

## Licensing Act 2003 – Review of Statement of Principles 2019

No.	From	Response Received
1	Peter M. Aitken OBE. Secretary, Brancepeth Community Association .	<p><b>Response:</b> 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><b>Comments:</b> 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	<p>Hannah Price   Associate  Popleston Allen  E: h.price@popall.co.uk    T: 0115 9349 199    M: 07377 889 254    W: www.popall.co.uk</p>	<p><b>Response:</b> 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><b>Comments:</b> 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	<p>Hannah Price   Associate Popleston Allen E: h.price@popall.co.uk   T: 0115 9349 199   M: 07377 889 254   W: www.popall.co.uk</p>	<p><b>Response:</b> 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><b>Comments:</b> 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	<p>Nick Rippin Caseworker Office of Roberta Blackman-Woods</p>	<p><b>Response:</b> 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 <b>at least once</b> 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><b>Comments:</b></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><b>Response:</b> 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><b>Comments:</b> 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><b>Response:</b> 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><b>Response:</b> 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><b>Comments:</b> 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><b>Response:</b> 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"> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> <li>• 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</li> </ul>

		<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><b>Comments:</b> No changes or amendments to current policy can be based on this representation.</p>
9	<p>David Duell 1 Heathways Durham DH 1 2PG</p>	<p><b>Response:</b> 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><b>Comments:</b> 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>

		<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.</p>
10	<p>Gilbert Stokoe &lt;gil.stokoe@btinternet.com&gt;</p>	<p><b>Response:</b> 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><b>Comments:</b> 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"> <li>• protecting the public and residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;</li> <li>• 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;</li> <li>• 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;</li> <li>• 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</li> </ul>

		<ul style="list-style-type: none"> <li>• 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.</li> </ul> <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 &lt;rob.ferguson@canta b.net&gt; Sent: 29 March 2019 20:05</p>	<p><b>Response:</b> 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><b>Comments:</b> 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><b>Response:</b> 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><b>Response:</b> Dear Sir</p> <p>At a Meeting of the Town Council held on 8<sup>th</sup> 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"> <li>• The retail sale of alcohol</li> </ul> <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><b>Comments:</b> 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"> <li>• The retail sale of alcohol</li> </ul>

		<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><b>Response:</b> 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><b>Comments:</b> 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><b>Response: RE: Review of Statement of Licensing Policy</b></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><b>Structure of the Review</b></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><b>Prevention of Public Nuisance</b></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><b>Protection of Children from Harm</b></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><b><u>Public Safety</u></b></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><b>Response:</b> 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><b>Comments:</b> 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><b>Response:</b> <b>DURHAM COUNTY COUNCIL</b> <b>STATEMENT OF LICENSING POLICY 2019- 2024 CONSULTATION</b> <b>Punch Taverns Response</b></p>

<p>e and Estates Manager  Email: donna.gracey@punchtaverns.com  Tel: 01283 501897  Mob: 07717 274633  Punch, Jubilee House - Second Avenue - Burton upon Trent - DE14 2WF</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.</p> <p>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**

Punch is a business name of Punch Taverns Limited Reg No. 3752645, Punch Partnerships (PML) Limited Reg No. 3321199, Punch Partnerships (PGRP) Limited Reg No. 3989664, Punch Taverns (Branston) Limited Reg No. 5596581 and Punch Taverns (Services) Limited Reg No. 4221944, each of which is registered in England and Wales and has its Registered Office and Jubilee House as below. **Tel: 01283 501600 Fax: 01283 501601 Web: [www.punchtaverns.com](http://www.punchtaverns.com) Punch | Jubilee House | Second Avenue | Burton upon Trent | Staffordshire | DE14 2WF**

**1**Licensing 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**

**2**We 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 <b>when residents in adjacent properties may be attempting to go to sleep or are sleeping</b>. 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><b>7</b>Any existing tables and chairs policy may be referenced. See appendix showing other relevant strategies, policies etc.</p> <p><b>8</b>Although 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><b>9</b>The Council will adhere to legislation and statutory guidance in relation to the use of conditions.</p> <p><b>10</b>the purpose, use and interpretation of the framework hours will be clearly stated and explained in the policy.</p> <p><b>11</b>The 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><b>12</b>Agent 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><b>Response:</b> 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"> <li>• Preventing and reducing harmful drinking (preventing dependency, improving pathways into treatment, preventing re-offending);</li> <li>• Tackling vulnerability (Support individuals who are vulnerable to harm due to their own misuse of alcohol);</li> <li>• Professionalisation of the licensing regime (provision of good quality training, improving the statutory guidance, sharing good practice with local regimes).</li> </ul> <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"> <li>• Prevention and early intervention</li> <li>• Providing specialist interventions to promote recovery</li> <li>• Protecting children and vulnerable adults at risk</li> <li>• Strengthening leadership, management and governance</li> </ul>

	<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"> <li>• 89% of people in the North East drink alcohol compared to 78% across the UK.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <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"> <li>• 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)</li> <li>• Unit information (and calorie data if available) is displayed on any drinks menu available.</li> <li>• Free (tap) water is available and the offer is visible to customers.</li> </ul> <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"> <li>• 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 .</li> <li>• 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.</li> <li>• 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.)</li> <li>• 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"> <li>• 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.</li> </ul> </li> </ul>
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	<p>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.</p> <p>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.</p> <p>The impact of alcohol</p> <p>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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Alcohol is a risk factor in over 200 health related conditions, including liver disease, cardiovascular disease and at least seven types of cancer.</li> <li>• 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.</li> <li>• 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.</li> </ul>
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		<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"> <li>• 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.</li> <li>• Alcohol can affect a child’s mental health and wellbeing. It is linked to stress, depression and self-harming behaviour.</li> <li>• Children are smaller, which means alcohol’s effects work more quickly. Alcohol poisoning can result in young people being admitted to hospital or worse.</li> <li>• 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.</li> <li>• Children’s bodies are still developing through the teenage years. We know that drinking alcohol can affect their liver, bones, hormones and their growth.</li> </ul> <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"> <li>• An expectation that licensees would display point of sale information highlighting CMO guidelines for children and young people and pregnant women;</li> <li>• 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;</li> <li>• 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</li> <li>• An expectation that licensed premises would have ‘alcohol free’ spaces set aside for families.</li> </ul> <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><b>Comments:</b> 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><b>Response:</b> 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"> <li>• many new retail and leisure developments including several licensed premises</li> <li>• the rapid recent and ongoing expansion in student numbers from 13,250 in 2003 to 21, 500 in 2026</li> </ul>

		<ul style="list-style-type: none"> <li>• 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.</li> </ul> <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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul> <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>e An applicant's previous history of running a licensed premise be made available if there was evidence of contraventions of the then prevailing licensing objectives.</p> <p>f There is an urgent need to review regulation covering alcohol sales at supermarkets and off licences which is fuelling preloading and consequent impacts on the operation of other licensed premises.</p> <p>5 Concluding statement</p> <p>In conclusion the City of Durham Parish Council thanks the County Council's Licensing Authority for considering these remarks in response to the consultation on the 2019 revision of the Statement of Licensing Policy.</p> <p>The overarching theme to the points made above is about delivering a safe and healthy environment for all residents in the City, balanced by the legitimate requirements of those involved in running licensed premises.</p> <p>To achieve this the City of Durham Parish Council</p> <ul style="list-style-type: none"> <li>• believes that, with the extraordinary expansion of Durham University's population and estate, the time has come for a differentiated approach to licensing policy - so far as is possible within current legislation - between the City of Durham and other towns and villages within the County and</li> <li>• hopes that all stakeholders can come together to make this work to everyone's benefit.</li> </ul> <p>Comments:</p> <p>1 no comments</p> <p>2 We can encourage the responsible authorities to respond to application etc. however we cannot require them or anyone else to respond</p> <p>3 1 more information about the university could be included.</p> <p>3 2 reference to declaration of human rights is not part of licensing policy but could be referenced</p> <p>No evidence provided to support assertions and licensees cannot be held responsible or accountable for noise away from licenced premises however noise from their premises and from patrons on and near are matters for consideration under licensing law and policy. Change of sentence proposed.</p> <p>3 3 relevant university policies could be referenced</p> <p>3 4 the university has responded to the consultation and the licensed premises are consulted but the list may be extended in future however, all premises licence and certificate holders were written to.</p> <p>3 5 subject to any national legal changes, DCC licensing policies and procedures are and will remain distinct and separate from planning. This is fully in accordance with national legislation and current guidance. A licensing and development control protocol on the exchange of information already exists</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><b>3 6</b> opportunities to work closer with public health may be explored</p> <p><b>3 7</b> 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><b>3 8</b> more examples of good practice at reducing noise from premises may be included.</p> <p><b>3 9</b> 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><b>3 10</b> a PSPO is not part of the licensing policy.</p> <p><b>3.11</b> 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><b>3 12</b> guidance on matters such as supervision are not set by Licensing but come from experts in the field of child protection</p> <p><b>3 13</b> 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><b>3 14</b> 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><b>3 15</b> the proposal can be considered by Members</p> <p><b>4 further comments</b></p> <p><b>a</b>Currently all applications are put on the Council website and steps have been taken to add the operating schedules.</p> <p><b>B</b>such information may be available following the development of a licensing portal which does not exist presently</p> <p><b>c</b> such information may be available following the development of a licensing portal which does not exist presently</p> <p><b>d</b>glossary 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><b>Response:</b> 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"> <li>• Preventing and reducing harmful drinking (preventing dependency, improving pathways into treatment, preventing re-offending);</li> <li>• Tackling vulnerability (Support individuals who are vulnerable to harm due to their own misuse of alcohol);</li> </ul>

	<ul style="list-style-type: none"> <li>• Professionalisation of the licensing regime (provision of good quality training, improving the statutory guidance, sharing good practice with local regimes).</li> </ul> <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. Up-to-date statistical information for alcohol related harm can be found on Durham Insight <a href="https://www.durhaminsight.info">https://www.durhaminsight.info</a> 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"> <li>• Prevention and early intervention</li> <li>• Providing specialist interventions to promote recovery</li> <li>• Protecting children and vulnerable adults at risk</li> <li>• Strengthening leadership, management and governance</li> </ul>
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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"> <li>• 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)</li> <li>• Unit information (and calorie data if available) is displayed on any drinks menu available.</li> <li>• Ensuring free (tap) water is available and the offer is visible to customers.</li> </ul> <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"> <li>• Menu to display calories per portion information for all food offers.</li> <li>• Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.</li> <li>• 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).</li> <li>• Menu to offer smaller / half portions.</li> <li>• Salt and pepper available upon request rather than always on the table</li> </ul> <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"> <li>• 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.</li> <li>• Alcohol can affect a child’s mental health and wellbeing. It is linked to stress, depression and self-harming behaviour.</li> <li>• Children are smaller, which means alcohol’s effects work more quickly. Alcohol poisoning can result in young people being admitted to hospital or worse.</li> <li>• 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.</li> <li>• Children’s bodies are still developing through the teenage years. We know that drinking alcohol can affect their liver, bones, hormones and their growth.</li> </ul> <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"> <li>• 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.</li> <li>• 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.</li> </ul>
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		<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <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><b>Comments:</b> 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><b>Response:</b> Currently, we assess applications around 4 themes related to this objective</p> <ul style="list-style-type: none"> <li>Challenge 25 Prevention of under-age sales</li> <li>Staff training</li> <li>Maintaining a refusals register</li> <li>Preventing proxy sales</li> </ul> <p>I’d propose a further 2 aspects be considered as part of the consultation exercise</p> <ul style="list-style-type: none"> <li>A strengthening of guidance in relation to Under 18s attending licensed premises for events e.g. 18th birthday parties (see guidance attached)</li> <li>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:</li> </ul>

		<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><b>Comments:</b> Changes to current policy and proposals included in draft revision.</p>
22	Shan Sandanarajah	<p><b>Response:</b> 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><b>Comments:</b> 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><b>Response:</b> 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><b>Comments:</b>  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><b>Response:</b> Introduction</p> <p>The British Beer &amp; 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"> <li>• the only document provided for consideration is the existing 2014-2019 Statement of Licensing Policy;</li> <li>• 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;</li> <li>• 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;</li> <li>• there are no changes to opening hours guidelines;</li> <li>• 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.</li> </ul> <p>We propose that no changes are made to the SoLP other than:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• to update any references to legislation that have been superseded or newly introduced.</li> </ul>
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		<p><b>Comments:</b> 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><b>Response:</b> From: Caroline Dickenson  Sent: 27 February 2019 11:11  To: Rachel Stockdale &lt;Rachel.Stockdale@durham.pnn.police.uk&gt;  Cc: Dean Haythornthwaite &lt;dean.haythornthwaite@durham.pnn.police.uk&gt;  Subject: Statement of Licensing Policy comments</p> <p>Hi Rachel</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> <li>• 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:</li> </ul>

	<ul style="list-style-type: none"> <li>• 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.</li> <li>• At all times when the premises is a “vertical drinking establishment” where little or no seating is provided.</li> <li>• At times where there is a substantial increase in customers i.e. for televised major sporting events etc.</li> </ul> <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"> <li>• A minor point but in the existing policy there are two 12.10s and two 12.11s</li> <li>• 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.</li> <li>• Promoters – Newcastle City Council use the below wording around promoters, we would support and suggest that this could be replicated within the Durham Policy:</li> </ul> <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"> <li>• 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.</li> <li>• 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> </li> <li>• 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.</li> </ul> <p><b>Comments:</b> 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><b>Response:</b> In response to the County Council’s call for comments on its Licensing Policy Review (<a href="http://www.durham.gov.uk/article/19878/Consultation-on-our-Statement-of-Licensing-Policy">http://www.durham.gov.uk/article/19878/Consultation-on-our-Statement-of-Licensing-Policy</a>) 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 &amp; 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><b>Comments:</b> No changes or amendments to policy based on this representation.</p>
27	Durham Constabulary	<p><b>Response:</b> From: Caroline Dickenson Sent: 07 May 2019 15:02 To: Dean Haythornthwaite &lt;dean.haythornthwaite@durham.pnn.police.uk&gt; 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><b>1. Petrol stations and service stations</b></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.

		<p><b>3. Publicly</b></p> <p>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.</p> <p>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.</p> <p><b>1. Councillors</b></p> <p>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.</p> <p><b>2. Neighbours</b></p> <p>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</p> <p>Applications for new premises licence</p> <p>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</p> <p>Applications to vary a licence by including the sale or supply of alcohol</p> <p>Applications to vary a licence by adding music</p> <p>Notice will be given by letter</p>
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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><a href="http://www.durham.gov.uk/article/2136/Licensing-Act-2003-applications">http://www.durham.gov.uk/article/2136/Licensing-Act-2003-applications</a></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 &amp; 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><b>Response:</b> Reference to SUP and seek to influence traders and street operators to seek alternatives to single use plastics.</p>

		<b>Comments:</b> 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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