

**Review of the Statement of Licensing Policy
Consultation Results Report
Neighbourhood Services**



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Review of the Statement of Licensing Policy: Consultation Report

1. Background

The Licensing Act 2003 places a duty on licensing authorities to prepare and publish a Statement of Licensing Policy every five years. As the licensing authority for County Durham, Durham County Council (DCC) adopted its current Statement of Licensing Policy in January 2011 which is now being reviewed following recent changes in licensing legislations.

The policy sets out how DCC will carry out licensing functions in County Durham to help achieve objectives including the prevention of crime and disorder, improved public safety, the prevention of public nuisance and the protection of children from harm and covers the following licensable activities;

- the retail sale of alcohol
- the supply of alcohol by or on behalf of a club
- the provision of regulated entertainment
- the provision of late night refreshment (between the hours of 11.00am and 6.00am)

DCC recognises that residents need to live and work in a safe and healthy environment and that it is integral for licensed premises to be run safely and that they add to both the local economy and vibrancy of County Durham. It is therefore the aim of DCC as the licensing authority to facilitate well-managed premises with licence holders displaying sensitivity to the impact of their premises on local residents.

The types of premises affected by the policy include nightclubs; pubs (both food and non-food); restaurants; late night takeaways; club premises such as working men's clubs; and off-licenses.

Proposed changes

We are proposing to update the Statement of Licensing Policy to include provisions around the following areas;

- **Information about Early Morning Restriction Orders (EMRO)**
The Police Reform and Social Responsibility Act 2011 (PRSR) gives the licensing authority the discretion to restrict sales of alcohol by introducing

an EMRO to restrict the sale or supply of alcohol between the hours of midnight and 6.00am to tackle high levels of alcohol-related crime and disorder, nuisance and antisocial behaviour. The introduction of an EMRO would need to be based on appropriateness and would need evidence to suggest there are high levels of alcohol-related crime and disorder in a particular area.

- **Information about the late night levy**

The PRSR Act has also provided the council with the discretionary power to charge an annual fee (or late night levy) to all licensed premises in County Durham that are authorised to sell alcohol between the hours of midnight and 6.00am as a means of raising contribution towards the cost of policing the night time economy.

- **Information about fees**

As the licensing authority, DCC is required to suspend a premises licence or club premises certificate if the holder fails to pay the annual licence fee, and if premises continue trading whilst suspended, the council will work with Durham Constabulary to take appropriate action. The suspension will be lifted only when the annual fee is paid.

- **Information about takeaway priorities**

We expect takeaways and late night refreshment premises to have a responsible policy for clearing litter from outside their premises and along the pavement in either direction as necessary whilst the premises are open and at the end of the working day. These premises should also maintain a clear, dirt and grease-free frontage and include notices advising customers to use the bins provided.

- **Information about members**

The policy will outline the role local members can play in the licensing process, including making representations in their own right or on behalf of any other person such as a local resident or business.

- **Information about appeals against licensing authority decisions**

Following a licensing committee hearing to determine an application, the applicant or any person making a relevant representation has the right to appeal that decision at Magistrate's Court. In hearing an appeal against the council's decision, the court will consider the policy and guidance issued under section 182 of the Licensing Act 2003, although the court can depart from either if they consider it justifiable to do so.

- **Information about complaints**

If the council receive complaints regarding licensed premises, the council will advise complainants to raise their complaints with the licensee in the first instance to resolve the matter. Where there is a serious complaint, we

will ensure that it is investigated and where appropriate, enforcement action taken.

- **Information about licence conditions**

The policy will include a set of specimen conditions which can be used in the production of individual licences where applicants offer conditions to be included in their licence, for example around CCTV, noise control and age verification schemes.

- **Information about authorised licensing hours**

The policy will include a new section about the approach the council will take in relation to licensing hours as evidence suggests that late night alcohol-related crime and anti-social behaviour remains a problem in large parts of County Durham. The policy will look to introduce recommended hours for operation which will consider the type of location of the premises and how much the proposed licensable activities will affect local communities. This will act as a guide for applicants when preparing operating schedules.

Further details on the proposed changes can be found in the report which was considered by DCC's Cabinet on Wednesday 9 October 2013 – [Cabinet reports for 9 October 2013](#)

2. Methodology

Information about the changes to the licensing policy were published on the DCC website along with an explanatory paper detailing further information on the proposed introduction of authorised licensing hours and an online survey for responses. The survey included questions around the proposed changes to the policy as well as an opportunity for general comments to be made.

All stakeholders and statutory consultees were signposted to the online survey to have their say on the proposed changes. Paper copies of the survey and explanatory paper were also available on request from the licensing team for those consultees who don't have internet access.

A full list of consultees and stakeholders which were identified and contacted regards the proposed policy changes can be found in Appendix 1.

Consultation questionnaire

A questionnaire was developed which focused on two of the proposed changes to the current policy, being the introduction of authorised licensing hours and licence conditions. Analysis of the responses are detailed in Appendix 2.

Equality and Diversity Impact Assessment

Equality and Diversity data was also captured. Further information regarding the equalities profile of respondents is detailed in Appendix 1.

Promotional mechanisms

The full range of communications mechanisms open to the council were used to raise awareness of the consultation and encourage participation. These included:

- A consultation webpage created specifically for the Statement of Licensing Policy
- Letters sent to consultees and stakeholders
- Area Action Partnerships
- Press releases
- Social media messages
- Information to customer service staff through CSI
- Internal publications including Durham Buzz and the Members' Update for council staff and members
- Staff Intranet
- Customers at our access points through CAP slides

3. Stakeholder feedback

83 responses were received via the online survey with the results of this presented in Appendix 2. There were 6 paper version of the survey also received.

Consultation questionnaire – summary of results

91.7% of respondents agreed or strongly agreed with the proposal to introduce a policy that authorises/restricts the opening times of licensed premises based on their type and location.

90.4% of respondents agreed or strongly agreed that a set of specimen conditions should be made available for the use in the production of individual licence conditions.

65.2% responded to the survey as an individual with 26.9% responding as an individual. 7.9% of respondents did not specify.

Of those that specified, 56.4% of respondents were male and 43.6% of respondents were female.

Appendix 1: Consultees and stakeholders

- All responsible authorities
- All persons/bodies throughout County Durham holding premises licences or club premises certificates including pubs, clubs, off licences, supermarkets, takeaways, restaurants and mobile food vendors
- Persons/bodies representative of local holders of personal licences
- Persons/bodies representative of businesses and residents in the county
- Safeguarding Children Board
- All elected members of Durham County Council
- Town and parish councils
- Crime and Disorder Reduction Partnership
- Durham CIU
- British Beer and Pub Association
- Federation of Licensed Victuallers
- British Institute of Inn Keeping
- Alcoholics Anonymous
- Association of Licensed Multiple Retailers
- Equity
- County Durham Primary Care Trust
- North East Musicians Union
- Global Online Assessment for Learning (GOAL)
- NOCTIS
- Security Industry Authority
- Local MPs and MEPs
- Area Action Partnerships
- Citizens Panels
- County Durham Area Taxi Working Groups
- Safety Advisory Groups
- Business Support Managers
- Town Centre Managers
- Residents Associations
- Equality and Diversity Groups
- North East Chamber of Commerce
- Night time economy managers
- Local multi-agency problem-solving groups
- Streetscene/Head of Direct Services
- Community Safety Team
- Community Action Team
- Antisocial behaviour team
- BALANCE North East

Appendix 2: Results of the Statement of Licensing Policy consultation

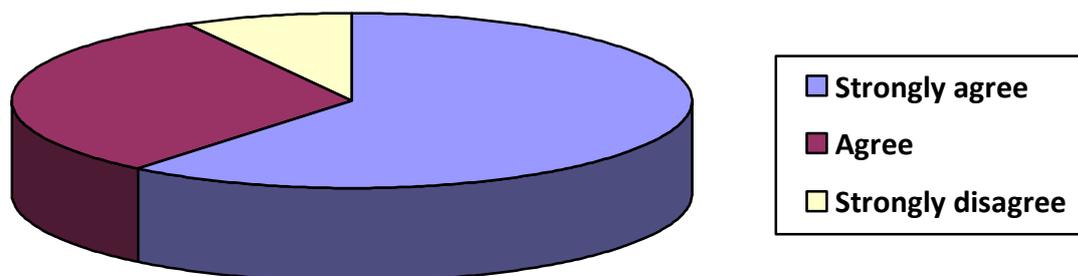
The survey focused on two of the proposed changes to the Statement of Licensing Policy being the authorised licensing hours and licence conditions. Those completing the online survey were also invited to add any comments regards other proposed changes as well as anything else that they think should be included in the policy.

Q1 – Authorised licensing hours

Do you agree or disagree that the county council should introduce a policy that authorises/restricts the opening times of licensed premises based on their type and location?

Response	Number of responses	Percentage of cases
Strongly agree	51	60.7%
Agree	26	31%
Neither agree nor disagree	0	0%
Disagree	0	0%
Strongly disagree	7	8.3%
Total	84	100%

Do you agree or disagree that a policy that authorises/restricts the opening times of licensed premises based on their type and location should be introduced?



Q2 – Authorised licensing hours

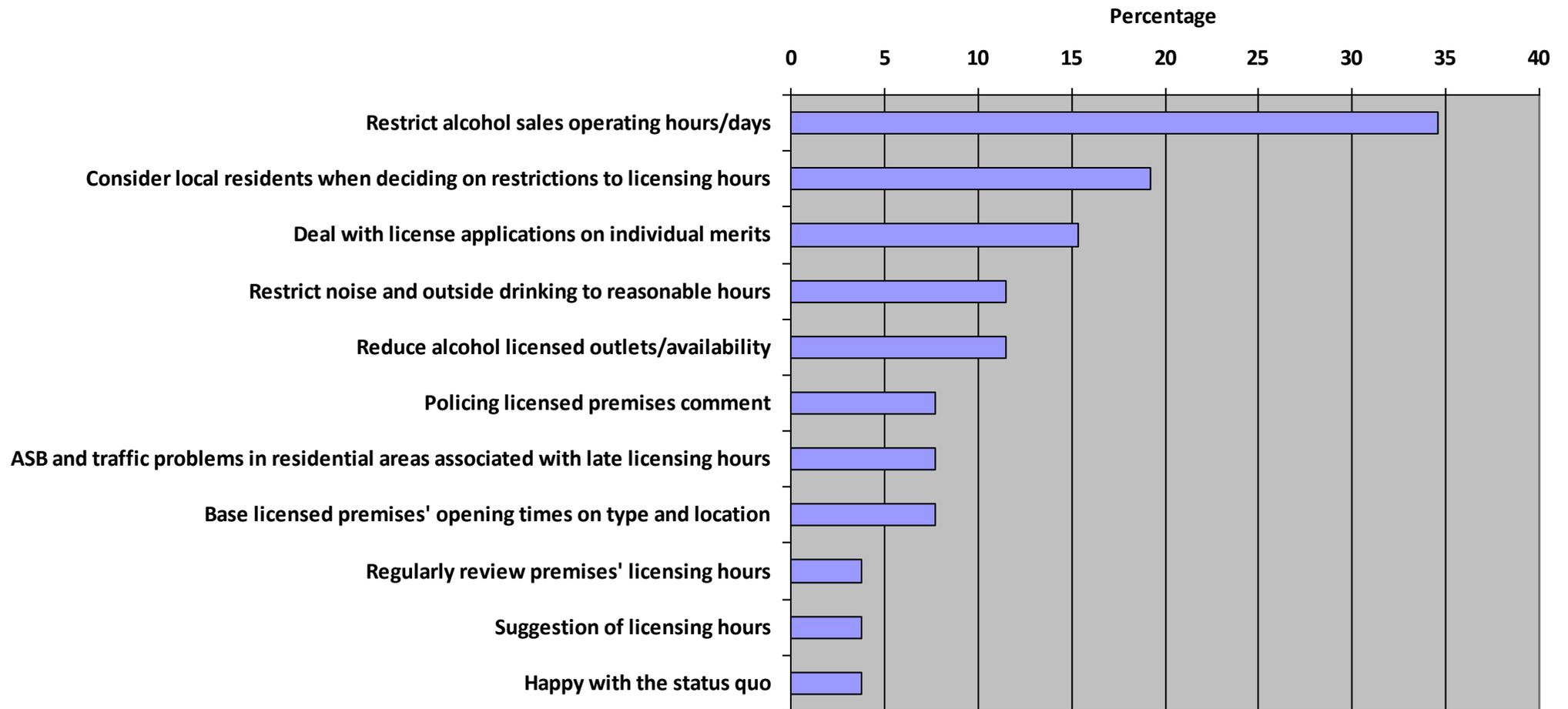
Do you have any comments or suggestions on the proposal to introduce a policy on licensing hours based on the type of licensed premises and location?

Comment	No. of responses	Percentage of cases
Restrict alcohol sales operating hours/days	9	34.6%
Consider local residents when deciding on restrictions to licensing hours	5	19.2%
Deal with license applications on individual merits	4	15.4%
Restrict noise and outside drinking to reasonable hours	3	11.5%
Reduce alcohol licensed outlets/availability	3	11.5%
Policing licensed premises comment	2	7.7%
ASB and traffic problems in residential areas associated with late licensing hours	2	7.7%
Base licensed premises' opening times on type and location	2	7.7%
Regularly review premises' licensing hours	1	3.8%
Suggestion of licensing hours	1	3.8%
Happy with status quo	1	3.8%
Total	33	126.9%*

* Some respondents provided more than one comment

Q2 – Authorised licensing hours

Comments on proposal to introduce a policy on licensing hours based on type of premise and location



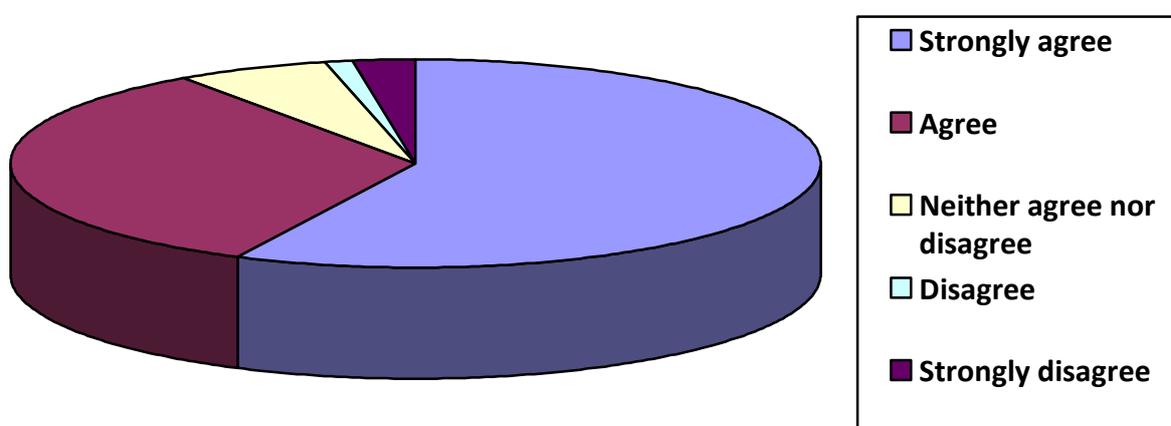
Q3 – Licence conditions

Where applicants offer conditions to be included in their licence, for example around CCTV, noise control, age verification schemes and other conditions, it is proposed to produce a set of specimen conditions which can be used in the production of individual licences.

Do you agree or disagree that a set of specimen conditions should be made available for use in the production of individual licence conditions?

Response	Number of responses	Percentage of cases
Strongly agree	48	57.1%
Agree	28	33.3%
Neither agree nor disagree	5	6.0%
Disagree	1	1.2%
Strongly disagree	2	2.4%
Total	84	100%

Do you agree or disagree that set of specimen conditions should be made available for the use in the production of individual licence conditions?



Q4 – Any other policy information

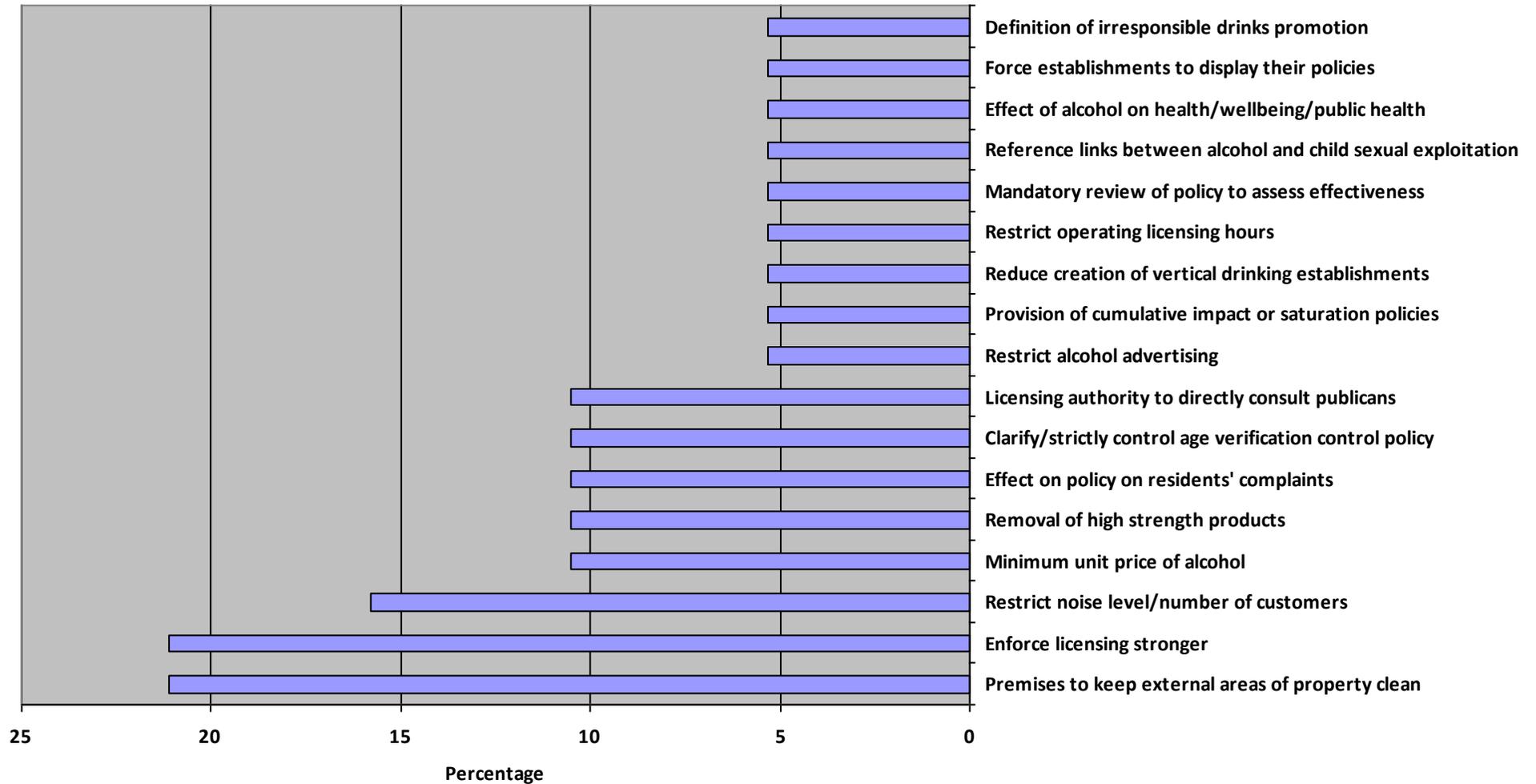
Taking into account the proposed additions to the Statement of Licensing Policy, is there anything else you think should be included in the policy?

Comment	No. of responses	Percentage of cases
Premises to keep external areas of property clean	4	21.1%
Enforce licensing stronger	4	21.2%
Restrict noise level/number of customers	3	15.8%
Minimum unit price of alcohol	2	10.5%
Removal of high strength products	2	10.5%
Effect of policy on residents' complaints	2	10.5%
Clarify/strictly control age verification policy	2	10.5%
Licensing authority to directly consult publicans	2	10.5%
Restrict alcohol advertising	1	5.3%
Provision of cumulative impact or saturation policies	1	5.3%
Reduce creation of vertical drinking establishments	1	5.3%
Restrict operating licensing hours	1	5.3%
Mandatory review of policy to assess effectiveness	1	5.3%
Reference links between alcohol and child sexual exploitation	1	5.3%
Effect of alcohol on health/wellbeing/public health	1	5.3%
Force establishments to display their policies	1	5.3%
Definition of irresponsible drinks promotion	1	5.3%
Total	30	157.9%*

* Some respondents provided more than one comment

Q4 – Any other policy information

Taking into account the proposed additions to the Statement of Licensing Policy, is there anything else you think should be included in the policy?



Q5 – Any other comments

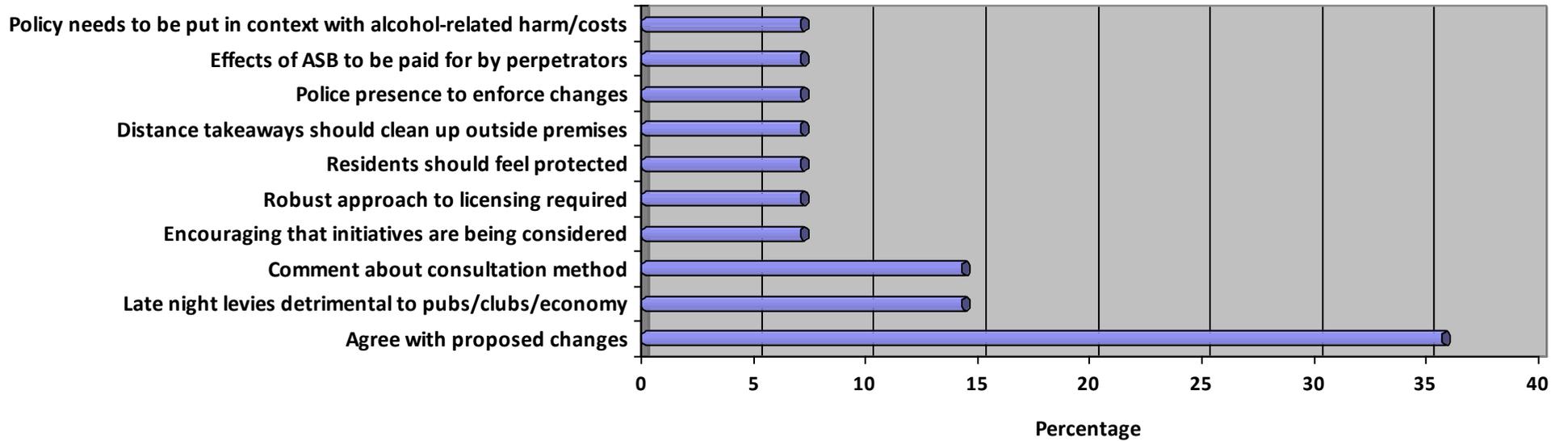
Do you have any other comments on the proposed changes to the Statement of Licensing Policy?

Comment	No. of responses	Percentage of cases
Agree with proposed changes	5	35.7%
Late night levies detrimental to pubs/clubs/economy	2	14.3%
Comment about consultation method	2	14.3%
Encouraging that initiatives are being considered	1	7.1%
Robust approach to licensing required	1	7.1%
Residents should feel protected	1	7.1%
Distance takeaways should clean up outside premises	1	7.1%
Police presence to enforce changes	1	7.1%
Effects of ASB to be paid for by perpetrators	1	7.1%
Policy needs to be put into context with alcohol-related harm/costs	1	7.1%
Total	16	114.3%*

* Some respondents provided more than one comment

Q5 – Any other comments

Other comments on proposed changes to the Statement of Licensing Policy



Q6 – Are you responding as an organisation or individual?

Response	Number of responses	Percentage
Organisation	24	29.3%
Individual	58	70.7%
Total	82	100%

Demographics of respondents

Q7 – What is your gender?

Response	Number of responses	Percentage
Male	31	56.4%
Female	24	43.6%
Total	55	100%

Q8 – What is your age group?

Response	Number of responses	Percentage
25-34	8	14.8%
35-44	9	16.7%
45-54	14	25.9%
55-64	16	29.6%
65+	7	13.0%
Total	54	100%

Q9 – Do you consider yourself to be a disabled person? (This may include any long-distance illness, disability or infirmity which has lasted, or is likely to last, for over a year)

Response	Number of responses	Percentage
Yes	7	12.7%
No	48	87.3%
Total	55	100%

Q10 – What is your religion or belief?

Response	Number of responses	Percentage
Agnostic	1	2.0%
Christian	35	71.4%
Jedi	1	2.0%
Jewish	1	2.0%
None	11	22.4%
Total	49	100%

Q11 – How would you describe your sexual orientation?

Response	Number of responses	Percentage
Heterosexual/straight	46	95.8%
Gay man	2	4.2%
Total	48	100%

Q12 – To which of these groups do you belong?

Response	Number of responses	Percentage
White	50	96.2%
Asian or Asian British	2	3.8%
Total	52	100%