



# Licensing Act 2003 - Statement of Licensing Policy

<b>Section</b>	<b>Contents</b>	<b>Page no</b>
1	<b>Introduction</b>	3
2	<b>Main principles of the statement of licensing policy</b>	3
3	<b>Integrating strategies and avoiding duplication</b>	8
4	<b>Scope of the policy</b>	8
5	<b>Live Music Act 2012 and other entertainment licensing deregulation</b>	9
6	<b>The licensing objectives and management standards</b>	10
7	<b>The prevention of crime and disorder</b>	13
8	<b>Public safety</b>	16
9	<b>The prevention of public nuisance</b>	16
10	<b>The protection of children from harm</b>	18
11	<b>Cumulative impact, Early Morning Restriction Orders and Late Night Levy</b>	20
12	<b>Licensing hours</b>	23
13	<b>Adult and sex related activities</b>	26
14	<b>Community premises</b>	27
15	<b>Members of the Council (DCC Councillors)</b>	28
16	<b>Administration and the delegation of functions</b>	29
17	<b>The decision making process</b>	30
18	<b>Conditions</b>	31
19	<b>Enforcement</b>	32
20	<b>Fees</b>	32
21	<b>Complaints</b>	33
22	<b>Reviews</b>	34
23	<b>Glossary</b>	37
	<b>Appendices</b>	
A	<b>Guidance for the protection of young people under 18 years of age who attend events at licensed premises</b>	42
B	<b>Framework hours - recommended hours for operation of licensable activities (sale and supply of alcohol and provision of late-night refreshment)</b>	44
C	<b>Contact names and addresses - Responsible Authorities for the purposes of the Licensing Act 2003</b>	45

# DURHAM COUNTY COUNCIL - STATEMENT OF LICENSING POLICY

## 1.0 Introduction

- 1.1 The County of Durham is located in the heart of the North East of England. From its western boundary high in the Pennine Hills, to the limestone cliffs of its North Sea coastline, County Durham features a rich diversity in lifestyle and culture including a historic University, a World Heritage Site, Beamish and Bowes Museums, Durham City, Lumley and Lambton Castles, designated areas of Outstanding Natural Beauty, and historic villages and market towns. Approximately 4 million visitors are attracted to the County each year.
- 1.2 The County currently has a resident population of around 500,000 with more than half of the residents living in villages of less than 10,000 people. Many of the County's 12 main towns and 240 other small towns and villages are associated with its proud coal mining heritage.

## 2.0 Main Principles of the Licensing Policy

- 2.1 This statement has been prepared pursuant to Section 5 of the Licensing Act 2003 (the Act) by Durham County Council in its capacity as the Licensing Authority. The Council is referred to as the Licensing Authority throughout this policy.
- 2.2 The purpose of this policy is to promote the four Licensing Objectives and to set out the general approach that will be adopted by the Licensing Authority when exercising licensing functions in order to:
- To reinforce and remind elected Members of the Licensing Committee and any subcommittee the boundaries and power of the local authority and to provide them with parameters within which they should make their decisions. The Committee should be able to test the application against criteria set out in the policy and if it is appropriate to do so, add conditions to those set out in the Operating Schedule.
  - To inform applicants of the Licensing Authority's expectations and the parameters within which the Authority will make decisions and therefore, how their premises are likely to be able to operate. (Note: each application will be examined on an individual basis and according to the circumstances and merits of each individual case.)
  - To inform residents and businesses of the parameters within which the Authority will make decisions, and how their needs will be considered.
  - Support decisions made by the Licensing Authority when these decisions are challenged in a Court of Law.

- 2.3 The Policy has been written in accordance with the provisions of the Act and the guidance issued by the Secretary of State for the Department of Culture, Media and Sport (DCMS). It replaces the statement of Licensing Policy adopted by Durham County Council on 1 April 2011
- 2.4 In July 2010 The Home Office assumed full responsibility for alcohol licensing and enforcement leaving DCMS responsible for regulated entertainment (i.e. Schedule 1 Licensing Act 2003) only.
- 2.5 In adopting this Licensing Policy, the Licensing Authority recognises that residents need to live and work in a safe and healthy environment. Also, that it is important licensed premises are safe and well run and that they add to both the local economy and vibrancy of the County. The Licensing Authority's aim is to facilitate well managed premises and to support licence holders displaying sensitivity to the impact of their premises on local residents.
- 2.6 The Licensing Authority wishes to encourage the provision of a wide range of entertainment activities within County Durham throughout the opening hours of any licensed premises and to promote live music, dance, theatre, circus and street arts etc. for the wider cultural benefit of the community.
- 2.7 This Licensing Policy takes into account other, shared Council priorities and plans, for instance the Community Strategy, the County Durham Alcohol Harm Reduction Strategy, the Safe Durham Partnership Plan and key ambitions in terms of national, regional and local priorities. The Policy also takes into consideration Durham County Councils Corporate Objectives.
- 2.8 The authorisations considered by this Policy are as follows:
- The licensing of individuals for the retail sale of alcohol (a Personal Licence).
  - The licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (a Premises Licence).
  - The supply of alcohol or the provision of regulated entertainment at certain clubs (a Club Premises Certificate).
  - The permitting of certain licensable activities on a temporary basis (a Temporary Event Notice).
- 2.9 This Policy does not seek to undermine the rights of any person to apply under the Act for a variety of permissions, or to have their application considered on its individual merits. Nor does it override the rights of any person making representations on any application or seeking a review of a licence where they are permitted to do so under

the Act. The Licensing Authority will only depart from the Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives.

**2.10** In determining this statement of policy the following have been consulted:

- Responsible Authorities for County Durham
- All persons / bodies throughout the County holding Premises Licences or Club Premises Certificates including pubs, clubs, off licences, supermarkets, takeaways, restaurants and mobile food vendors
- Persons / bodies representative of local holders of Personal Licences
- Persons / bodies representative of businesses and residents in the County
- Safeguarding Children Board
- All Elected Members of Durham County Council
- Clerks of Town and Parish Councils throughout Durham County
- Safe Durham Partnership
- Durham CIU
- The British Beer and Pub Association
- The Federation of Licensed Victuallers
- British Institute of Inn Keeping (BIIAB)
- Alcoholics Anonymous
- The Association of Licensed Multiple Retailers
- Equity
- North East Musicians Union
- Global Online Assessment for Learning (GOAL)
- Security Industry Authority
- Local MP's and MEP's
- Area Action Partnerships
- Citizens Panels
- County Durham Area Taxi Working Groups
- Safety Advisory Groups
- Business Support Managers
- Town Centre Managers
- Residents Associations
- Disability Groups
- North East Chamber Of Commerce
- Night Time Economy Managers
- Local Multi Agency Problem Solving Groups
- Streetscene
- Community Safety Team
- Anti Social Behaviour Team
- BALANCE

**2.11 Duration and review of Policy** - The Licensing Authority is required to prepare and publish its statement of licensing policy at least every 5 years. For the purposes of that review it will undertake consultation with

residents, businesses and licence holders. In addition to this requirement, the policy will be kept under continuous review and where revisions (legal, technical or strategic) which support the licensing objectives are required, an appropriate level of consultation will be undertaken.

2.12 In formulating this Policy the Licensing Authority has had regard to the provisions of:

- The European Convention on Human Rights
- The Human Rights Act 1998
- The Crime and Disorder Act 1998
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- The Crime and Security Act 2010
- Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982
- The Clean Neighbourhoods and Environment Act 2005
- The Violent Crime Reduction Act 2006
- Durham County Council's Enforcement Policy
- The Police & Crime Act 2009
- The Health Act 2006
- County Durham Alcohol Harm Reduction Strategy 2009 - 1012
- Police Reform and Social Responsibility Act 2011
- The Live Music Act 2012

2.13 The Government's National Alcohol Strategy has been considered in relation to crime and anti-social behaviour and the effect of binge drinking on the health of the population.

2.14 Evidence identifies the links between the consumption of alcohol and binge drinking, crime and anti-social behaviour. In County Durham rates of binge drinking are significantly higher than the rest of England and the North east region. There are also high levels of increasing risk and high risk drinkers which contributes to increasing pressure on our hospitals and Community Alcohol Service. (DCC Public Health 2014). A high proportion of crime and anti-social behaviour in our communities is believed to be alcohol related. This figure increases considerably for violent crime and domestic abuse. Through the regulation of alcohol licensing and increasing standards of premises which are licensed to sell alcohol, the Local Authority Licensing Policy can contribute to reducing alcohol related harm at a local level.

2.15 Key objectives within the Alcohol Harm Reduction Strategy for County Durham, 2012 - 2015 are:

### **a) Alcohol Harm Prevention**

- To use targeted approaches to raise public awareness in County Durham of the harm caused by alcohol by promoting consistent messages about drinking.
- To provide specific targeted training and education to support individuals, professionals, communities and local businesses to address the harm caused by alcohol.
- To engage with children and young people to develop age and gender specific information, activities, services and education to prevent alcohol related harm.

### **b) Alcohol Harm Control**

- To increase the gathering, sharing and use of intelligence to reduce the number of alcohol related incidents and alcohol related offending impacting upon communities.
- To engage with licensees and target licensed premises where necessary to ensure that licensed premises are managed responsibly.
- To ensure a coordinated approach to policy development, planning and adoption of legislation.

### **c) Recovery and Treatment**

- To commission and deliver effective treatment and recovery services in line with national guidance and undertake work to identify the needs of particular groups where the data is limited e.g. pregnant women.
- To involve and support young people, families and carers (including young carers) living with alcohol related issues in order to break the cycle of alcohol misuse This policy will seek to support the implementation of the Alcohol Harm Reduction Strategy for County Durham in as much as the current legislation allows.

2.16 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.

- 2.17 The policy recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, this places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. Where applicable the Licensing Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.
- 2.18 The policy recognises the Disability Discrimination Act 1995. The licensing authority will have regard to this legislation when determining applications.

### **3.0 Integrating Strategies and Avoiding Duplication**

- 3.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 3.2 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, planning, transport, tourism and cultural strategies and also to obtain information on the effects of this Policy on local regulated entertainment.
- 3.3 The Licensing Authority recognises the need to avoid as far as possible duplication with other regulatory regimes. Whilst having regard to the Planning regime, the Council recognises that there should be a clear separation of the Planning and Licensing regimes, and Licensing applications should not be a re-run of the Planning application. The granting of a Licence under the Licensing Act does not relieve the applicant of the need to apply for Planning Permission or Building Regulation approval where appropriate. Nor does the grant qualify as, or remove the need for, any form of consent or release, for example, from covenants imposed in the title to the property whether or not such were imposed by the Local Authority.

### **4.0 Scope of the Policy**

- 4.1 The licensable activities specified in the Act and covered by this policy, include:
- The retail sale of alcohol
  - The supply of alcohol to club members
  - The supply of hot food or drink from premises between 23:00 hours and 05:00 hours (“late night refreshment”)

- The provision of entertainment listed below (known as “regulated entertainment”) to the public, to club members or with a view to profit:
  - Film exhibitions
  - Performances of a play
  - Certain indoor sporting events
  - A boxing or wrestling entertainment
  - Certain performances of live music
  - Playing of recorded music
  - Certain performances of dance

## **5.0 Live Music Act 2012 and other Entertainment Licensing Deregulation**

- 5.1 The Live Music Act 2012 came into force on 1st October 2012 and is designed to encourage more performances of ‘live’ music. The Act removes the licensing requirements for:
  - Amplified ‘live’ music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - Amplified ‘live’ music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
  - Unamplified ‘live’ music between 8am and 11pm in all venues
  - The provision of entertainment facilities
- 5.2 Where licensable activities continue to take place on premises any licence conditions relating to ‘live’ music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.
- 5.3 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the Licensing Authority if in doubt.
- 5.4 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) came into force on 27 June 2013. The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- A performance of a play in the presence of any audience of no more than 500 people
- An indoor sporting event in the presence of any audience of no more than 1000 people
- A performances of dance in the presence of any audience of no more than 500 people

## 6.0 The licensing objectives and management standards

- 6.1 The Act requires that the Licensing Authority carries out its various Licensing functions so as to promote the following four Licensing Objectives:
- **The prevention of crime and disorder**
  - **Public safety**
  - **The prevention of public nuisance**
  - **The protection of children from harm**
- 6.2 Each Objective is of equal importance. There are no other Licensing Objectives. Throughout the decision making processes, the four Objectives will therefore be of paramount consideration at all times.
- 6.3 Licensing law is the key means of control and will be part of an holistic approach to the management of the evening and night time economy. It is, however, only one means of securing the delivery of the Licensing Objectives and should not therefore be seen as a means of solving all problems within the community.
- 6.4 The Licensing Authority will work in partnership with, amongst others, neighbouring local authorities, the Police, local businesses and local people in pursuit of the promotion of the Licensing Objectives. The Policy does not seek to regulate matters which are provided for in other legislation e.g. Planning, Environmental Health, Health and Safety issues etc.
- 6.5 **Promoting excellent standards of management** - This policy seeks to promote not only the Licensing Objectives but also excellent standards of premises management, covering the arrival of customers all the way through to their departure. For example:
- **On Arrival at premises:** With the implementation of practices such as; queue management through the use of barriers, door supervisors the use of metal detectors and search wands, search policies to for drug and weapon detection and confiscation, challenge 25/PASS card schemes, last time of entry policies etc.

- **At the Premises:** By designing out crime risk through assessment, notifying the police of promoted events, maintaining staff training records, internal patrols to ensure safe capacities to reduce noise leakage. The introduction of anti-spiking measures, designated driver schemes the creation and maintenance of incident logs and refusal registers. The use of polycarbonates rather than glass for use both inside and outside the premises.
- **Outside the premises:** Through effective management of external areas such as beer gardens, forecourts and smoking areas. The use of CCTV and door supervisors and regular glass collection and disposal.
- **Leaving the premises:** By means of a clear dispersal policy including neighbour courtesy and, get home safely posters, winding down periods, access to taxi services, door supervision.
- **Promotion and support of other initiatives:** Such as, Purple Flag, Cardiff model (for violence prevention), Best Bar None, Pub Watch, Street Pastors, Community Alcohol Partnerships, Community Wardens, Taxi Marshals, Refuges and Safe Transport corridors.

- 6.5 Irresponsible drinks promotions, sales and pricing** - There is a relationship between the pricing of alcoholic beverages, the consumption of alcoholic drinks and resultant issues associated with crime and disorder. When alcoholic drinks are offered and sold at low prices e.g. at or below cost prices from both 'on' and 'off'-trade premises, alcohol consumption can increase leading to adverse effects on all of the four licensing objectives. Cheap and readily available alcohol can contribute significantly to antisocial behaviour, drunkenness, disorder and other criminal behaviours that can blight areas, damage communities and place people at risk of harm.
- 6.6 Central Government has a major role to play in dealing with alcohol pricing and its availability nationwide. At a local level, the Licensing Authority through this policy sets out its own role and responsibilities in relation to influencing and where appropriate, controlling the sale, promotion and availability of alcohol.
- 6.7 The Licensing Authority's aim is to support and encourage responsibility in the sale, supply and consumption of alcohol within the County. The Licensing Authority will not seek to impose generalist or blanket conditions across all licences however, where evidence exists that the licensing objectives are being compromised or are likely to be adversely effected in an area, consideration may be given to the imposition of appropriate licensing controls on specific premises e.g. alcoholic drinks promotions and other sales techniques to deal with localised problems. For example, controls could include evidenced based and tailored restrictions for specific premises on the sale of particular high-strength alcoholic drinks, requirements relating to the

minimum cost of beverages etc. invariably as part of a number of control measures designed to deal effectively with any specific and identifiable problems.

- 6.8 The Licensing Authority encourages the local drinks industry and trading venues to develop and maintain a voluntary code of good practice for drinks promotions and pricing. Durham County Council would recommend and encourage all licensed premises to apply a minimum unit price of **50p** to all alcohol products sold under their premises licence.
- 6.9 The authority also reminds licence holders and all relevant personnel working at licensed premises of the mandatory conditions relating to drinks promotions. These conditions prevent drinking games and the provision of unlimited or unspecified quantities of alcohol for free or for a fixed or discounted price. Examples of irresponsible drinks promotions are provided in the Good Practice Guide for Licensed Premises.
- 6.10 The Licensing Authority will continue to focus on recognised means of public protection including education, 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.
- 6.11 **Layout and Operation of Premises** - The Licensing Authority expects all applicants to consider and address any potentially adverse effects on the licensing objectives related to the layout and the operation of their premises. Applicants should clearly set out the relevant steps which they propose to take to promote the licensing objectives in the Operating Schedule. It will be for the applicant to determine exactly what steps should be taken in every case and what will be appropriate will depend on the size, characteristics and nature of the individual premises concerned. For example, what might be appropriate for large chain stores such as supermarkets might not be appropriate for smaller individual shop units. Taking into consideration these matters, the Licensing Authority encourages applicants to identify and detail appropriate steps relating to layout and operational matters in the operating schedule. These may include the following:
  - **Security measures and CCTV** - The Applicant should identify relevant security measures, supervision by staff, and/or CCTV that will be in place to promote the licensing objectives.
  - **Display Areas** - The Applicant should identify the specified areas where alcohol will be displayed. Plans should be attached to the Operating Schedule identifying such areas. If the specified display areas are to be moved or altered significantly from time to time, the operating schedule should also specify the nature of any such changes. The Licensing Authority recommends that displays of

alcoholic drinks should not normally be located at the entrance/exit points of the premises; in aisles which interfere with customer flow or at or near check-outs.

6.12 The Licensing Authority also recognises that there are a number of other mechanisms for addressing issues such as anti-social behaviour and nuisance once customers are away from the vicinity of licensed premises. These include:

- The provision of CCTV surveillance, together with sufficient taxi ranks and the provision of public conveniences open late at night.
- Powers of the Local Authority to designate parts of its area as places where alcohol may not be consumed in public.
- Police enforcement of crime, disorder and anti-social behaviour, including the issue of fixed penalty notices and the confiscation of alcohol from children and adults in designated areas.
- Police and /or Local Authority powers to immediately close down for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- The Responsible Authorities, Elected Members and interested parties right to seek a review of a Premises Licence or Club Premises Certificate.

## **7.0 The Prevention of Crime and Disorder**

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.
- 7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.
- 7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit

television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

- 7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established “Pubwatch” schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in “Best Bar None” initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.
- 7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as ‘Challenge 25’,. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.
- 7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.
- 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:
- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
  - At all times when the premises is a “vertical drinking establishment” where little or no seating is provided.
  - At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

- 7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.
- 7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.
- 7.10 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.
- 7.11 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.
- 7.12 Toughened/Safety Glass Policy:** Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).
- 7.13 Drugs/Knives/Weapons:** The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff

on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

## **8.0 Public Safety**

- 8.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.
- 8.2 Applicants are advised to seek advice on such matters from the Council's Occupational Safety and Health team, Health and safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Occupancy levels

## **9.0 Prevention of Public Nuisance**

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The Licensing Authority will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.
- 9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the applicant will be expected to offer measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will

be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

- 9.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/debris cleared away.
- 9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):
- Assessment of likely noise levels in the premises.
  - Assessment of likely noise levels if outdoor drinking is allowed.
  - The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation).
  - The distance and direction to the nearest noise sensitive premises.
  - Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises).
  - Dispersal of patrons – where necessary the Licensing Authority will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits.
  - Ways to limit noise / disorder from patrons leaving the premises.
- 9.6 The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.
- 9.7 Applicants are advised to seek advice from Durham County Council's Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.
- 9.8 **Takeaways and fast-food outlets:** The Licensing Authority expects takeaways and late night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

## **10.0 Protection of Children from Harm**

- 10.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting.
- 10.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:
- At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
  - Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
  - The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.
- 10.3 The Licensing Authority may consider the following when dealing with a licence application where children may have limited access:
- Limitations on the hours when children may be present.
  - Limitations on under 18s
  - Limitations or exclusion when certain activities are taking place.
  - Requirements for an accompanying adult to be present.
  - Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
  - Limitations on the parts of premises to which children might be given access.
  - Any other limitations appropriate to the application and according with the four licensing objectives.
- 10.4 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 children. 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.

- 10.5 The Licensing Authority is aware of young persons' vulnerability to alcohol and events which are aimed at children under the age of 18 years on licensed premises will not be supported by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.
- 10.6 The Licensing Authority, Durham Constabulary Alcohol Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the Licensing Authority and should be adhered to by licence holders and event organisers.
- 10.7 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are to be encouraged.
- 10.8 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.
- 10.9 Access to Cinemas: In the case of premises requiring an licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.
- 10.10 The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.
- 10.11 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.
- 10.12 Children and Public Entertainment: Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.
- 10.13 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will

require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Disclosure and Barring Service.

- 10.14 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.
- 10.15 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications.

## **11.0 Cumulative Impact**

- 11.1 The Licensing Authority recognises that the cumulative effect of the number, type and density of licensed premises (premises selling alcohol for consumption on or off the premises and premises licensed for the provision of late night refreshment) in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.
- 11.2 Where there is evidence that such a problem exists, the Licensing Authority may decide it is no longer appropriate for any further Licensed premises to be established or variations to existing licences to be made in the area and that a Policy relating to cumulative impact should be adopted.
- 11.3 The effect of a Cumulative Impact Policy would be that applications for new Premises Licences or Club Premises Certificates would normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved would not add to the cumulative impact already being experienced.
- 11.4 Applicants would need to address the Cumulative Impact Policy issues in their Operating Schedules.
- 11.5 If such a policy were to be considered the following process will be followed:
  - Concerns relating to crime and disorder or public nuisance must be identified
  - 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,

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

- Consultation must take place with the prescribed statutory consultees on the content of the policy.
- Any special policy will be published as part of the statement of licensing policy
- Any policy must stress that the presumption against grant does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its special policy. Therefore: if no relevant representation is received, the application must be granted.
- The Licensing Authority must regularly review any special saturation policies to see whether they are still needed or should be expanded

- 11.6 The absence of a special policy on cumulative Impact does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a Licence on the grounds that the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.
- 11.7 There is a significant difference between 'commercial need' and the cumulative impact of premises within an area and it cannot be taken into account when considering an application.
- 11.8 Should a special policy on cumulative impact be warranted at any time, it will not impose quotas on either the number of premises or the capacity of those premises nor will it restrict the consideration of any application on its individual merits.
- 11.9 Applicants are advised to seek advice from the Durham Constabulary and incorporate any recommendations in their operating schedule before submitting their applications.

### **11.10 Early Morning Restriction Orders**

- 11.11 The Police Reform and Social Responsibility Act 2011 ("the PRSR Act") amended the Act giving the Licensing Authority the discretion to restrict sales of alcohol by introducing an Early Morning Restriction Order ("EMRO") to restrict the sale or supply of alcohol between the hours of midnight and 6am to tackle high levels of alcohol-related crime and disorder, nuisance and anti-social behaviour.

11.12 The decision to implement an EMRO must be evidence based and the Licensing Authority must be satisfied that such an Order would be appropriate to promote the licensing objectives. Furthermore, the Licensing Authority shall consider the potential burden that would be imposed on premises licence/certificate holders.

11.13 As an EMRO is a powerful tool and a very stringent approach in tackling issues, the Licensing Authority would first consider whether other measures may address the problems and achieve the same goal. These alternative and primary could include:

- A Cumulative Impact Policy
- A robust joint agency approach to tackling problem premises
- Using other mechanisms to control the cumulative impact, e.g. planning controls
- Using other mechanisms to control noise and anti-social behaviour;
- Using Closure Notices and Closure Orders
- Providing powers to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- Provision of CCTV
- Provision of night marshals and street angels, introduction of a late night levy
- Reviewing Premises Licences/Certificates

11.14 Should an EMRO be adopted, the Licensing Authority shall periodically review the EMRO in order to ensure that it continues to be appropriate for the promotion of the licensing objectives. The periodic submission of evidence is part of the EMRO process needed to demonstrate that an EMRO continues to be appropriate and is achieving the goals and confirming that these cannot be achieved by alternative methods.

### **11.15 Late Night Levy**

11.16 The PRSR Act has also introduced via the Act the power for the Licensing Authority to charge a late night levy (“the levy”) to all premises within the Local Authority area. The late night levy is a discretionary power allowing Councils to collect an annual fee from all licensed premises in the Council area that are authorised to sell alcohol between the hours of midnight and 6am as a means of raising a contribution towards the costs of policing the night time economy.

11.17 Any decision to introduce, vary or cease a levy will be made by full Council in conjunction with the Police and Crime Commissioner and Local Constabulary. However any decision in relation to the administration and design of the levy will be delegated to the Licensing Committee.

11.18 The Licensing Authority recognises that a levy would cover the whole of the Council area and not just those premises that may be associated with problems or those premises within any cumulative impact area. Therefore, serious consideration will always be given to the introduction of a levy. Furthermore, the Licensing Authority will always give serious consideration as to whether or not a levy would be an economically viable proposal.

## **12.0 Licensing Hours**

12.1 This section explains the Licensing Authority's position and policy in respect of licensing hours.

### **12.2 General issues**

12.3 The policy set out in this statement will apply to all applications for:

- A new Premises Licence
- A new Club Premises Certificate
- Variations of a Premises Licence/Club Premises Certificate
- Reviews of Premises Licences/Club Premises Certificates
- Provisional Statements

12.4 The hours granted to premises refer to the hours during which licensable activities may take place in accordance with the premises licence or club premises certificate. In the absence of reasonable and extenuating circumstances, the Licensing Authority would normally expect the premises to close within a reasonable time after the terminal hour for licensable activities.

12.5 Policy framework hours (see Appendix B) are intended to guide applicants, when preparing their operating schedules, on the Licensing Authority's recommendations. It must be pointed out however, that where no relevant representations are received, an application must be granted by the Licensing Authority under delegated powers.

12.6 County Durham has a large number of licensed premises, many of which are licensed to sell alcohol late at night and into the early hours of the morning. County Durham borders other local authorities that also have high concentrations of licensed premises with late night/early morning hours.

12.7 Evidence suggests that late night, alcohol-related crime and anti-social behaviour remains a problem in parts of the County. Against this background, the Licensing Authority considers that the possibility of disturbance to businesses and residents late at night and in the early hours of the morning, and the effect that any such disturbance may have, is a genuine matter to be considered when addressing the hours during which licensable activities may be undertaken.

- 12.8 The Licensing Authority has had regard to the Secretary of States Guidance in determining this policy. The commencement and end-time for the framework hours on any given day is not (and should not be regarded as) the ‘usual’ or ‘normal’ terminal hour for licensable activities in the County. Instead, the ‘framework hours’ serve to identify those types of premises where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities (sale/supply of alcohol and the provision of late night refreshment).
- 12.9 In considering appropriate times for policy framework hours, the Licensing Authority has had regard to concerns expressed by residents, the licensed trade and the responsible authorities including Durham Constabulary.
- 12.10 The Licensing Authority acknowledges that in addition to location and other factors, risks differ depending on whether premises are licensed to sell alcohol for consumption on or off the premises and for premises licensed only for regulated entertainment or late-night refreshment.
- 12.11 The framework hours are shown in appendix B
- 12.10 Additionally, the Licensing Authority expects applicants to provide particularly robust conditions in their operating schedules to promote the prevention of public nuisance in cases where outside areas such as beer gardens and patios will be used by customers after 2200 hours any night of the week.
- 12.11 The Licensing Authority expects that, where applications to provide licensable activities outside these framework hours are made, applicants will volunteer particularly robust conditions in their operating schedules in respect of all the licensing objectives.
- 12.12 Where an operating schedule is left blank or lacks sufficient detail the application, although correctly made in law, will not be considered acceptable and the Licensing Authority, in their role as a responsible authority will make a representation. Operating Schedules will be deemed insufficient where they do not directly address the likely or potential effect on the licensing objectives or propose robust and appropriate measures to deal with them.
- 12.13 Where relevant representations are received, such applications are more likely to be refused, may result in limitations in hours, or have additional appropriate conditions imposed on them by the Licensing Authority.
- 12.14 In preparing the operating schedule, applicants who wish to provide licensable activities outside the Framework Hours should have particular regard to:

- The location of the premises and the character of the area in which they are situated
- The proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises
- The adequacy of their proposed measures to promote the licensing objectives
- In the case of a premises having been previously licensed, any relevant issues relating to the previous licence
- Whether customers have access to public transport when leaving the premises at night-time and in the early hours of the morning
- The proximity of the premises to other licensed premises in the immediate and local area and the hours of operation of those other premises
- Policies and proposals for the timely and orderly dispersal of customers

In particular, the following should be noted:

- There must be no presumption that an application made for timings within the framework hours will automatically be granted.
- Where relevant representations are made, each case will be considered on its merits
- The following should be considered when deciding on the hours applied for:
  - Applicants should limit their applications to the hours they genuinely intend and reasonably expect to operate
  - When completing the Operating Schedule, applicants should give careful consideration to all of the Licensing Objectives.  
(Representations are more likely to result from inadequately considered Operating Schedules)
- Where relevant representations are made, the Licensing Committee shall determine whether the proposed measures in the Operating Schedule address the issues underpinning the framework hours Policy. (As each application will be determined on its own merits, the individual circumstances will vary between each application)
- Although this policy applies to all licensable activities, the Licensing Authority will have regard to the proposed use of the premises when

considering whether and how this policy should apply in any given case

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

- Theatres
- Cinemas
- Hotels
- Large supermarkets
- Village/parish halls

### **13.0 Adult and Sex Related Activities**

- 13.1 The Licensing Act makes no specific provision with respect to certain activities such as "lap", "table" and "pole" dancing. These and similar forms of sexual entertainment are not themselves designated as licensable activities under the Act
- 13.2 Following adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, which relates to Sex Establishments and Sexual Entertainment Venues, Durham County Council has produced a separate, specific policy relating to the licensing of such premises.
- 13.3 Because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act 2003, premises for which a sexual entertainment venue licence is held do not require a premises licence, club premises certificate or temporary events notice in order to provide adult or sexual entertainment. However, if the premises also carry on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment that is not sexual entertainment), they will require a premises licence, club premises certificate or temporary events notice under the Licensing Act for those other activities.
- 13.4 Where the activities proposed under the licence application include those of an adult or sex related nature but do not require licensing under the Local Government (Miscellaneous Provisions) Act 1982 the exemption from requirements of the Licensing Act for live music or the playing of recorded music which, is integral to relevant entertainment will not apply and the Licensing Authority may impose conditions which promote the Licensing Objectives whenever it is appropriate to do so.
- 13.5 Where a premise intends to provide regulated entertainment of an adult or sexual nature but does not meet the requirements of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, applicants

will still be expected to have regard to the policy issued in respect of Sexual Entertainment Venues.

#### **14.0 Community Premises**

- 14.1 Persons in control of premises such as church or chapel halls, village or parish halls, community halls and buildings of a similar nature may find the permitted annual number of Temporary Event Notices too restrictive. They should consider whether applying for a Premises Licence would be more beneficial, in the event that premises such as this do make an application for a Premises Licence they may, at the same time, make an application for the dissapplication of the mandatory condition relating to Designated Premises Supervisors).
- 14.2 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 created an exemption for the requirement for a Designated Premises Supervisor for community premises, who may make application to the Licensing Authority to apply the alternative mandatory condition to their licence.
- 14.3 The alternative Mandatory Condition is that every supply of alcohol under the Premises Licence must be made, or authorised by, the Management Committee.
- 14.4 Where there is doubt as to whether a premise is a community premise, the Licensing Authority will consider each case on its merits, with primary consideration being given as to how the premise is predominantly used.
- 14.5 The fact that a school or private hall is made available for hire by the community would not in itself be sufficient to qualify the premises as “community premises”. Though this may be provision of a service to the community, the Licensing Authority will consider whether halls used largely for private hire by individuals or private entities are genuinely by their nature “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use and not only at the usefulness of the premises for members of the community for private purposes.
- 14.6 The Licensing Authority expects the management committee to be a formally constituted, transparent and accountable body. The committee should provide sufficient oversight of the premises to minimise any risk to the licensing objectives. This could include management committees, executive committees and boards of trustees. The application form requires the applicants to provide the names of the management committee's key officers e.g. the Chair, Secretary, Treasurer.

## **15.0 Members of the Council (DCC Councillors)**

- 15.1 The Licensing Authority recognises that County Councillors play an important role in the local community. If specifically asked to do so, Councillors may make representations in writing and speak at the hearing on behalf of any other person such as a local resident or business. They can also make representations in their own right if they have concerns about premises. They may also apply for a review of a licence/certificate.
- 15.2 Residents or businesses may wish to contact their local County Councillor in respect of a licence/certificate application. Details of how to contact County Councillors are published on the Council's website.
- 15.3 Where a resident or business seeks the assistance of a County Councillor, it is advantageous if they can provide evidence that a particular premise is causing a problem or is likely to do so. It is also helpful for any resident or business making a representation in respect of an application to send a copy of their representation to the relevant County Councillor.
- 15.4 County Councillors may attend hearings of licensing sub committees considering applications and speak on behalf of local residents and businesses, but only if:
  - They have made a personal representation
  - They have made a representation on behalf of local residents or business as 'community advocates'
  - They have been nominated by a person making a relevant representation who cannot attend the hearing or prefers to be represented at the hearing

## **16.0 Administration, Exercise and Delegation of Functions**

- 16.1 Applicants are strongly advised to consult with Council Officers before preparing and submitting their applications for licences and other authorisations. Any application not properly made will be returned to the applicant and the timescales contained in the Act will not begin until a properly made application is received.
- 16.2 Nothing in this policy will prevent the Council from making applications in its own name for the grant of licences. The Council will, before any such licence is granted, be subject to the same considerations and application of the same scrutiny as any other applicant.
- 16.3 All relevant representations, either opposing or supporting an application, will be considered during the decision making process. Guidance relating to the submission of representations will be made

available on the Council's website. Any subsequent Licensing Hearings will be conducted in accordance with the Council's Procedure for Licensing Hearings which is also available on the Council website.

- 16.4 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Decisions and functions will therefore be taken or carried out by the Licensing Committee, Licensing Sub-Committees or officers of the Local Authority in accordance with an approved scheme of delegation. The form of delegations is without prejudice to officers referring an application to a Sub-Committee, or a Sub- Committee to Full Committee, if considered appropriate in the circumstances of any particular case or where required by law.
- 16.5 Participation on the Licensing Committee by elected Council Members will be in accordance with the Local Authority's Code of Conduct for Elected Members.
- 16.6 The Committee and Sub Committees will determine each case before it on its merits. Blanket or standard conditions (other than mandatory conditions) will not be imposed under the Act. Conditions will not be attached to licences unless they have been either volunteered by the applicant or are determined by the Licensing Authority as appropriate following a licensing hearing. Although the Licensing Authority is required to have regard to the Department for Culture, Media and Sport (DCMS) guidance it may, if it considers it appropriate, deviate from the guidance where there are good reasons which can be justified.

## 17.0 The Decision Making Process

- 17.1 Where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the Licensing Authority must grant the application in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and those conditions that are consistent with the operating schedule. **Anonymous representations** will not be accepted by the Licensing Authority.
- 17.2 Apart from the mandatory conditions, there is no discretion under The Act to impose any other condition in cases where no relevant representations are received.
- 17.3 Where relevant representations are made the application must be determined by either the full Licensing Committee or one of its duly authorised sub-committees. In County Durham, it is usually a sub-committee that determines such applications and this determination will usually take place at a hearing.
- 17.4 The sub-committee in such cases has full discretion to take such steps as it considers appropriate to promote the licensing objectives. These

steps may include modifying the conditions that are in line with those proposed in the operating schedule and/or rejecting the application in part, and/or excluding a licensable activity; or wholly rejecting the application.

- 17.5 In exercising its discretion, the licensing sub-committee must have regard (amongst other things) to this licensing policy. Therefore, in drawing up their operating schedule, applicants are strongly advised to read and take note of the content of this policy.
- 17.6 If all parties state in writing that they consider a hearing can be dispensed with then the sub-committee has a discretion (which cannot lawfully be delegated to officers) to dispense with a hearing. In deciding whether or not to dispense with a hearing the sub-committee is exercising a licensing function. As such it is required to have regard to any relevant guidance as well as to this policy and it must act with a view to promoting the licensing objectives.
- 17.7 It does not follow from the above that an application that complies with the policy will necessarily be granted or that an application that does not comply with it will necessarily be refused. Where there have been relevant representations, the Licensing Authority will always consider the merits of the case and act within the statutory constraints.
- 17.8 **Making representations** - As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence.
- 17.9 Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious.
- 17.10 Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.
- 17.11 Copies of all representations will be forwarded to the applicant. Anonymous representations will not be accepted by the Licensing Authority. Only under exceptional circumstances will the Licensing

Authority not disclose ANY personal details. This means that names, as a minimum, will be made public and in some instances the street name. References to the house number, telephone numbers and email addresses will be removed.

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

[http://www.culture.gov.uk/what\\_we\\_do/alcohol\\_and\\_entertainment/4054.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4054.aspx)

## **18.0 Conditions**

- 18.1 All applications for new authorisations or for variations of existing ones should be supported by an operating schedule. The schedule should specify (among other things) the steps the applicant proposes to promote each licensing objective.
- 18.2 Where no relevant representations are received, providing the application has been correctly made and advertised (as required by the Act), the Licensing Authority must grant the application in line with the proposed operating schedule. The only conditions that can be imposed are the mandatory conditions and those conditions that are consistent with the operating schedule.
- 18.3 Apart from the mandatory conditions there is no discretion under The Act to impose any other condition in cases where no relevant representations are received.
- 18.4 Any conditions attached to licences following relevant representations will focus on matters within the control of the premises licence holder or club management committees. They will be used to ensure the premises are safe and do not create a nuisance. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity.
- 18.5 Conditions will not be used as a means of attempting to attach responsibility to premises licence holders or club management committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity, unless information to the contrary is available to the licensing authority.

- 18.6 Conditions on premises licences and club certificates are determined by:
- The measures put forward on the operating schedule
  - Mandatory conditions within the Act
  - Measures decided at a hearing by the Licensing Sub-Committee
- 18.7 The Licensing Authority acknowledges that the application of conditions in line with operating schedules may be subjective and that the content of operating schedules can be open to interpretation. Consequently, the Authority will often apply a standard interpretation in respect of more commonly offered conditions. A set of specimen conditions will be developed which can be used in the production of licences where, applicants offer conditions to be included in their licence. For example around CCTV, noise control and age verification schemes.
- ## 19.0 Enforcement
- 19.1 Once licensed, it is essential that premises are managed, maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the Act. To ensure that licensable activities are carried out in accordance with licence conditions and therefore promote the licensing objectives, Council Officers will carry out appropriate monitoring at licensed premises and activities. Appointed officers will investigate complaints and allegations of unlicensed activities and ensure that relevant conditions are complied with. They will seek to actively work with Durham Constabulary and other responsible authorities in enforcing licensing legislation in accordance with any Memorandum of Understanding and Joint Enforcement Protocol that may be created with such bodies.
- 19.2 Inspections of premises will be carried out when and if they are justified with resources being directed towards high risk, poorly run premises as opposed to lower risk, well – run premises.
- 19.3 All enforcement actions taken by the Licensing Authority will be in accordance with the departmental enforcement policy.
- ## 20.0 Fees
- 20.1 The Act requires the Licensing Authority to suspend a premises licence or club premises certificate if the holder fails to pay the annual licence fee in accordance with the invoice. Where the licence/certificate holder fails to pay the annual fee when due the Licensing Authority will notify the licence/certificate holder in writing specifying the date on which the suspension takes effect. This date will be 7 days after the day the Licensing Authority has given the licence/certificate holder such notice.

- 20.2 The Licensing Authority will work with Durham Constabulary and appropriate action will be taken where premises continue trading whilst suspended.
- 20.3 Where the licence/certificate holder has paid the annual fee the Licensing Authority will lift the suspension and inform Durham Constabulary accordingly.

## **21.0 Complaints**

- 21.1 Where the Licensing Authority receives complaints regarding licensed premises, complainants are often advised in the first instance, whenever possible, to raise their complaint directly with the licensee in order to resolve the matter. The Licensing Authority, however, recognises that it is not always possible or practical for the public to raise complaints directly with the licensed premises. In such circumstances complaints in the first instance should be addressed to:

The Licensing Enforcement Team Leader,  
Durham County Council,  
PO Box 617,  
DH1 9HZ

or e-mailed to [licensingenforcement@durham.gov.uk](mailto:licensingenforcement@durham.gov.uk)
- 21.2 Complaints will be dealt with in a timely and efficient manner. However, it is expected that all noise-related complaints will initially be raised with the Council's Environmental Services Noise Pollution team. Complaints regarding unlicensed activities, other breaches of licence conditions and premises/events operating outside the permitted hours are directed to the Licensing Authority or Police Alcohol Harm reduction Unit.
- 21.3 On receipt of a licensing related complaint, a Licensing Enforcement Officer will investigate the circumstances, discussing the complaint with the certificate/licence holder/DPS of the premises, any relevant responsible authority and the complainant. Where a complaint is validated, the Licensing Authority shall usually endeavour to seek a resolution through informal means prior to taking any formal sanction.
- 21.4 With complaints of a serious nature, the Licensing Manager and Licensing Enforcement Officers shall ensure that it is investigated and that appropriate enforcement action taken.
- 21.5 The Licensing Authority will act in accordance with the departmental enforcement policy and in accordance with the Regulators' Compliance Code and the Enforcement Concordat. The enforcement policy can be viewed on the Council's web site.

## **22.0 Reviews**

- 22.1 The Licensing Act provides a mechanism for reviewing premises licences and Club Premises Certificates where problems associated with premises undermine the licensing objectives following grant or variation.
- 22.2 At any stage during the life of a premises licence or a club premises certificate, an application for a review can be made to the Licensing Authority by any responsible authority, elected Member or any other person. However, where an application for a review is considered to be frivolous vexatious or repetitious or where an application for a review is considered not relevant to the licensing objectives the Licensing Authority will reject it.
- 22.3 The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community. Unless an application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the licensing objectives, the Licensing Authority will hold a hearing and take any necessary steps to promote the licensing objectives, such as modification of conditions, exclusion of licensable activities, removal of the designated premises supervisor, suspension of the licence/certificate for up to 3 months or the revocation of the licence/certificate.
- 22.4 Local residents can request that their licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.
- 22.5 It is always worth considering other options before requesting a review of a licence, including:
- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues,
  - Asking the licensing department at your council to talk to those who manage the premises on your behalf, or
  - Talking to the relevant “responsible authority” (e.g. local authority exercising environmental health functions in relation to noise nuisance, or the police in relation to crime and disorder) about the problem.
- 22.6 If a request for a review of the premises licence is made by e.g. a local resident, they are required to notify the holder of the premises licence or club premises certificate and the “responsible authorities”, by sending them a copy of the request, together with any accompanying documents, on the same day as the request is given to the licensing authority. The licensing authority will advertise the review to enable others (responsible authorities or other persons) to comment on it.

Responsible authorities have the option, if they wish, to comment on any application for a review.

- 22.7 A licensing authority must act on requests for review unless they consider the request to be irrelevant, repetitive, frivolous or vexatious. Frivolous representations would concern minor issues which the licensing authority could not reasonably be required to take any action to remedy. Representations may be considered vexatious if they appear to be intended to cause aggravation or annoyance without reasonable cause.
- 22.8 The licensing authority will advertise the fact that a request for review of the licence has been received, and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).
- 22.9 After the period for making representations has expired, the licensing authority will hold a hearing to consider the request unless the request for review has been withdrawn. The request will in most cases be considered by the licensing sub-committee who will hear representations from all parties involved.
- 22.10 The licensing authority will invite you to attend the hearing and give the applicant for the review the opportunity to address the licensing sub-committee in support of the request for review. They must then give the authority at least 5 working days' notice (prior to the start of the hearing), advising:
  - If they will attend the hearing in person,
  - Whether they will be represented by someone else (e.g. councillor / MP / lawyer / residents' association representative / friend),
  - If they think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
  - They may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review
- 22.11 Once the sub-committee has listened to and considered all views and evidence, it must decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:
  - No action,
  - Modifying the conditions of the licence (change, add or remove conditions – including

- operating hours),
  - Excluding a licensable activity from the licence,
  - Removing the designated premises supervisor,
  - Suspend the licence for a period (not exceeding 3 months), and
  - Revoke the licence.
- 22.12 The Licensing Authority will not expect a premises licence to be reviewed more than once within any 12 month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.
- 22.13 Appeals against the decisions of the Licensing Authority** - There is a right of appeal for all parties concerned with the request for review (i.e. the applicant for the review, the premises licence holder or any other person who made relevant representations in relation to the application). This means that they can appeal to the magistrates' court if they are not happy with the decision of the licensing authority.
- 22.14 If there is an appeal against a licensing authority's decision, and you are unsuccessful, the magistrates' court can award costs against the appellant if it sees fit. This would mean that they would have to pay other parties' legal costs as well as your own. However, the Magistrates' Association and the Justices' Clerks Society has advised that awarding costs for a licensing appeal should be an **exception** and not a rule, and any resident with reasonable grounds for appeal should not be penalised.
- 22.15 If the licence holder appeals against the licensing authority's decision, the appeal will be heard by the magistrates' court. The licensing authority will be the respondent to the appeal and may call the person who brought the review (and any other person or responsible authority) as a witness in support of its case. The decision of the licensing authority in relation to the review will be suspended until the appeal is determined.
- 22.16 An application to appeal the decision must be made within 21 days of the notice of decision.
- 22.17 In hearing an appeal against the Licensing Authority's decision, the court will have regard to this policy and the guidance issued under Section 182 of the Licensing Act 2003. However, the court would be entitled to depart from both of these documents if it considers it justified so to do.
- 22.18 In respect of personal licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other authorisations must be made to the Magistrates' Court where the premises or event is situated.

## 23.0 Glossary

- 23.1 **Appeals** – Appeals where the magistrates' court notified parties of its decision in the time period specified. This includes the number of appeals against application decision and separately appeals against the licence review decision.
- 23.2 **Closure notice (premises licence)** – Where a premises was prohibited from selling alcohol for not more than 48 hours following a notice under s.169A.
- 23.3 **Club premises certificate** – Authorising a qualifying club to carry out 'qualifying club activities' under the Licensing Act 2003. This includes time limited certificates.
- 23.4 **Completed reviews** – Reviews where the licensing authority notified parties of its decision in the time period specified. Excludes applications for a review that were withdrawn or did not go to a hearing. Includes completed reviews of premises licences, following an application for the review under s.51 of the Licensing Act 2003 or following an application for an expedited/summary review under s.53A (which is instigated by the police) and reviews following closure under s.161 (which would also be instigated by the police).
- 23.5 **Cumulative impact area** – Area that the licensing authority has identified in their licensing policy statement where there is a saturation of licensed premises and the 'cumulative impact' of any additional licensed premises could affect the licensing objectives. Further information on cumulative impact areas is available in the Amended Guidance issued under Section 182 of the Licensing Act 2003 on the Home Office website  
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing?view=Binary>).
- 23.6 **Designated Premises Supervisor (DPS)** – an individual, who must hold a valid personal licence and must ordinarily be nominated in the application for a premises licence that includes a request for permission to sell alcohol.
- 23.7 **Expedited/summary review** – A chief officer of police can apply for an expedited/summary review of a premises licence because of serious crime and/or serious disorder under s.53A of the Licensing Act 2003.
- 23.8 **Fee bands** – In determining the amount of the licence fee for applications for new premises licences and club premises certificates, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. All premises licences and club premises certificates have a fee band, regardless of whether they pay a fee or not. For 2011/12, the application fees associated with each band for a new licence or certificate are as follows: Band A

(£100); Band B (£190); Band C (£315); Band D [no multiplier] (£450); Band D with multiplier (£900); Band E [no multiplier] (£635); Band E with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D with multiplier (£640); Band E [no multiplier] (£350); Band E with multiplier (£1,050).

- 23.9 **Forfeited (personal licence)** – Suspension following a court order under s.129 of the Licensing Act 2003 specified (and where that order has not been suspended, pending an appeal under s.129(4) or 130 of the Act).
- 23.10 **Hearing** – Used in the context of applications for a premises licence or club premises certificate that go to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates. The hearings figures in this release exclude applications for a change to DPS, transfer of premises licence, review, or cancellation of interim authority notices following police objections that went to a hearing.
- 23.11 **Judicial review** – includes only those where the High Court notified parties of its decision in the time period specified.
- 23.12 **Lapsed (club certificate)** – Where a club premises certificate has lapsed because it had effect for a limited period, but that period has since expired.
- 23.13 **Lapsed (premises licence)** – Where a premises licence has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the Licensing Act 2003. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).
- 23.14 **Late night refreshment** – The provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.
- 23.15 **Licensing Act 2003** – see dedicated section in chapter 1.
- 23.16 **Licensing authority** – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late night refreshment.
- 23.17 **Licensing authority area** – The geographical area where a licensing authority exercises its functions under the Licensing Act 2003.
- 23.18 **Local authority (LA) type** – There are six main LA types which share similar characteristics such as size and therefore they hold similar licensing statistics: Unitary Authorities; Metropolitan Districts; District

Authorities; Welsh Unitary Authorities; London Boroughs and Unspecified (Inner Temple and Middle Temple within Greater London).

- 23.19 **Minor variation (to licence or certificate)** – Applications made under s.41A or s.86A of the Licensing Act 2003 to make low risk changes to the terms of a licence or club premises certificate. The fee for a minor variation is £89.
- 23.20 **Multiplier** – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a premises licence (fee bands D and E only).
- 23.21 **Off-sales** – The sale by retail of alcohol for consumption off the premises.
- 23.22 **On-sales** – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.
- 23.23 **Personal licence** – Authorising an individual to supply or authorise the supply of alcohol in accordance with a premises licence under the Licensing Act 2003. The application fee for a personal licence is £37.
- 23.24 **Premises licence** – Authorising a premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment, under the Licensing Act 2003. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value. Application fees vary from £100 (Band A) to £1,905 (Band E with multiplier); annual fees vary from £70 to £1,050.
- 23.25 **Qualifying club** – A number of criteria must be met to be considered a qualifying club for a club premises certificate. They are:
- that under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;
  - that the club is established & conducted in good faith as a club;
  - that the club has at least 25 members; and
  - that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.
- 23.26 **Region** – Licensing authority data, presented as a supplementary table to this release, are also grouped into regions. Formerly covered by the Government Office Regions until they closed on 31 March 2011, there are nine regions in England: North East; North West; Yorkshire and the

Humber; East Midlands; West Midlands; East of England; London; South East; South West. The Welsh licensing authorities are not regionalised in the tables.

- 23.27 **Revoked (personal licence)** – If the holder of a personal licence is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the Licensing Act 2003.
- 23.28 **Surrender (of licence)** – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a premises licence), section 81 (for a club certificate) and section 116 (for a personal licence).
- 23.29 **Suspended by the court (premises licence)** – A power under s.147 of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) to suspend a license for the sale or supply of alcohol, following an offence of persistently selling to under-age children.
- 23.30 **Suspended by the court (personal licence)** – Suspension following a court order under s.129 of the Licensing Act 2003 specified (and where that order has not been suspended, pending an appeal under s.129(4) or 130 of the Act).
- 23.31 **Temporary event notice (TEN)** – A notice under s.100 of the Licensing Act 2003, used to authorise relatively small-scale licensable activities, subject to certain criteria and limits. Includes only notices that have been correctly and properly given in the time period specified, i.e. exclude notices that were sent back because of mistakes on the form. This also includes notices that were subsequently withdrawn. The fee for a TEN is £21.
- 23.32 **Variation (to premises licence)** – Applications made under s.34 of the Licensing Act 2003 to change the terms of a premises licence, for example the opening hours, the licensable activities or the conditions.
- 23.33 **Variation (to club premises certificate)** – Applications made under s.84 of the Licensing Act 2003 to change the terms of a club premises certificate, for example the qualifying club activities or the conditions. The fee for a variation of DPS is £23.

#### **23.34 Types of Licence:**

- **Premises licences** - A premises licence can be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment or any combination of these activities. Its use for retail sale of alcohol is for consumption on the premises, off the premises, or both on and off the premises.
- **Club premises certificates** - A club premises certificate authorises a 'qualifying club' to carry out 'qualifying club activities'. This includes

time-limited certificates. A qualifying club is established and conducted in good faith as a club; has at least 25 members; and does not supply alcohol to members on the premises otherwise than by or on behalf of the club. These qualifying clubs (such as the Royal British Legion, working men's clubs, cricket clubs) are generally organisations where members join together for a particular social, sporting or political purpose and then the club purchases alcohol in bulk for its members.

- **Personal licences** - The personal licence is separate from the licence which authorises the premises to be used for the supply of alcohol. Sales of alcohol may not be made under a premises licence (other than a community premises that has successfully applied to remove this requirement) unless there is a Designated Premises Supervisor in respect of the premises (who must hold a personal licence); and every sale must be made or authorised by a personal licence holder.
- **Regulated entertainment and late night refreshment licences** - Regulated entertainment licensing is not covered in these statistics and is the responsibility of the Department for Culture, Media and Sport.

Late night refreshment is the provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

- **24-hour alcohol licences** - The possession of a 24-hour licence does not necessarily mean that the premises will choose to open for 24 hours. Prior to the 2003 Act, hotels were often authorised to sell alcohol to residents and their private guests only outside of permitted licensing hours.

## **Appendix A. Guidance for the protection of young people under 18 years of age who attend events at licensed premises**

The protection of children from harm is one of the four licensing objectives that underpin the Licensing Act 2003. As such any events aimed at attracting attendance by young people under 18, even though alcohol may not be available at the event, could involve some risk.

Mixed age events (where alcohol is available for sale to persons over 18 and those under 18 may also be in attendance at the event) significantly increase this potential risk.

Clear management plans should be in place demonstrating how the licence holder intends to control and mitigate the potential harm to individuals under 18 years of age attending these events, irrespective of whether alcohol is available or not.

Whilst every event should be assessed on its own merits the Licensing Authority, Police and Local Safeguarding Children's Board strongly recommend that a code of conduct/policy for these events is adopted to ensure that the four Licensing Objectives are complied with, in particular the Protection of Children from Harm. Measures expected to be considered include;

### **Under 18 Only Events**

1. The Police Licensing Officer, Licensing Authority and Local Safeguarding Children's Board to be notified of any under 18 event at least 28 days in advance of the event. Such notification should be from the Premise Licence Holders or Designated Premise Supervisor, as they would be held accountable should the event undermine any of the licensing objectives.
2. The premises to be covered by colour, digital CCTV which meets the requirements and expectations of the Licensing Authority and Police. The equipment to record whilst the event is being held on the premise, all recordings to be retained for a minimum period of 28 days and to be made available upon request to the Police or Licensing Authority within a period of 7 days.
3. The operator to ensure that the premises have sufficient numbers of SIA registered security staff and ensuring that they are employed in the following minimum ratio: 2 for the first 100 customers, one of which being female, 2 for the second 100 customers and 1 for every 100 customers thereafter. At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and also protecting patrons from unwanted attention or harassment.
4. Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.

5. Where there is normally a bar, ensuring that alcohol is not on display and is locked away.
6. Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.
7. Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.
8. Where alcohol is seized from persons aged under 18, the details to be recorded in a register.
9. Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to under 18's, nobody who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue.  
Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.
10. Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.
11. Toilet checks being carried out at regular intervals and records of such checks retained.
12. First aid provision to be available at the premises.
13. Ensure a policy is in place to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside.
14. For events held on a Thursday, Friday or Saturday evening a terminal hour of no later than 11.00pm.
15. An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or in the case of minors until reunited with a parent, guardian or responsible adult.

#### Additional Measures expected to be considered for Mixed Age Events

1. All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's.
2. Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.
3. At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and also to protect patrons from unwanted attention or harassment.
4. Children under 16 years of age should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than 4 such children.
5. All drinks to be served in plastic or polycarbonate glasses.

It must be stressed that the above measures are not considered to be an exhaustive list and licensees are encouraged to discuss the management of any such events in detail with the responsible authorities as part of their risk management process.

## **Appendix B. Framework hours - recommended hours for operation of licensable activities**

**This section of the report will contain the framework hours following consideration and recommendation by Members of the General Licensing Committee and adoption by Full Council**

DRAFT

## **Appendix C. Contact names and addresses - Responsible Authorities for the purposes of the Licensing Act 2003**

<b>Licensing Authority</b>  Durham County Council EHCP (Licensing) PO Box 617 Durham DH1 9HZ
<b>Chief Officer of Police</b>  Alcohol Harm Reduction Unit Durham Constabulary Annand House John Street North Meadowfield County Durham DH7 8RS
<b>Fire Authority</b>  Fire Safety Division County Durham & Darlington Fire and Rescue Service Fire and Rescue Service Headquarters Framwellgate Moor Durham DH1 5JR
<b>Health and Safety Enforcing Authority</b> <b>Depending upon the enforcing Health &amp; Safety authority for the premises to which the application relates, send to one of the following:</b>  Safety and Occupational Health Manager Environment, Health and Consumer Protection Service Durham County Council Spectrum 8 Spectrum Business Park Seaham SR7 7TT  <b>Or</b>

**Continued...**

## **Health and Safety Enforcing Authority (Continued)**

HM Principal Inspector  
Health and Safety Executive,  
Yorkshire and North East Division  
Alnwick House  
Benson Park View  
Newcastle upon Tyne  
NE98 1YX

(Contact either authority to confirm which one is the enforcing authority for your premises, or look at the 'Health and Safety Law – What You Should Know' poster on display in the premises)

### **Planning Authority**

**Depending upon which area the application relates, send to one of the following:**

**Durham City / Easington Areas**  
Durham County Council  
Planning Development (Central/East)  
PO Box 616  
Durham  
DH1 9HY

**Chester-le-Street / Derwentside Areas**  
Durham County Council  
Planning Development (North)  
PO Box 255  
Chester-le-Street  
DH3 9EA

**Wear Valley / Sedgefield / Teesdale Areas**  
Durham County Council  
Planning Development (South/West)  
PO Box 114  
Spennymoor  
DL16 9BW

### **Environmental Health Authority**

Durham County Council  
EHCP (Pollution Control)  
PO Box 617  
Durham  
DH1 9HZ

**Continued...**

**Protection of Children from Harm**

Durham Local Safeguarding Children Board  
Durham County Council  
County Hall  
Durham  
DH1 5UJ

**Weights and Measures Authority**

Christopher Cooper  
Durham County Council  
EHCP (Trading Standards)  
PO Box 617  
Durham  
DH1 9HZ

**Primary Care Trust**

Kirsty Wilkinson  
Room 3/56 – 3/71  
Public Health  
Children and Adults services  
Durham County Council  
County Hall  
Durham  
DH1 5UJ