiscated drugs</p>
Weapons	<p>Use drinking vessels which cannot create sharp edges</p> <p>Ensure there are no loose items which can be used as weapons eg heavy ash trays</p> <p>Bottle bans</p> <p>Use toughened/safety glass to hold drinks</p> <p>Train staff on drugs, knives and weapons</p>

Licensing Objective 2: Public Safety

Eight sub-objectives, in the form of different dangers, were identified within the larger objective of Public Safety, as shown in table 2, and suggestions for how to prevent the specific danger are outlined.

Table 2. Public Safety

Danger caused by...	How to prevent the danger
Fire	Consider smoke free premises Consider the fire risk of special effects Have plans for a safe means of evacuation Outline electrical installations, training staff in fire safety and visible escape routes in the fire risk assessment
Drinks	Implement plans for reducing drink driving Have plans to distribute free drinking water Do not have irresponsible drink promotions eg women drink for free, discount nights for students, pay entry then drink for free until 10pm
Drugs	Train staff in drug awareness Use anti drink spiking products Report suspected and actual spiking to police
Over-occupancy	Ensure safe construction of premises Ensure that Operating Schedule states occupancy of individual floors Use measures to count the number of people
Lack of seating	Provide seating in vertical drinking establishments
Arrival and dispersal	Provide taxi contact information Provide adequate lighting in car parks Ensure a well-managed door policy and dispersal policy
Construction	Consider safe construction of and within the premises
Medical emergency	Have a First Aid box available and a qualified First Aider 24/7 Have an accident book to log accidents Have a written policy to deal with A&E Review the risk assessment every 12 months

Licensing Objective 3: The Prevention of Public Nuisance

Four sub-objectives, in the form of nuisance types, were identified within the larger objective of the Prevention of Public Nuisance, as shown in table 3, and suggestions for how to prevent the specific nuisance type are outlined.

Table 3. The Prevention of Public Nuisance

Nuisance type	How to prevent the nuisance
Noise	<p>Have sound insulation in place</p> <p>Consider car park arrangements and effects on residents</p> <p>Consider how much noise air conditioning systems create</p> <p>Use a sound limitation device</p> <p>Consider how much noise is created by taxis and routes to/from premises</p> <p>Carry out regular noise monitoring</p> <p>Train staff in reducing noise</p> <p>Have a dispersal policy in place</p> <p>Have plans of how to limit noise upon leaving premises</p> <p>Dispose of bottles during normal working hours</p> <p>Locate DJs/speakers away from doors/windows</p> <p>Reduce number of people loitering outside off-license shops</p> <p>Plan deliveries during normal working hours</p> <p>Use door supervisors to reduce noise</p> <p>Implement measures to minimise or divert queues away from residential areas</p> <p>Consider location of the premises - more planning needed if close to houses/hospitals/worship places</p> <p>Provide locals with the manager number on request and check in on them to make sure they are happy</p>
Waste	<p>Ensure to have steps for clearing litter outside takeaway premises</p> <p>Provide notices pointing to bins</p> <p>Consider other emissions, eg using ventilation systems to reduce odours</p> <p>Use ash trays or wall mounted bins to minimise litter</p>

	Research the Environmental Protection Act 1990
	Devise measures to collect drinking vessels, crockery, cutlery and litter
Smoking	Implement a plan to reduce noise and litter eg using ash trays
	Consider whether there is a need for door supervisors to control customers in smoking areas and keep noise down
Visual	Consider the level of light pollution – need to balance causing nuisance and safety/preventing crime and disorder
	Ensure plans are in place regarding advertising → fly-posting is illegal

Licensing Objective 4: Protection of Children from Harm

Four sub-objectives, in the form of dangers posed to children, were identified within the larger objective of the Protection of Children from Harm, as shown in table 4, and suggestions for how to protect children from each danger are outlined.

Table 4. The Protection of Children from Harm

Danger	How to protect children against the danger
Underage activity	<p>Comply with the Portman group code</p> <p>Use a Proof of age scheme and signpost its use</p> <p>Use and maintain a refusals 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</p> <p>Use measures to avoid proxy sales → use CCTV, regular patrols, posters stating proxy sales are illegal, posters not obstructing shop windows (so that staff can notice proxy sales outside)</p> <p>Specify the age limit of gambling</p> <p>Locate gambling machines in view of staff</p> <p>Have measures to ensure no underage delivery of alcohol</p> <p>Follow a code of practice for children living at license premises</p> <p>Train staff and maintain training records to ensure that they are available upon request</p>
Sexual exploitation	<p>Implement a child sexual exploitation policy and report suspicious behaviour</p> <p>Have a safeguarder – need a member of staff in charge of welfare</p> <p>Train staff to recognise indicators of exploitation</p>
Age inappropriate cinema	<p>Specify film minimum age and display notices</p> <p>Check age at point of sale and prior to entry to screening room</p>
Unaccompanied children	<p>Ensure under 18 events are ticket-only to prevent children being alone on streets if maximum capacity is reached</p> <p>Implement procedures for lost and found children at large events</p>

Discussion

In order to investigate what good practice associated with the licensing objectives involves, and to identify potential changes that could be made in Durham City Council's revised statement of licensing policy, thematic analyses were conducted for each of the four licensing objectives. Analysing six city policies identified commonly mentioned themes, leading to the conclusion that good practice involves addressing every sub-objective within the four licensing objectives, as well as considering the specific issues of the area. These analyses assisted in the project aims of providing suggestions for possible structural changes, including changes to the level of detail, as well as highlighting issues applicable to County Durham that should be considered in the revision. These suggestions will be discussed in turn.

Potential structural changes, including changes to the level of detail

The thematic analyses identified sub-objectives within each of the four larger, umbrella-term licensing objectives. For example, the Prevention of Crime and Disorder refers to a number of different types of crimes. Structuring the policy in regards to each of these factors would aid clarity as it would ensure that applicants are aware of the types of crimes and disorders which are relevant to their premises and how they can go about preventing them. Different types of crimes must be tackled differently, thus separating the objectives out into smaller elements would make it easier for all aspects of the objective to be approached. The right hand columns of the tables in the results section collate all of the suggestions made by the different policies in order to address the sub-objectives, therefore the authority should consider their inclusion in the revised statement.

The project also sought to compare the level of detail in the current Durham policy as compared to other cities' policies. When applications are submitted with little detail, it is likely to be due to the applicant being unaware of what is required, or not knowing how to present the information. The authority should assume that the applicant has little to no knowledge about licensing, thus the policy should educate and guide the applicant, providing clear suggestions of what should be considered in the application. Throughout the project it has become apparent that DCC's current policy is less detailed than other cities' policies that have been researched. The policy mainly focuses on the minimum expectations of what to include

in an application, without providing much further guidance. Section 18.1 of the County Durham premises licence application asks applicants to list the steps they will take to promote each of the four licensing objectives (Durham County Council, 2019, p.31). There are no indicators as to the level of detail required, thus the licensing policy should specify this. However, as mentioned, when creating a licensing policy, or in fact any report, it is important to strike a balance between being concise enough to follow and allow flexibility, but detailed enough to answer all of the readers' questions. The Newcastle policy has a similar level of detail to Durham's policy in the main body of text, but also provides appendices containing a document named "Good Practice Guidance for Licensed Premises & Protocols", providing clear suggestions of what should be considered by applicants in their operating schedule. The main policy outlines the licensing authority's expectations and requirements, whilst the document within the appendices provides further details for consideration. A similar structure is found in the Great Yarmouth policy. Separating out the two ensures that the main policy is concise, whilst also providing the opportunity for further guidance in a separate document if required. The Durham policy provides an appendix containing "guidance for the protection of young people under 18 years of age who attend events at licensed premises" (Durham County Council, 2014, p.42), however it does not provide guidance to target other risks posed to children in the licensed premises, nor does it cover the other three licensing objectives. Therefore, the licensing policy should consider the addition of more appendices, giving suggestions regarding what should be included in the entirety of the operating schedule to ensure the four licensing objectives are addressed in sufficient detail. Furthermore, whilst the policy contains a section in the appendices outlining guidance for protecting children from harm in licensed premises, the authority could also consider adding a regulation already implemented by Oxford City Council whereby under-18 events must be ticket-only (Oxford City Council, 2016, p.16). This would avoid the risk posed by "pay-at-the-door" events where children may be left alone on the street once venue capacity has been reached, thus further ensuring that the objective of protecting children from harm is met.

Still considering the appropriate level of detail, licensed premises have the challenge of balancing the economic gain of a licensed premise and delivery of the four licensing objectives. Licensed premises are run for the purpose of profit, thus from business owners' perspectives, this is most likely to be the primary concern over ensuring that the objectives are met. The policy therefore needs to provide an opportunity for businesses to understand

why they should be concerned with the objectives, and provide motivation for ensuring that they are carried out. Durham County is involved in the Best Bar None scheme which is designed to provide motivation for licensed premises to deliver the Prevention of Crime and Disorder and Public Safety objectives, as those who perform well will be accredited and awarded. The scheme educates applicants about “how operating more responsibly can improve the profitability of an individual business and attractiveness of a general area” (Best Bar None, 2019). The Durham policy already briefly outlines that the Best Bar None scheme is encouraged, mentioning how it “enables premises to demonstrate good safe operating procedures” (Durham County Council, 2014, p.14), however it is suggested that more details are required as to what premises will gain from joining onto the scheme in terms of accreditation, in order to ensure they are motivated to take part in it. A link to the scheme’s website or an appendix section outlining what the scheme entails would allow applicants to develop a better understanding of how it works and how the business would benefit from being a part of it.

As well as the Best Bar None scheme, similar to the Sheffield policy which outlines the “Crime Reduction Radio Schemes” (Sheffield City Council, 2016, p.14), the authority could also consider providing further details of other active schemes running across the county within the appendix guidance section. Active schemes within Durham include the “ERASE exploitation” scheme which provides information and help regarding child exploitation (eraseabuse.org, 2019), the “Safe City Watch Radio scheme” which improves communication between door security and university security and the “UK Drowning Prevention Strategy” (Durham County Council, 2019). Outlining these schemes would ensure that applicants are aware of their existence and their aims, and are thus more likely to be a part of them, aiding in the delivery of the four licensing objectives.

Furthermore, again following the Sheffield policy, it would be useful to have a section of the policy referring to general steps that can be taken to promote all of the licensing objectives. The Sheffield policy outlines that the following should be considered: “layout of the local area”, “proximity to residential premises [and]...where children may congregate”, “any risk posed to the local area by the proposed licensable activities” and “any local initiatives” (such as crime reduction schemes) which may help to reduce potential risks (Sheffield City Council, 2016, p.13). This highlights to applicants that every specific location will have its own risks, and as such more weighting may have to be given to one objective

over another depending on the premises location. For example, to ensure the Protection of Children from Harm, if a licensed premise is likely to have children coming near or onto the premises then the applicant's operating schedule should include a list of potential considerations for the premises, such as the immediate vicinity and its impact on nearby schools or cinemas, or large scale events having procedures for lost and found children (Great Yarmouth Borough Council, 2015). Furthermore, in order to carry out the Public Safety objective, if a premises licence is located near a river, then the operating schedule should outline steps that will be taken to prevent river-related accidents. In summary, the policy should explicitly inform applicants to use their own initiative to consider the issues that their proposed premises may face, and adapt the level of detail required in their application for each licensing objective depending on these concerns.

Issues applicable to County Durham that should be considered in the revision

As well as issues specific to the precise location of the licensed premises, different local authority areas will have their own priorities. A further aim of the project was to highlight the specific issues which County Durham faces and so should be considered to be focused on more in the policy revision. The unique characteristics of an area will impact on the focus appropriate for each objective. One notable issue for Durham City, within the larger local authority area, regards queuing. A relatively recent tragic incident as a result of queuing outside of the nightclub "Missoula" has forced Durham into the spotlight (Halliday, 2018), with more pressure being placed on queue management to ensure that such a devastating event does not happen again, and the Public Safety objective is carried out. Furthermore, the Stockton campus of Durham University moving to Durham city has increased numbers of students wanting to enter licensed premises, thus greater focus still is needed to maintain the safety of club-goers. The authority could consider creating stricter expectations for applicants regarding queueing and occupancy plans in order to tackle this prominent issue.

Another concern focusing on nightlife, raised in the Oxford City Council policy, is "club-hopping", whereby multiple nightclubs are visited in one night, noting that "crime, disorder and public nuisance in urban centres can be increased by persons moving between venues late at night" (Oxford City Council, 2016, p.13). The sunk cost effect explains how if an individual invests resources into an action then, to avoid being wasteful, they will likely continue this action after this investment is made even if they would prefer not to (Arkes &

Blumer, 1985). Based on this theory, it is suggested that an individual is more likely to stay at a nightclub which they have paid entry for, even if they believe that another nightclub would be more enjoyable, in order to avoid wasting their investment. Whereas, if a club is free, there is no economic loss by leaving the club and “hopping” to the next one. Club-hopping is likely to occur in Durham County, especially within the city centre where at least two clubs, “Jimmy Allens” and “Fabio’s”, have free entry, thus creating more opportunity for both public nuisance, and crime and disorder to occur. Crime maps show that antisocial behaviour and violent offences frequently occur “on or near Saddler Street” (Police.uk, 2019), which is the street linking the two aforementioned nightclubs. Although there is no evidence of club-hopping directly resulting in a higher number of offences, it can be assumed that it will at least increase opportunity for offences. The policy should consider including a statement asserting that applicants should include plans for how to mitigate the chances of club-hopping in order to ensure that public nuisance, and crime and disorder are adequately prevented. Suggested plans could be outlined within the proposed appendices. In line with the sunk cost effect, plans could include having an entry fee or having strict last entry times, meaning that if club-goers leave one club at a certain time, they will not be able to enter another one.

As mentioned prior, binge drinking is a prominent issue within Durham; the policy already outlines that “in County Durham rates of binge drinking are significantly higher than the rest of England and the North East” (Durham County Council, 2016, p.5). However, it would be useful if the policy provided guidance regarding how to minimise the likelihood of binge drinking within licensed premises. For example, the Newcastle policy contains a list of examples of irresponsible drink promotions, such as “women drink for free” (Newcastle City Council, 2018, p.84). Reduction of binge drinking would aid in the promotion of all four licensing objectives.

A further ongoing issue within Durham County is that of underage sales. One third of test purchases for underage sales of alcohol resulted in failure by retailers in 2016/17 reviews (Conner-Hill, 2019). The authority could consider including tighter expectations about the level of detail required from applicants regarding steps taken to avoid underage sales. Suggestions have been made in other city policies that could also be included in Durham’s policy. For example, the Newcastle policy suggests that the view outside of shop premises should not be obstructed by posters displayed in windows (Newcastle City Council, 2018, p.9), therefore making it easier to notice underage and proxy sales taking place.

Taking the above together, good practice associated with the promotion of the licensing objectives involves addressing every thread of the four licensing objectives, as well as being cognisant of the issues that the licensing authority area faces. Carrying out thematic analyses led to the suggestion that the policy should be structured in accordance with the individual sub-objectives, outlined in the results section. The analyses also identified a number of steps that can be taken by premises in order to carry out each objective. The authority may wish to consider adding some of these steps into the policy to aid the applicant in ensuring that their premises operates smoothly, as well as a general section informing the applicant that they should use their initiative to identify issues specific to their location and devise plans to address these issues. It has also been suggested that the statement of licensing policy should outline the authority's minimum expectations in the main policy body, but include appendices containing further guidance for the applicant about what they are encouraged to consider when writing the operating schedule. This guidance section should provide further detail about the Best Bar None scheme and information about other active schemes. The policy should also focus on the specific issues that are central to Durham County, such as queuing, club-hopping, binge drinking, and underage sales. Providing further guidance will educate the applicant about how to best operate their premises.

Conclusions and Recommendations

The project has focused on good practice associated with the four licensing objectives. Conducting a thematic analysis provided a structured way of analysing information in order to recognise what constitutes good practice associated with the four licensing objectives. The thematic analysis identified common themes mentioned by policies in regards to each objective, aiding in the conclusion that good practice means targeting every aspect, or sub-objective, within the four licensing objectives, as well as being sensitive to the specific issues of the area. Using this conclusion, suggestions for changes to be made in the revised policy have been explored in order to communicate good practice to the applicant. These suggestions include possible changes to structure and level of detail in order to ensure the four objectives are carried out, as well as highlighting to applicants that they must plan how to mitigate the effects of the specific issues that Durham faces.

When revising the policy, it has been mentioned prior that the correct balance needs to be attained between ensuring that the licensing objectives are promoted, and the needs of the businesses and freedom permitted to leisure activities. The project's aim was to focus more on how to promote the licensing objectives, providing suggestions as to how the promotion of these can be communicated to applicants. However, upon considering the suggestions, the authority must be sensitive to the business needs as well, and ensure a balance between an overly or insufficiently prescriptive policy. As such, the authority may not wish to include all of the suggestions that have been made, however they offer a starting point for discussion and consideration when revising the licensing policy.

Furthermore, it must be noted that the report may be limited in the sense that much of the focus has been on Durham City, as opposed to the wider local authority area which the policy covers. This was due to personal anecdotal experience within the city providing a starting point for research of key issues in Durham, for example club-hopping. Whilst attempts have been made to ensure that the whole county has been researched, with sources showing that underage sales and binge drinking are a county-wide issue (Durham County Council, 2016, p.5; Conner-Hill, 2019), the focus has naturally been biased towards the city centre. However, statistics obtained from Durham County Council indicate that the density of licensed premises within the city centre is higher than that of neighbouring villages and

towns. Therefore, a bias in the amount of focus placed on the city centre is not necessarily unjust. However, more research is required to assess to what extent club-hopping and poorly managed queues are an issue county wide, instead of just in Durham city. How much of an issue these factors are will then identify how much focus is needed regarding suggestions for minimising these issues by licensed premises when revising the licensing policy.

In conclusion, the project postulates that good practice associated with the four licensing objectives consists of breaking each objective down into smaller sub-objectives which can be targeted, as well as considering specific issues facing the premises location. Thus, the report has suggested how to ensure the objectives are undertaken: by altering the policy structure in accordance with these sub-objectives; increasing the level of detail by adding further appendices containing details of active schemes within Durham and clear guidance for how to ensure objectives are carried out, to compliment the authority's minimum expectations for an application as outlined in the main body of the licence; and increasing the level of focus on the central issues of busy queuing, club-hopping, binge drinking and underage sales. The authority should consider these suggestions when revising the policy for adoption in October 2019. This would help to ensure that the two main purposes of the statement of licensing policy are realised: to inform applicants about the licensing authority's expectations, and to provide a decision-making framework for the licensing authority to use when responding to license applications.

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Appendices

Appendix A: Thematic analysis process

Thematic analyses were conducted to identify the main themes discussed within the policies.

Licensing Objective 1: The Prevention of Crime and Disorder

1. Data familiarisation

	Topic	Details
Cheshire East	Operating Schedule 7.2	Risk assessment should be undertaken by application of the likelihood of crime and disorder occurring as a result of the applicant
	Layout, lighting and fittings 7.3	Have these been designed to minimise conflict and opportunities for crime and disorder
	Door supervision	7.3 TOGETHER with maintenance of incidence book 7.4 SIA supervisors to control numbers or deny entry to those appearing drunk, disorderly or intent on crime
	CCTV	7.10 Licensing Authority may impose a condition of the license requiring CCTV installation
	ID scan equipment use	
	Drinking vessel 7.4	Must not form a sharp edge when broken
	Drinking location 7.4	Restrict drinking in areas within and outside premises
	Safer Clubbing 7.6	Home Office Guidance recommended
	Cinema Exhibitions 7.11	No film shown which will lead to disorder or incite hatred towards any person
Great Yarmouth	Use of appendix for further details	Makes it easier to read, not too much info in the main body of text but more details available to avoid ambiguity
	Section 17 C & D Act 5.1	Good as same as DCC – states responsibility of council
	Risk assessment Appendix 4	CCTV risk assessments
	Drugs storage	Details of search procedure and storage procedure of confiscated drugs

	Door supervisors protocols	Details of protocols in relation to drugs and violent proceedings
	Binge drinking	Measures to limit alcohol abuse caused by drinking games → especially suitable for a student population whereby binge drinking is part of the culture
	Bottle bans	DCC already covers shatterproof glass, but should also focus on bottle bans as these can be used as weapons
Sheffield	Radio schemes	Have 3 radio schemes in place to aid instant communication between police and businesses to avoid crime
	ON-GOING risk assessments	
	Door supervisors	Good as similar to DCC says they need SIA training. However they also specify that untrained staff cannot be used
	Counterfeit alcohol and tobacco	Contains section about trading standards which is very good
	Winding down time	Customers can remain in the premises after last orders. Applicants should specify how they will wind down, eg slower music
York	CCTV	Should cover queues outside. Should display time/date and be kept for 28 days
	States reasoning at all times	Says the point then says reason, relating to key objectives
	Section on reducing irresponsible drinking	
	Radio scheme	Section on this in order to prevent crime
	Dispersal	Premises must have a plan for making people leave at the end of the night
	Queuing plan	Must have a plan for how to prevent queues building up as violence occurs here → especially suitable for Durham where there are often very long queues
Oxford = not separated into 4 objectives	Club hopping 5.4	Crime increased by club hopping therefore last admission one hour before last orders
	Late night refreshment	Need a plan for how to reduce ASB
	Other potential weapons	Premises should not provide loose items eg heavy ash trays which could be used as weapons

	Drinking water	Premises should state how free drinking water will be given out
Newcastle	Drinking display areas	Operating schedule should outline if additional displays will occur at Christmas, Easter etc
	Voluntary code of good practice for reducing binge drinking	Gives examples of drink promotions eg girls drink free
	Uses very clear sections outlining what aspect of crime is trying to be reduced	Makes it very clear for applicants
	Preventing underage sales	No ID – No Sale → posters advertise Posters say it is a crime to do proxy sales Make a note each time somebody is refused to be served due to being underage
	Preventing drunkenness	Not having irresponsible promotions Refusing to serve drunk people
	Street drinking	Restrict access to alcohol
	Preventing conflict around and in the premises	Dispersal policy Capacity management policy eg head counts Reduce queues
	Preventing theft	Store alcohol away from doors Security tagging Well-lit premises Well managed cloakrooms
	Preventing drugs	Searches in public in view of CCTV Effective drugs policy

2. Initial coding of data

- Risk assessment should be carried out
- Layout and lighting to be considered
- Door supervision
- CCTV
- ID scan equipment use → plans to prevent underage drinking
- Drinking vessels to not create sharp edge
- Drinking location restrictions
- Safer clubbing HO guidance
- Cinema exhibitions to not incite hatred
- Drugs procedure

- Binge drinking reduction plan
- Radio schemes
- Counterfeit alcohol and tobacco
- Winding down time
- Queuing plans
- Club hopping minimising plan
- Weapons → do not use heavy ash trays
- Drinking water
- Drinking display areas to be considered
- Drunk people plan → do not serve
- Preventing conflict in and around premises plan eg dispersal policy and queue management
- Preventing theft plan eg well-lit areas
- Preventing drugs plan

3. Search for themes based on initial coding

Illegal sales

- ID scan equipment use → plans to prevent underage drinking
- Counterfeit alcohol and tobacco

Drunkenness

- Drinking water
- Drinking display areas to be considered
- Drunk people plan → do not serve
- Drinking location restrictions
- Binge drinking reduction plan
- Radio schemes
- Winding down time

Conflict in and around the premises

- Preventing conflict around and in premises plan eg dispersal policy and queue management
- Club hopping minimising plan
- Queuing plans
- Risk assessment should be carried out
- Layout and lighting to be considered
- Door supervision
- CCTV
- Safer clubbing Home Office guidance

Theft

- Preventing theft plan eg well-lit areas

Drugs

- Preventing drugs plan
- Drugs procedure

Weapons

- Weapons → do not use heavy ash trays
- Drinking vessels to not create sharp edge

Cinema exhibitions to not incite hatred**4. Review and labelling of themes → see pages 9-10: Table 1**

Themes that were selected were those that consistently emerged throughout the policies:

Illegal sales

Drunkenness

Conflict in and around the premises

Theft

Drugs

Weapons

Licensing Objective 2: Public Safety

1. Data familiarisation

	Topic	Details
Cheshire East	Voluntary activities	Same level of health and safety protection should be used as if there was an actual employer
	Fire safety	Consult fire department
Great Yarmouth = provides brief in body of text, then guidelines in appendix for more detail	Appendix 4 – general for all principles	Specifies what the operating schedule should include → provides more detail about potential safety issues, all of what is in appendix should be included BUT should also include about position near river = definite safety issue
Sheffield	Examples of public safety when leaving as well as in premises	Providing taxi contact info and adequate lighting in car parks
	Examples of how to prevent drug use	
York = makes a statement, has a clear reason underneath linking to objective	Section on occupancy	Ensures public safety within premises and also in the case of evacuation
	Vertical drinking establishments	Ensure there are still seats for people in large capacity premises
Oxford = not separated into 4 objectives	Construction of premises also an issue	2 types of safety – construction of and within the premises
	Provides resources to use	Eg books etc
	OS must specify management structure	When are staff in, depending on activities occurring within premises
	Occupancy	Must state occupancy of each floor
	Free drinking water	Must state how they will distribute free drinking water
	Smoke free premises	Must state how they will comply with Health Act 2006 without compromising the objectives eg nuisance due to noise outside
Newcastle	States a minimum of what must be considered	Eg special effects

	Capacities	Specifies → how many people per m squared
	Safeguarding initiatives	Eg First Aid
	Risk assessment to be reviewed every 12 months	
	First Aid	Have a First Aid box available Have a qualified First Aider 24/7 Accident book to log accidents Avoid irresponsible drinking promotions Written policy to deal with A&E
	Occupancy	Ensure not to exceed capacity Have measures to count number of people Decide max capacity by fire risk assessment and by dividing space by max capacity per square metre Provide book to use to assist
	Safe arrival and departure	Adequate lighting Well managed door policy Dispersal policy
	Drink driving	Publicise designated driver scheme Promoting safe transport schemes eg taxi ranks, safe waiting areas, night bus
	Fire safety	Safe means of evacuation Fire risk assessment should consider: <ul style="list-style-type: none"> • Electrical installations • Staff trained in fire safety • Visible escape routes
	Drink spiking and drugs	Staff trained in drug awareness Considering anti drink spiking products Reporting suspected and actual spiking to police

2. Initial coding of data

Voluntary activities

Fire safety

Drug use

Drink spiking

Safe arrival and departure → dispersal

Occupancy

Vertical drinking establishments → provide seating

Construction of premises safety

Resource available to use

Management structure, staff rota

Free drinking water

Smoke free premises

Special effects

Risk assessment reviewed every 12 months

First Aid

Drink driving

3. Search for themes based on initial coding

Fire

- Fire safety
- Special effects
- Smoke free premises

Drinks

- Drink spiking
- Free drinking water
- Drink driving

Drugs

- Drug use

Over-occupancy

- Occupancy
- Management structure, staff rota

Lack of seating

- Vertical drinking establishments → provide seating

Arrival and dispersal

- Safe arrival and departure → dispersal

Construction

- Construction of premises safety

Medical emergency

- First Aid
- Risk assessment reviewed every 12 months

Voluntary activities

Resources available to use

4. Review and labelling of themes → see page 11: Table 2

Themes that were selected were those that consistently emerged throughout the policies:

Fire

Drinks

Drugs

Over-occupancy

Lack of seating

Arrival and dispersal

Construction

Medical emergency

Licensing Objective 3: The Prevention of Public Nuisance

1. Data familiarisation

	Topic	Details
Cheshire East	Car parks	Car parks → consider arrangement and effects on residents
	Environmental Protection Act 1990	Need to consider this
	Operating Schedule suggestions	Soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours
	States what the licensing authority will consider	<p>Whether people standing or sitting outside are likely to cause obstruction or other nuisance</p> <p>Whether premises are under or near residential accommodation</p> <p>The hours of sale of alcohol in open containers or food for consumption outside the premises</p> <p>Measures to make sure that customers move away from outside premises when such sales cease</p> <p>Measures to collect drinking vessels and crockery, cutlery and litter</p> <p>The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking</p> <p>Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.</p>

	Other emissions	Litter, smells, fumes, dust, tobacco or other smoke, or other emissions
	Queuing	Minimize where possible, or divert away from residential areas
	Taxis and routes to/from premises	Consider if these are likely to disturb
	Waste	Consider if this would increase
	CCTV/door staff	Are they necessary to prevent nuisance?
	Drugs	Measure to prevent sale
Great Yarmouth = provides brief in body of text, then guidelines in appendix for more detail	Antisocial behaviour	Should be considered
	Queuing	Steps to prevent / divert away from residents
	Parking arrangements	
	Taxis	Will they disturb?
	Waste	Would this increase?
Sheffield	Light pollution	Told to balance not causing nuisance with prevention of crime → lighting reduces crime
	Smoking shelters	Management plan so not too loud
	Advertising	Plans needed to ensure advertising is not annoying
York = makes a statement, has a clear reason underneath liking to objective	Hours of operation	States particular plans for reducing nuisance should be between 11-7
	Carry out regular noise monitoring	
	Train staff in reducing noise	
	Provide locals with the manager number on request	
Oxford = not separated into 4 objectives	Fly-posting	Considered to be a public nuisance Gives alternative for advertising: use 1 or 7 poster boards States that OS should include details of how they plan to advertise events
Newcastle	Smoking	Ash trays or wall mounted bins = minimise litter

	Specific location	Extra consideration needed if near to houses or hospitals
	All premises should	Liaise with locals to ensure everything is okay Provide locals with contact number Dispose of bottles during normal working hours
	On trade premises should	Consider getting a noise report done Locate DJs/speakers away from doors and windows
	Off trade premises should	Ensure people don't hang about outside shop Plan deliveries in normal working hours
	Ventilation systems	To reduce odours Ensure they are silent
	External lighting	Turn off once premises is shut

2. Initial coding of data

Car parks → arrangements and effects on residents

Environmental protection act 1990 – consider

Soundproofing

AC

Sound limitation device

Operating hours – between 1–7 need special plans for reducing nuisance

Dispersal policy

Measures to collect drinking vessels

Door supervisors and CCTV

Other emissions → ventilation systems to reduce odours

Queuing – measure to minimize or divert away from residential areas

Taxis and routes to/from premises – consider if they will disturb

Waste – consider if it will increase

Drugs – measure to prevent sale

Antisocial behaviour – consider

Light pollution – balance causing nuisance and safety/preventing crime and disorder

Smoking shelters – management plan to reduce noise and litter – ash trays?

Advertising/fly-posters → fly-posting is illegal. Need plan for how to advertise.

Carry out regular noise monitoring

Train staff in reducing noise

Provide locals with the manager number on request and check in on them to make sure they are happy

Consider location – more special plan needed if close to houses/hospitals/worship places

Dispose of bottles during normal working hours

Locate DJs/speakers away from doors/windows

Off-license: ensure people do not loiter outside the shop

Plan deliveries during normal working hours

3. Search for themes based on initial coding

Noise

- AC
- Car parks → arrangements and effects on residents
- Soundproofing
- Sound limitation device
- Dispersal policy
- Door supervisors and CCTV
- Operating hours – between 1–7 need special plans for reducing nuisance
- Queuing – measure to minimize or divert away from residential areas
- Antisocial behaviour – consider
- Taxis and routes to/from premises – consider if they will disturb
- Carry out regular noise monitoring
- Train staff in reducing noise
- Provide locals with the manager number on request and check in on them to make sure they are happy
- Consider location – more special plan needed if close to houses/hospitals/worship places
- Dispose of bottles during normal working hours
- Plan deliveries during normal working hours
- Off-license: ensure people do not loiter outside the shop
- Locate DJs/speakers away from doors/windows

Smoking

- Smoking shelters – management plan to reduce noise and litter – ash trays?

Waste

- Measures to collect drinking vessels
- Other emissions → ventilation systems to reduce odours
- Waste – consider if it will increase

Visual

- Light pollution – balance causing nuisance and safety/preventing crime and disorder
- Advertising/fly-posters → fly-posting is illegal. Need plan for how to advertise.

Environmental protection act 1990 – consider

Drugs – measure to prevent sale

4. Review and labelling of themes → see page 12-13: Table 3

Themes that were selected were those that consistently emerged throughout the policies:

Noise

Smoking

Waste

Visual

Licensing Objective 4: The Protection of Children from Harm

1. Data familiarisation

	Topic	Details
Cheshire East	Defines	Protection of children from harm includes protection from premature exposure to strong language and sexual expletives
	Serious concerns in specific places eg...	Convictions for underage drinking Known association with drugs Strong element of gambling Sexual entertainment
	Matters considered by the authority...	The likelihood of children being attracted to the premises eg entertainment Whether there is evidence of binge drinking
Great Yarmouth = provides brief in body of text, then guidelines in appendix for more detail	Serious concerns in specific places eg...	Convictions for underage drinking Known association with drugs Strong element of gambling Sexual entertainment Whether unaccompanied children have been let in Whether alcohol selling is the primary purpose
	OS should state whether children are allowed	If children not allowed then details are not necessary in OS BUT details are needed if they are allowed
	Consideration should be given to	Staff training to avoid underage sales Procedures for lost and found children at large scale events Compliance with the Portman group code
Sheffield = frequently provides links/phone numbers for more detail	Risk assessment template	A risk assessment template is available to download at www.safeguardingsheffieldchildren.org.uk
	Access for children to licensed premises	A code of practice for children living at licensed premises is available to download at www.safeguardingsheffieldchildren.org.uk
	Proof of age scheme	Must be signposted
	Refusals register	A refusals register must be maintained and made available for inspection at reasonable request. Records should include the date and time of the refusal, the product the

		young person attempted to buy or the reason for refusal/ejection, a physical description of the customer and any other significant comments;
	Staff training	Records must be maintained and made available upon request
	Delivery of alcohol	Steps must be taken to prevent sale to underage
	'Underage Sales Group'	Tackles underage sales and contains a specific framework of how persistent failures of test purchases are dealt with in Sheffield
	Responsible retailer scheme	Educates staff about underage sales and getting into habit of asking for ID
	Child sexual exploitation policy needed, regarding	Train staff to recognise indicators of exploitation Train staff to ask for ID CCTV and patrols Report suspicious activity
	Proxy sales	Use CCTV and patrols
	Children's Safeguarder	Nominate a safeguarder = shows due diligence and is useful where premises have a high staff turnover
York = makes a statement, has a clear reason underneath liking to objective	Serious concerns in specific places eg...	Convictions for underage drinking Known association with drugs Strong element of gambling Sexual entertainment
	Youths outside shops	May ban children altogether if it is an area for children to gather outside → disorder
	Films age specification	With respect to films with 'U' classification, which are suitable for audiences aged 4 years and over, children under 4 may be admitted at the discretion of the accompanying parent/adult
Oxford = not separated into 4 objectives	BBFC film classification	Appendix specifies classification
	Proof of age documents	Appendix specifies accepted docs
	Reputation	When making a decision, the authority can consider general rules as well as reputation
	Entertainment for children	Need risk assessment for how to ensure safe access and egress of children

	Under 18 events	Must be ticket-only. This is because there is a risk that when 'pay-at-the-door' events reach capacity, children will be left alone on the street.
	Child performances	For licences that include performances by children, the Authority will normally expect a nominated adult to be responsible for such child performers.
	Film classification – films without a class	Submit to the authority 28 days before and they will class → authority classification overrides any other
	Film – display of notices	The Authority will expect applications to ensure that appropriate notices are displayed about restrictions on admission and that performances do not take place in areas other than where they can be restricted to a particular audience when necessary.
Newcastle	Proxy sales	<p>Steps must be taken to prevent → trained staff</p> <p>Delivery of alcohol → staff must be made aware that they need to check alcohol is not sold to those underage</p> <p>No ID – No Sale policy eg Challenge 21</p> <p>All premises part of False ID Scheme</p> <p>Till prompts to remind staff to ask for ID</p> <p>Posters put up stating proxy sales are illegal</p> <p>Refusals register for refuse customers</p> <p>Shops and supermarkets → windows not obstructed by posters</p>
	Under 18 events	Refer to a document for details
	Designated staff	Designated welfare staff, trained first aiders and trained staff, to identify vulnerable person(s)
	Club Night Quality Mark	Developed by Newcastle – must adhere to for unaccompanied under 18 events
	Immediate vicinity	Considering the impact the operation of their premise may have on the immediate vicinity, particularly if there are schools, cinemas, family restaurants, bowling alleys

		or other facilities nearby likely to be frequented by children and young people.
	Films	Check age at point of sale and prior to entry to screening room
	Gambling	Age restrictions should be signed and in full view of staff
	Adult nature entertainment	Posters of this nature should not be displayed in areas where children might see

2. Initial coding of data

Proof of age scheme – must be signposted

Need a refusals register

Delivery of alcohol

Child sexual exploitation policy → report suspicious behaviour

Proxy sales → use CCTV and patrols

Safeguarder – need a member of staff in charge of welfare

Films age specification and display notices

Under 18 events = ticket-only to prevent children being alone on streets if max capacity is reached

Gambling – age limit specified and gambling machines in view of staff

3. Search for themes based on initial coding

Underage activity

- Gambling – age limit specified and gambling machines in view of staff
- Need a refusals register
- Proof of age scheme – must be signposted
- Under 18 events = ticket-only to prevent children being alone on streets if max capacity is reached
- Delivery of alcohol
- Proxy sales → use CCTV and patrols

Sexual exploitation

- Child sexual exploitation policy → report suspicious behaviour

Age inappropriate cinema

- Films age specification and display notices

Unaccompanied children

- Safeguarder – need a member of staff in charge of welfare

4. Review and labelling of themes → see page 14: Table 4

Themes that were selected were those that consistently emerged throughout the policies:

Underage activity

Sexual exploitation

Age inappropriate cinema

Unaccompanied children

**Appendix 5 Revised Statement of Licensing Policy – See
Attached**



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 interim 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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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 Neighbourhoods 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 Sub-Committee has a discretion (which cannot lawfully be delegated to officers) to dispense with a hearing. In deciding whether or not to dispense with a hearing the sub-committee 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.

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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.

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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.

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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 any such bins be 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

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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.

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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	<p>Durham County Council EHCP (Licensing) PO Box 617 Durham DH1 9HZ</p> <p>Tel. 03000 261016 licensingenforcement@durham.gov.uk</p>
Chief Officer of Police	<p>Harm Reduction Unit Durham Constabulary Annand House John Street North Meadowfield County Durham DH7 8RS</p> <p>Tel. 0191 3752351 ahru@durham.pnn.police.uk</p>
Fire Authority	<p>Fire Safety Division County Durham & Darlington Fire and Rescue Service Fire and Rescue Service Headquarters Framwellgate Moor Durham DH1 5JR</p>
<p>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:</p> <p>(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)</p>	<p>Durham County Council EHCP (Safety) PO Box 617 Durham DH1 9HZ</p> <p>Tel. 03000 261016</p> <p>HM Principal Inspector Health and Safety Executive Yorkshire and North East Division Alnwick House Benson Park View Newcastle upon Tyne NE98 1YX</p> <p>Tel. 0345 300 9923 http://www.hse.gov.uk/contact/</p>
Planning Depending upon which area the application relates, send to one of the following:	<p>Durham City / Easington Areas Durham County Council Planning Development (Central/East) PO Box 616 Durham DH1 9HY</p> <p>Chester-le-Street / Derwentside Areas</p>

	<p>Durham County Council Planning Development (North) PO Box 255 Chester-le-Street DH3 9EA</p> <p>Wear Valley / Sedgfield / 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, cliental 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 Prevention of underage 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

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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.

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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) dmnorth@durham.gov.uk

Central & East Area: (for proposals in former Easington and Durham City area) dmcentraleast@durham.gov.uk

South West Area: (for proposals in former Wear Valley, Sedgefield and Teasdale Area): dmsouthwest@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.

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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.

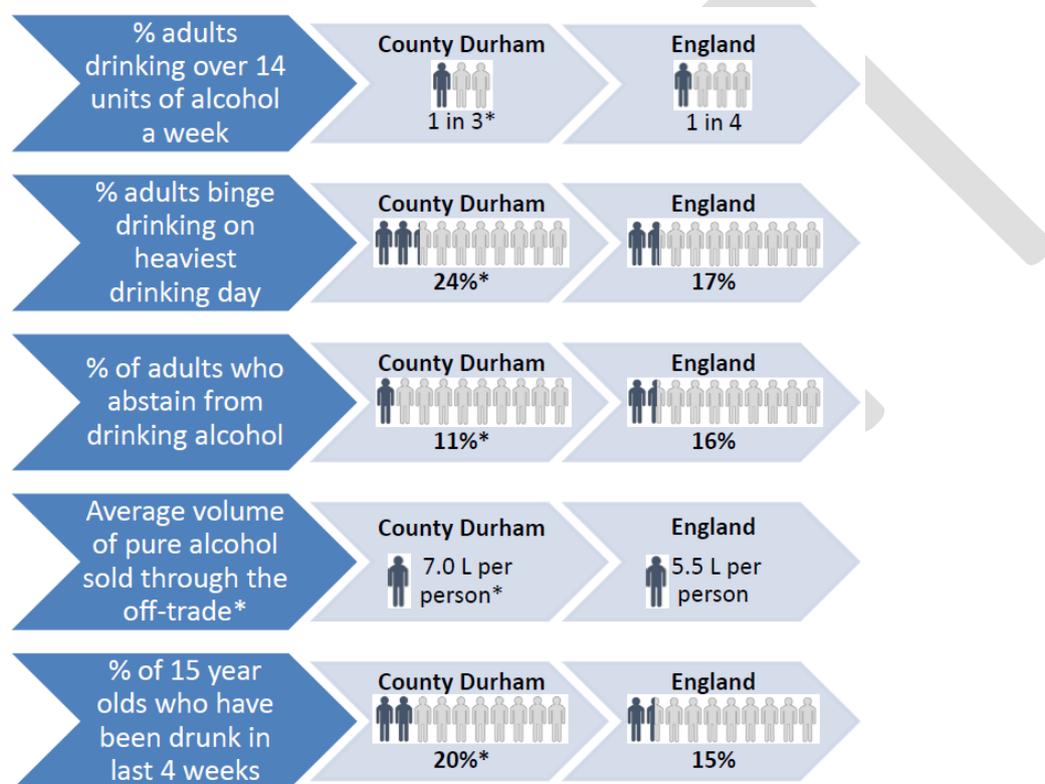
Alcohol has a significant impact on a range of health conditions and alcohol is seen as a factor in more than 60 medical conditions. The main health consequences of

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

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.

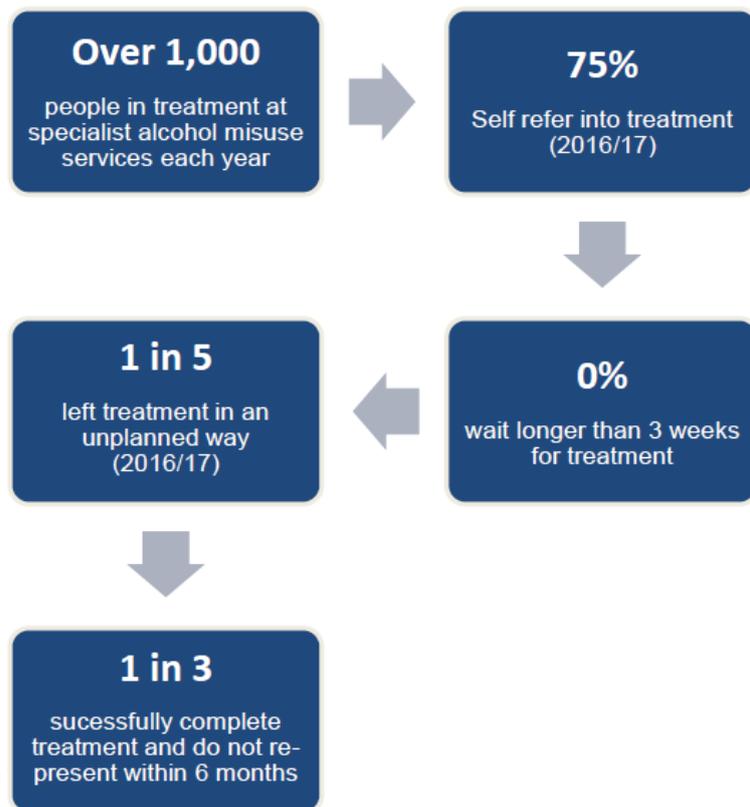


Figure 2 provides a summary of the last three years activity for alcohol treatment in County Durham.

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.

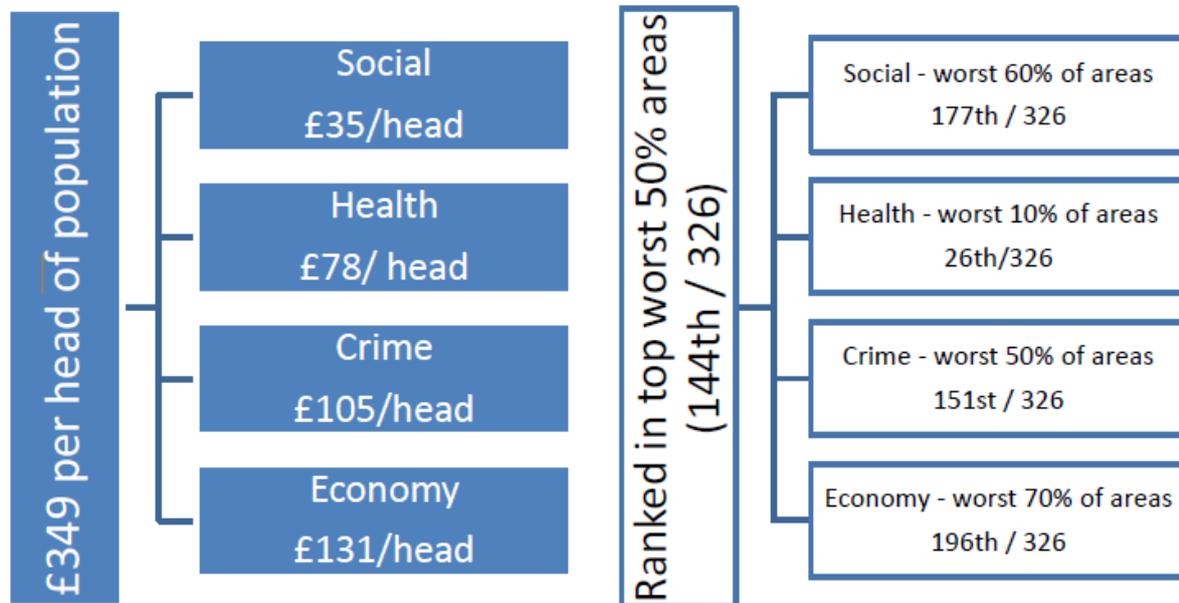


Figure 4: Cost of alcohol harm in County Durham, 2015/16. Source: Balance, 2018.

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.

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

END
