

---

**Appendix 6: Review of DCC Licensing Act 2003 Statement of Licensing Policy - Consultation Responses and Comments from Licensing Services**

---

**Note:** The consultation responses in column B that have influenced the proposed policy are highlighted with a tick ✓

**Table 1. Authorised licensing hours - Do you have any comments or suggestions on the proposal to introduce a policy on licensing hours based on the type of licensed premises and location?**

A. Respondent	B. Consultation Responses	C. Comments from Licensing Services
1. An individual – male aged 65+	<i>Please consider public disorder on Claypath/Lower Gilesgate between midnight and 3am. There is shouting, screaming, vomiting. Also due to late licensing hours, there is a constant stream of traffic, probably traffic going up towards the roundabout making sleep impossible.</i>	Information has been noted.
2. An organisation	<i>Licensing hours are set out on the original application for an operating license and, based on a history of after hours activity, whether that be anti social or noise pollution, whether being reported by police feedback or neighbours, there should be already a regular review, with action being taken based on the feedback. Will there now be a more robust and more regular review?</i>	Premises licences are subject to scrutiny at the application stage and at any other time following the grant of the licence. They may be reviewed if any of the licensing objectives are adversely affected or undermined by their operations.
3. An organisation	<i>a. Alcohol consumption has changed. Over the last 20 years we have seen a shift in people drinking alcohol in the home environment rather than pubs and clubs which means that much of the purchasing of alcohol has moved to supermarkets and shops. Also, people now tend to drink alcohol at home</i>	a. Information has been noted.  b. Information has been noted.  Licensing policy cannot be used as a blanket means for increasing the cost of alcohol.

	<p><i>before going on a night out (pre-loading). This change in drinking patterns has implications not only for the health of the population of County Durham but on the patterns and trends of crime and disorder across the area. This change in consumption is driven by the low cost and large availability of alcohol from supermarkets and shops.</i></p> <p><i>b. There is good evidence, to show that making it less easy to buy alcohol can reduce the negative consequences of alcohol not only for health but also on crime and disorder and the other licensing objectives. Restricting access can be done not only by increasing the cost of alcohol but also reducing the hours and days of sale and restricting the number of outlets.</i></p> <p><i>c. We believe that being able to buy alcohol early in the day should be restricted. Being able to buy alcohol with your morning newspaper is something that we believe should be reversed.</i></p> <p><i>d. The hours of alcohol sales from off-licenses are very difficult to restrict against under the 4 existing licensing objectives as it is often difficult to evidence causation from the specific premises in relation to issues of crime and disorder, public safety, public nuisance or protection of children from harm issues.</i></p> <p><i>We believe that licensing hours for off-licences</i></p>	<p>It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.</p> <p>It is possible to try to restrict the number of licensed premises via policy through the adoption of a special policy on cumulative impact. The proposed revised statement of policy does not contain a special policy on cumulative impact.</p> <p>c. It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.</p> <p>d. Information has been noted.</p> <p>It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.</p> <p>e. It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.</p>
--	--	---

	<p><i>should be restricted to at least the hours set out in the legislation prior to the Licensing Act 2003 including restrictions on Sunday trading. The Licensing Act 1964 prescribed the hours for the sale of alcohol from 11am until 10:30pm. This could be changed but sales of alcohol could not take place before 8:30am. Off-licences were only able to sell alcohol for a total of 9 hours per day.</i></p> <p><i>e. We also believe that there should be limits regarding hours for the sale of alcohol for on-licenced premises to again restrict the time alcohol can be bought. We would suggest that licensing hours be restricted to those in existence prior to the Licensing Act 2003. The café culture envisaged by the implementation of the Licensing Act 2003 has not been realised in the UK. The Licensing Act 1964 prescribed the hours for the sale of alcohol from 11am until 10:30pm. This could be altered but sales were unable to take place earlier than 10am. On-licenced premises again were able to sell alcohol for no more than 9 hours per day. ✓</i></p> <p><i>f. We also think consideration should be given to last entry time for on-licenced premises which are open beyond midnight. This would assist premises with safeguards against serving to people who are already drunk. ✓</i></p>	<p>f. Taken forward for consideration, this proposal may be included in the section on good management practice 6.4 Promoting Management Standards. Alternatively, last or final entry times could be applied through conditions on application, variation or reviews.</p>
<p>4. An individual – male aged between 45-54</p>	<p><i>Such premises should have restrictions imposed if within 300 yards of residential properties.</i></p>	<p>This would be both arbitrary and impractical. It is proposed to include a framework for</p>

		operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
5. An individual – male aged between 45-54	<i>Residential areas should be consulted FULLY on whether nearby premises should have restrictions imposed upon them.</i>	The methods used by licensing authorities for consultation under the act are laid down in law and statutory guidance. Unlike the planning application process there is no requirement to consult individual occupiers and case law indicates that to do so would be inadvisable.
6. An individual – female aged between 55-64	<i>Must take in consideration location. Must be hard to live near take aways and pubs which close late and have drunken people making noise every weekend. ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
7. An organisation	<i>The aspect regarding anti-social behaviour in residential areas should be seriously addressed</i>	Information has been noted
8. An individual – female aged 65+	<i>a problem which may occur with this proposal is policing licenced premises</i>	Information has been noted
9. An individual – female aged between 45-54	<i>Drink-related anti-social behaviour has increased with longer licensing hours. We should return to the old-style opening hours. ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
10. An individual – male aged between 55-64	<i>I'm of the opinion that the introduction of the policy limiting the sales of alcohol to no later than 11:30pm will contribute to a reduction of loud drunken disorderly behaviour experienced by residents living on thoroughfares connecting public house and clubs to the home destination of drinkers. I live some some streets away from the nearest pubs/clubs but</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.

	<i>I, like my neighbours are badly affected by frequent noise and disruption between midnight and 5:00am on Fridays and Saturday/Sundays and some work days during the summer and fine weather months. ✓</i>	
11. An individual – female aged between 45-54	I live in the centre of Sedgefield next to a pub. I feel that the licensing hours within a residential area should all have the same licensing hours with closing time standard ( or within 1 hour) so that departure of customers is not staggered through the night resulting in extended noise. The extended licensing hours have created greater disturbance for residents, particularly in the summer months and an enforced restriction on customers having to drink indoors after 10am would be most welcome, this would need the smoking areas controlled since they have now become outdoor drinking areas at all times. Could we also have a greater police presence to manage customers leaving premises ✓	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.  Information has been noted
12. An individual – male aged between 55-64	<i>I don't think that alcohol should be available to buy after 11pm ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
13. An individual – did not specify gender, but aged 65+	<i>Such action could make a great improvement to areas affected by crime and disorder and anti-social behaviour caused as a result of pubs and clubs. ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
14. An individual – male, but did not specify age	<i>I agree that noise and outside drinking should be restricted to reasonable hours, I believe that Yarm has strict external noise and drinking controls with</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions

	<i>no drinking outside premises after 10.00pm. ✓</i>	at application and review stages. Information has been noted
15. An individual – did not specify gender or age	<i>Policy implementation needs to reflect the current operation of the premises vis-a-vis the level of concern it's operations provoke. The policy should not necessarily be a blanket policy affecting and every similar type of establishment. ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
16. An individual – did not specify gender or age	<i>The DCC should carefully consider the provision of a license in relation to existing residential development. Public houses are often very close to privately-owned dwellings and there is little that residents can do when the noise pollution and rowdy behaviour outside of pubs -including the consumption of alcohol at the front of pub premises in public spaces up to midnight hours (especially at weekends) causes real problems and distress. ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
17. An individual – did not specify gender or age	<i>Go back to when licenced premises had strict opening times, closed at 11pm, restrict sales of alcohol in local shops and not allow petrol stations to sell it. ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
18. An organisation	<i>Guidance issued by the National Institute for Health and Clinical Excellence (NICE PH24, 2010) highlights that a combination of interventions are needed to reduce alcohol-related harm. In particular, international evidence from this review suggests that reducing the number of outlets selling alcohol in a given area, and the days and hours when it can be sold, is an effective way of reducing alcohol-related harm. Thus, in general, any proposed policy</i>	Information has been noted  It is possible to try to restrict the number of licensed premises via policy through the adoption of a special policy on cumulative impact. The proposed revised statement of policy does not contain a special policy on cumulative impact.

	<i>additions restricting the availability of alcohol is to be welcomed. ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
19. An organisation	<i>Premises licensing hours should be based on the specific merits/needs of the operation and the evidence provided by the Responsible Authorities. Not by a policy. It is our policy to address these issues. ✓</i>	Each and every application, variation and reviewed licence will be considered and judged on its own individual merits however, it is proposed that DCC should also play a role in the assessment process via a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
20. Did not specify this information	<i>Whilst I fully appreciate that extended licensing hours assists the night time economy, it should be time limited to midnight. ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
21. Did not specify this information	<i>Balance believes that a critical part of reducing alcohol related harm is to restrict the opening times of licenses premises based on their type and location. The World Health Organisation's Global Alcohol Strategy clearly highlights one of the main drivers for reducing consumption, is to limit its availability. We would however, have welcomed a specific proposal to reduce the number of premises licensed to sell alcohol throughout the local authority area, particularly in those with an already high density (see question 4.). ✓</i>	It is possible to try to restrict the number of licensed premises via policy through the adoption of a special policy on cumulative impact. The proposed revised statement of policy does not contain a special policy on cumulative impact.  It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
22. Did not specify this	<i>Closing time should be early ✓</i>	It is proposed to include a framework for

information		operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
23. An individual – female aged over 65+ who considers herself to have a disability	<i>I believe it is important to treat premises as individual because one criteria would not fit another. I think location is very important especially rural areas where a variety of social activities are not available or difficult to attend. As a T total person I still feel people ought to live as they wish, but have consideration for others. ✓</i>	Each and every application, variation and reviewed licence will be considered and judged on its own individual merits however, it is proposed that DCC should also play a role in the assessment process via a framework for operating hours that may be used to guide applicants and Members in making decisions
24. An organisation	<i>Any application should be dealt with on its individual merits. Our client would expect the type of licensed premises and its location to be a factor in responsible authorities considering whether to make representations. Sainsbury's would not support any policy that seeks to pre-judge an application notwithstanding its individual merits ✓</i>	Each and every application, variation and reviewed licence will be considered and judged on its own individual merits however, it is proposed that DCC should also play a role in the assessment process via a framework for operating hours that may be used to guide applicants and Members in making decisions
25. An organisation	<i>No comment on the proposal. 12pm to 12am (midday to midnight) ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
26. An organisation	<i>No comments. We, the Royal British Legion Club Newton Aycliffe, are satisfied with the licensing hours</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.



**Table 2. Any other policy information - Taking into account the proposed additions to the Statement of Licensing Policy, is there anything else you think should be included in the policy?**

**Note:** The consultation responses in column B that have influenced the proposed policy are highlighted with a tick ✓

<p>27. An organisation</p>	<p><i>a) Control of alcohol is a key aim within the Alcohol Harm Reduction Strategy in County Durham. A Statement of Licensing Policy should be about the effective control of alcohol within our communities and, as such help us to implement the strategy. ✓</i></p> <p><i>b) We believe that Durham County Council (like Newcastle City Council) should commit to a minimum unit price, particularly for supermarkets and the off-licence trade should be considered within the policy even if this is a voluntary agreement. ✓</i></p> <p><i>c) We also feel that the removal of high strength products from supermarkets and off-licences should be considered and therefore included in a statement of intent. ✓</i></p>	<p>a) The purpose of the statement of licensing policy is to promote the Licensing Objectives and set out the general approach to be adopted by the Licensing Authority when exercising licensing functions under the Licensing Act 2003.</p> <p>Fundamental Principles of a Council's statement of licensing policy are that in determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees. However, while statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.</p> <p>Similarly, no statement of policy should</p>
----------------------------	---	---

		<p>override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.</p> <p>Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.</p> <p>Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.</p> <p>b) It is important to note that Newcastle City</p>
--	--	---

		<p>Council have not committed to a minimum unit price (MUP). It is important to note exactly what Newcastle do say in their policy statement.</p> <p>Their statement of licensing policy contains the following information:</p> <p><i>“where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.”</i></p> <p>Through their policy, Newcastle City Council encourages all licensed premises to apply a minimum unit price of 50p to all alcohol products sold under their premises licence. In addition, where premises in their area are:</p> <ul style="list-style-type: none"> <li>i) found to be selling alcohol below this price; and</li> <li>ii) there are problems associated with the premises that are negatively</li> </ul>
--	--	--

		<p>iii) impacting on the licensing objectives, a responsible authority <b>may</b> bring review proceedings.</p> <p>iv) Following the review, the Licensing Committee <b>may</b> decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.</p> <p><b>The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014</b>  The draft Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 has been published after the Home Office published its guidance document on banning the sale of alcohol below the cost of duty plus VAT for England and Wales.</p> <p>The Home Office has confirmed the order will come into force on the 6th of April 2014.</p> <p>The guidance document provides comprehensive information regarding implementation of the relevant legislation, methods of calculating the amount of duty plus VAT (referred to in legislation as “the permitted price”) and effective enforcement of the ban. The content of this guidance relates to proposals to be introduced as draft legislation in early 2014. Therefore the</p>
--	--	---

		<p>content is subject to parliamentary approval of legislation; if approval is obtained, the legislation will come into force in April 2014.</p> <p>The ban will prevent businesses from selling alcohol at heavily discounted prices and aims to reduce excessive alcohol consumption and its associated impact on alcohol related crime and health harms.</p> <p>The ban is a new licensing condition of the Mandatory Code of Practice. The Mandatory Code of Practice applies to all licensed premises, including those with club premises certificates, in England and Wales.</p> <p>c) Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority could consider imposing controls on e.g. drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider as part of a package of measures to deal with problems. For example, where it is appropriate as part of application or review, conditions could be attached regarding display of such goods. Care will have to be exercised in relation to any measures that prevent the sale of goods.</p>
--	--	---

		<p>Although it would be possible to reference such measures in the 'good management' section, a ban may well conflict with the Provision of Services legislation. Taken forward for consideration, this proposal may be included in the section on good management practice 6.4 Promoting Management Standards.</p>
<p>28. An organisation</p>	<p><i>a) As the Statement of Licensing Policy should be about the effective control of alcohol within our communities</i></p> <p><i>b) We believe that Durham County Council (like Newcastle City Council) should commit to a minimum unit price, particularly for supermarkets and the off-licence trade and that this should be considered within the policy even if this is a voluntary agreement. ✓</i></p> <p><i>c) We also feel that the removal of high strength products from supermarkets and off-licences should be considered and therefore included in a statement of intent. ✓</i></p> <p><i>d) We also know that alcohol advertising has significant impacts on young people starting to drink and those who do drink drinking more. We believe that there should be some restrictions in the licensing policy on where alcohol can be advertised for example not within a 400m radius of schools, external to petrol stations or within licenced taxi cabs.</i></p> <p><i>e) The provision of Cumulative Impact or Saturation policies should also be included in the statement of licensing policy</i></p>	<p>a) See 27 a) above.</p> <p>b) See 27 b) above.</p> <p>c) See 27 c) above</p> <p>d) Advertising is not a licensable activity and the control of advertising is beyond and outside the scope of the statement of licensing policy. However, from 6<sup>th</sup> April 2010, irresponsible drinks promotions have been banned following the introduction of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. This mandatory condition prevents the use of materials or signs (posters and flyers) on or near to premises to advertise promotions there if they condone, encourage or glamorise anti-social behaviour or refer to getting drunk in any positive way.</p> <p>e) Cumulative impact and special policies to</p>

	<p><i>not only in relation to on-licenced premises but also with off-licenced premises.</i></p> <p><i>f) It would be helpful if a measure to reduce the creation of vertical drinking establishments especially in the City and larger town areas was included. We know that vertical drinking encourages people to drink quicker. We feel that within the capacity limits for venues that are usually set by fire and rescue should also take into consideration a ratio of seats to people. This would help to reduce the speed and amount of alcohol consumed in on-licenced premises and hence contribute to reduced drunkenness in our towns and city centres.</i></p> <p><i>g) The Statement of Licensing Policy should, we feel, include a definition of what constitutes an irresponsible drinks promotion for both on and off-licence premises to translate the mandatory condition into being relevant and locally understood. ✓</i></p> <p><i>We feel that irresponsible promotions include any price promotions which encourage people to drink more than they otherwise would, for example one shot of vodka being sold for £2 and an offer to double up for an extra £1 or buying multiple cans for less than what one individual can alone costs.</i></p>	<p>address such matters are referenced in the proposed statement of licensing policy however; at the present time there is little evidence to support the need for such special policies as part of the overall statement of licensing policy for County Durham.</p> <p>f) Each and every application, variation and reviewed licence will be considered and judged on its own individual merits however, it is proposed that DCC should also play a role in the assessment process via a framework for operating hours that may be used to guide applicants and Members in making decisions.</p> <p>g) From 6<sup>th</sup> April 2010, irresponsible drinks promotions have been banned following the introduction of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. The legislation defines what is meant by an irresponsible drinks promotion and makes clear that an irresponsible promotion is one that is:</p> <p>“carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety,</p>
--	--	--

		<p>public nuisance, or harm to children”.</p> <p>Home Office publication Selling Alcohol Responsibly: The New Mandatory Licensing Conditions – Mandatory Code for Alcohol Retailers England and Wales April 2010 sets out guidance on this condition and provides a number of examples of what would be considered as being irresponsible promotions of drinks.</p> <p>Each and every allegation of irresponsible drinks promotions will be treated on its merits under the circumstances of the case with reference to the legislation and available guidance. The respondent’s opinion of what constitutes irresponsible promotions goes further than the legislation, does not accord with Home Office examples of irresponsible promotions and does not fall within the definitions provided in the guidance. Notwithstanding this, it would be possible to address such matters in the section on good management practice 6.4 Promoting Management Standards.</p>
<p>29. An individual – female aged between 45-54</p>	<p><i>Stricter controls on the numbers in venues &amp; the ages. If drugs are found on premises the licence should be withdrawn for at least 5 years</i></p>	<p>These are primarily enforcement issues and are subject to primary legislation. They are not matters of policy.</p>



30. An individual – male aged between 45-54	<i>Music volume and customer number restrictions.</i>	These are primarily enforcement issues and are subject to primary legislation. They are not matters of policy.
An individual – female aged between 55-64	<i>I don't think pubs/clubs should be open beyond 11 p.m. and night clubs 1 a.m. closure. ✓</i>	It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
31. An organisation	<p><i>On behalf of the Durham Local safeguarding children board I wish to offer the following for consideration in the new policy:</i></p> <p><i>a) There should be some reference to the links between alcohol and child sexual exploitation in the policy, this link is well documented through national research. The current policy is overly weighted to anti-social behaviour. ✓</i></p> <p><i>b) As a responsible authority which has an interest in the conditions applicable to a licence the LSCB has been somewhat confused about the application of the age verification policy. Firstly I have heard of so many versions: is it challenge 25, challenge 21 or challenge 18. What is the standard in County Durham? ✓</i></p> <p><i>Secondly for a premises to demonstrate the application of an age verification policy this can not happen unless the staff are appropriately trained and training is re-visited, training records are kept and the premises can demonstrate that a refusals book exists which is available for inspection.</i></p>	<p>a) See 2.13 and 10.1 of the proposed statement of policy.</p> <p>b) The Licensing Authority advocates and supports the use of the Challenge 25 scheme by all operators. See 10.4 of the proposed statement of policy.</p> <p>c) Conditions relating to age verification may be applied at application, variation and review stages. The policy will refer to a set of specimen conditions which can be used in the production of individual licences and where applicants offer conditions to be included in their licence, for example around CCTV, noise control and age verification schemes.</p>

	<i>Taking these conditions together it is the position of the LSCB that these conditions should be recognised as part of an age verification policy. ✓</i>	
32. An individual – female aged 65+	<i>Licensed premises that continually abuse their conditions should have their licences revoked quickly.</i>	This is not a matter for policy enforcement activities and the decision making processes are governed by legislation including the Licensing Act 2003.
33. An individual – male aged between 25-34	<i>To include that an establishment should be responsible for clearly displaying their policies for members of the public to view on the doors/entrance of the premises (e.g. opening/access times, age limits, dress codes, door charges after certain times, who to deal with queries/complaints on site, what times they are allowed to sell alcohol until etc). There seems to be constant issues with chain pubs/bars who do not apply their policies consistently and its disappointing that there doesn't seem to be a way to control this. ✓</i>	<p>Some information must be provided and displayed by law e.g. health and safety policy information, a summary of the premises licence etc.</p> <p>Some of the information mentioned by the respondent is not policy information but would be part of the operator's organisation and arrangements for the business and premises.</p> <p>That which must be provided by law is not a matter for statements of licensing policy. In relation to other matters, it is not clear how such information of a variable nature might usefully be included in a statement of policy.</p> <p>Taken forward for consideration, this proposal may be included in the section on good management practice 6.4 Promoting Management Standards.</p>
34. An individual –	<i>mandatory periodic review to assess the effectiveness of the</i>	The periodic review of a Council's statement

male aged between 55-64	<i>Policy as perceived by the wider public</i>	of licensing policy is subject to legislation and guidance. 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 (either technical or strategic) which support the licensing objectives are required, an appropriate level of consultation will be undertaken.
35. An individual – female aged between 45-54	<i>Stronger consequences should a landlord have many (number to be defined) complaints about noise disturbance, under age drinking, violence etc... And a duty to meet residents should there be numerous complaints about one or more pubs in a residential area.</i>	These matters principally relate to enforcement processes and to judgements at hearings. These are subject to legislation and guidance. These are not matters for statements of licensing policy.
36. An individual – female aged between 55-64	<i>All premises, including public houses, should have to keep all external areas of their properties clean and hygienic on a daily basis, and should have to ensure that all areas are clean and clear of dirt, glass, litter (including cigarette ends), etc. before they can open their doors for business each day</i> ✓	Information has been noted. This statement is not inconsistent with proposed policy. See 9.8 of the proposed statement of licensing policy.
37. An individual – did not specify gender, but aged 65+	<i>There needs to be strong enforcement on landlords to deal with problems and clearing the surrounds of their premises. People using any public area should be protected from intimidation.</i>	Matters such as these principally relate to enforcement processes and practices and to judgements at hearings. These are subject to legislation and guidance. These are not

		matters for statements of licensing policy.
37. An individual – male, but did not specify age	<i>Very strict noise control and enforcement.</i>	See 37 above
38. An individual – did not specify age or gender	<i>Publicans should be invited to a face to face meeting with relevant authority to discuss matters. May be a representative from pubwatch could be chosen.</i>	See 37 above
39. An individual – did not specify age or gender	<i>How do you determine/weight 'local resident' concerns - one complaint six months ago? or 10 two months ago? or 10 in the past week?</i>	See 37 above
40. An individual – did not specify age or gender	<i>Far more attention needs to be paid to the genuine complaints of residents who live within sight and sound of a public house (often in otherwise quiet villages) who are constantly disturbed by rowdiness, the consumption of alcohol in front of licensed premises, the breakage of glass in public areas, live music entertainment at a noise level inappropriate to a residential area. There is particular concern in relation to all these issues with the Black Lion, The Hope and Cross Hills licensed premises in Sedgefield. Residents have made many complaints. They are aware of the much better situation at Yarm where the concerns about noisy rowdy behaviour within and outside of licensed premises are handled in a more sympathetic manner with regulations in place concerning where alcohol can be consumed after 10.00pm and what constitutes noise pollution after that time. ✓</i>	Information has been noted.  See 37 above  It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.
41. An individual – did not specify age	<i>As well as food takeaways, pubs &amp; clubs should be required to clean up outside their premises, to a specified distance</i>	Information has been noted. This statement is not inconsistent with proposed policy. See

or gender	<i>from their doors. IE 20 yards? ✓</i>	9.8 of the proposed statement of licensing policy.
42. An organisation	<i>The Statement of Licensing Policy continues to focus heavily on crime and disorder. It would be encouraging to see a similar focus on the relationship between licensing policy and the adverse effects of alcohol for health and well-being. NICE PH24 guidance also recommends that a key objective of licensing policy should be the protection of public health.</i>	<p>This is a matter for National Legislation.</p> <p>The Act requires that the Licensing Authority carries out its various Licensing functions so as to promote the following four Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• The prevention of crime and disorder</li> <li>• Public safety</li> <li>• The prevention of public nuisance</li> <li>• The protection of children from harm</li> </ul> <p>Each Objective is of equal importance. There are no other Licensing Objectives. The four Objectives are, therefore, to be of paramount consideration at all times.</p> <p>Licensing law is the key means of control and will be part of a 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. The Licensing Authority will work in partnership with, amongst others,</p>

		neighbouring local authorities, the Police, Public Health, 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.
43. An individual – female aged over 65+ who considers herself to have a disability	<i>Not just litter etc from takeaway but also cans, bottles and crisp packets etc from venues selling these at night. Litter can be as anti-social as noise and drunkenness. ✓</i>	Information has been noted. This statement is not inconsistent with proposed policy. See 9.8 of the proposed statement of licensing policy.

**Table 3. Any other comments - Do you have any other comments on the proposed changes to the Statement of Licensing Policy?**

**Note:** The consultation responses in column B that have influenced the proposed policy are highlighted with a tick ✓

44. An organisation	<i>Alcohol harm places a significant impact on County Durham and Darlington NHS Foundation Trust - whether this is in relation to treatment in the community, attendances at Emergency Departments or in terms of admissions for alcohol related health conditions. We know that rates of admission are higher in County Durham than the average for England as a whole. Balance (the North East Alcohol Office, hosted by the Trust), estimate that the cost to the NHS of alcohol harm in the County is £50.32m. A robust approach to licensing is required to achieve better</i>	Information has been noted. This statement is not inconsistent with proposed policy.
---------------------	---	--

	<p><i>outcomes for local people, to reduce alcohol related harm and to lessen the costs attributable across the public sector. We see young people in our clinics affected both directly and indirectly by alcohol, see intoxicated patients as an outcome of the night-time economy, support patients who are the victims of alcohol related violence (both in the home and street). ✓</i></p>							
<p>45. An organisation</p>	<p><i>a) Whilst we appreciate that health or public health is not a licensing objective we believe that the Statement of Licensing Policy needs to be placed in context with the alcohol related harms that are apparent in County Durham, including the health harms. A truly responsible trader will take into account the health implications of alcohol.</i></p> <p><i>b) The information that we believe should be included in the Statement of Licensing Policy is:</i></p> <ul style="list-style-type: none"> <li><i>• Alcohol related harm costs the people of County Durham £211.72m each year.</i></li> <li><i>• Local Alcohol Profiles for England (LAPE) are published on an annual basis and set out the extent of alcohol related harm in a local authority area. There are 326 local authorities nationally with the best performing ranked at 1 and the worst performing ranked at 326. The 2012 LAPE statistics for County Durham are below:</i></li> </ul> <table border="1" data-bbox="459 1173 1384 1318"> <thead> <tr> <th data-bbox="459 1173 909 1318"><i>Measure</i></th> <th data-bbox="909 1173 1164 1318"><i>2012 Rate per 100,000 population</i></th> <th data-bbox="1164 1173 1384 1318"><i>National rank</i></th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	<i>Measure</i>	<i>2012 Rate per 100,000 population</i>	<i>National rank</i>				<p>a) Information has been noted.</p> <p>b) These statistics will change over time. The accuracy and reliability of these figures relates to the time they were gathered.</p> <p>The relevance of some of this information to the current licensing objectives must be considered. Such information together with its source may however be referenced or signposted in the policy.</p> <p>c) See 2.13 and 10.1 of the proposed statement of policy.</p> <p>d) See 42 above. Also, It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.</p>
<i>Measure</i>	<i>2012 Rate per 100,000 population</i>	<i>National rank</i>						

	<i>Alcohol specific hospital admissions (males)</i>	620.5	276	
	<i>Alcohol specific hospital admissions (females)</i>	354.3	297	
	<i>Alcohol specific hospital admissions for under-18s</i>	116	314	
	<i>Alcohol-attributable hospital admission - males</i>	1,904.5	290	
	<i>Alcohol-attributable hospital admission - females</i>	1141.6	303	
	<i>Admission episodes for alcohol-attributable conditions (previously NI39)</i>	2,485.6	296	
	<ul style="list-style-type: none"> <li>• <i>The rate of mortality from liver disease has increased by 34.7% since 2006 in County Durham. Females have seen the highest increase in mortality from liver disease with a 64.3% increase since 2006. Experts believe that alcohol is a causal factor.</i></li> <li>• <i>Rate of alcohol related hospital admissions, although they are showing signs of reducing, are still 164% higher than in 2002.</i></li> <li>• <i>31.6% of the population of County Durham are estimated to binge drink, some of the highest rates in the country. A further 20% are estimated to be drinking at increasing risk levels and just under 7% at high risk levels.</i></li> <li>• <i>13.8% of all anti-social behaviour was alcohol related. Alcohol was seized from 785 people under the age of 18.</i></li> </ul>			



	<ul style="list-style-type: none"> <li>• <i>Across County Durham there are high perceptions of people drinking and causing a nuisance in public spaces (38.8%) as well as perceptions of underage drinking and sale of alcohol to youths (46%).</i></li> </ul> <p><i>As the consumption of alcohol in the home increases the impact of alcohol becomes hidden. We know for example, that in 2012/13 across County Durham 27.8% of domestic violence was recorded as alcohol related. A third of initial child protection cases are related to alcohol within the County.</i></p> <p><i>c) Analysis of child sexual exploitation information for County Durham revealed that there is a significant link to children who are being sexually exploited and at risk of being sexually exploited and the provision of alcohol. We would expect all Designated Premises Supervisors (DPS) and relevant staff to have a basic understanding on the role they can play in tackling child exploitation in County Durham.</i></p> <p><i>d) These issues not only need targeted intervention for the individuals and their families concerned but also population level changes to “design out” some of the significant issues we face in relation to alcohol consumption in County Durham by reducing the availability and affordability of alcohol.</i></p>	
46. An individual – female aged between 55-64	<i>Takeaway businesses - there is a suggestion that businesses must keep the outside of their premises and the pavement tidy while open and at the end of the working day. How far from the premises will this condition extend? ✓</i>	See 9.8 of the proposed statement of licensing policy. Distances and other measurements of area will not be specified in the policy. The distances and areas involved would naturally vary depending on

		the situation and location of the premises. If conditions are to be used to formalise the requirement at a particular premises, the area to which the condition will apply may be specified in the condition.
47. An individual – female aged between 55-64	<i>The comments within the proposal appear fair and responsible</i>	Information has been noted.
48. An individual – male aged between 25-34	<i>Introducing a levy from midnight from 06:00am to cover 'policing' costs, would drive the price of alcohol up to such a state it would reduce the income of businesses across the board and ergo have a negative effect on the local economy. Far from encourage the night life in Durham, it would be detrimental to it. Pubs/Clubs face impossible completion from supermarkets who can sell it cheaper as it is without further levies which would hit the customer in the pocket. The price of a pint for example in some bars in Durham is bad enough as it is at £3+ without driving the price up further.</i>	Information has been noted.
49. An individual – male aged between 55-64	<i>Welcomed</i>	Information has been noted.
50. An individual – female aged between 45-54	<i>This consultation has not been widely circulated and I only found it by word of mouth. I think this consultation should be extended to include residential groups of towns/villages in Durham. I believe that the proposed changes are good but they will need enforcement which requires a police presence.</i>	The consultation was open and targeted. The process was advertised and was publicised  Information has been noted.
51. An individual – did not specify gender, but	<i>As stated above ordinary residents should be protected from intimidation and disturbance from licensed premises.</i>	Information has been noted.

aged 65+		
52. An individual – male, but did not specify age	<i>Good to introduce immediately.</i>	Information has been noted.
53. An individual – did not specify age or gender	<i>Yet another levy could be imposed on struggling pubs. Why can't the trouble makers be made to pay for the trouble that they bring to pubs.</i>	At this stage there is no intention of introducing a Late Night levy in the County. The policy requires reference to be made to the levy as a measure that Councils may bring in. See 11.17 of the proposed statement of licensing policy
54. An individual – did not specify age or gender	<i>Residents should be kept fully informed about the extent to which their comments were acted upon and about the means whereby changes are to be implemented. The County Council are obliged to care for the interests of all residents (and not just interested parties within the licensed premises fraternity).</i>	Information has been noted. The reporting process caters for this requirement
55. An individual – did not specify age or gender	<i>On the whole I agree with the changes, especially if the above comments are taken into account</i>	Information has been noted.
56. An organisation	<i>Action introduced in Newcastle, including a Late Night Levy, are to be welcomed and it is encouraging to see that similar initiatives are being considered in Durham.</i>	See 27 above
57. An organisation	<i>Brandon &amp; Byshottles Parish Council fully supports the proposed changes to the current licensing policy</i>	Information has been noted.

**Table 4 Other consultation responses sent directly to Licensing Services**

**Note:** The consultation responses in column B that have influenced the proposed policy are highlighted with a tick ✓

<p>58. Balance North East Question 1</p>	<p><i>Balance believes that a critical part of reducing alcohol related harm is to restrict the opening times of licenses premises based on their type and location. The World Health Organisation’s Global Alcohol Strategy clearly highlights one of the main drivers for reducing consumption, is to limit its availability. We would however, have welcomed a specific proposal to reduce the number of premises licensed to sell alcohol throughout the local authority area, particularly in those with an already high density (see question 4.). ✓</i></p>	<p>It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.</p> <p>It is possible to try to restrict the number of licensed premises via policy through the adoption of a special policy on cumulative impact. The proposed revised statement of policy does not contain a special policy on cumulative impact.</p> <p>At this stage, there is little evidence to support the need for or appropriateness of the introduction of a special policy on cumulative impact in the County.</p>
<p>59. Balance North East Question 2</p>	<p><i>a) The evidence base to support the benefits that restricting the availability of alcohol can bring, continues to grow. Where we purchase and drink alcohol has substantially changed in recent years, resulting in more than 50% of alcohol now being sold in the off-trade. This has resulted in an increase in home drinking which can result in violence that can affect a whole community’s quality of life. This also creates deployment issues for the police, as limited resources have to be taken from our night time economies to deal with this increase. The culture of ‘pre-loading’</i></p>	<p>a) Information noted.</p> <p>It is possible to try to restrict the number of licensed premises via policy through the adoption of a special policy on cumulative impact. The proposed revised statement of policy does not contain a special policy on cumulative impact.</p>

	<p><i>(drinking cheap supermarket alcohol before visiting our town and city centres) has also increased significantly. Liverpool's John Moores University has undertaken research which suggests that those who choose to drink in this manner are more than 2 1/2 times more likely to be a victim or perpetrator of violence. This blurs significantly the link between the place of purchase and where its impact is felt. All too often, our police officers witness the arrival of individuals whose level of intoxication should prevent them gaining access to licenced premises. This creates not only a considerable policing burden, but leaves on-licensed premises dealing with the consequences of violent behaviour resulting from alcohol bought from off licenced premises.</i></p> <p><i>To support this further, Balance undertook a survey in 2011 of 296 police officers from Durham Constabulary. On being asked the factors that contribute to alcohol related crime and disorder, they responded as follows;</i></p> <ul style="list-style-type: none"> <li>• 96% - Drinking culture</li> <li>• 76% - Licensing hours</li> <li>• 83% - Availability of cheap alcohol</li> <li>• 72% - Price</li> </ul> <p><i>Within County Durham, there are a whole range of night time economies, from those that consist of only a handful of on-licensed premises to those that are deemed to be worthy of receiving visitors from across the country. It is therefore vital that all areas are considered and that the focus is not placed on any one of those locations.</i></p>	<p>At this stage, there is little evidence to support the need for or appropriateness of the introduction of a special policy on cumulative impact in the County. Such evidence must be associated with the 4 existing licensing objectives and be directly relevant to the County of Durham.</p> <p>The Licensing Authority recognises that the cumulative effect of the number, type and density of premises selling alcohol for consumption on the premises in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.</p> <p>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.</p> <p>Each and every application, variation and reviewed licence will be considered and judged on its own individual merits however, it is proposed that DCC should also play a role in the assessment process via a framework for operating hours that may be</p>
--	---	--

	<p><i>Likewise, it is important not to treat all types of premises the same. Police forces nationally, including Durham Constabulary are reporting an increase in house parties which require police intervention. Whilst the differential between off and on licences prices continue, this trend is likely to continue with the added concern of hidden harms such as domestic violence and child neglect. It is therefore critical again, that any new policy addresses the harms caused by both on and off licensed premises.</i></p> <p><i>Balance believes the most effective means of introducing a licensing hours policy is the adoption of a matrix approach to licensing decisions. Based on which premises result in the most harm, the policy could set hours for particular premises types and could be utilised to control overall density by making it more difficult to obtain a certain type of licence, i.e. vertical drinking establishments. We are aware of a number of councils which have successfully adopted such schemes with success and would encourage Durham to undertake something similar.</i></p> <p><i>In terms of alcohol harm, the evidence base which correlates the link between density and harm continues to increase. The most recent study from Melbourne, 'Improving our understanding of the links between alcohol availability, consumption and harm' by Michael Livingstone, evidences the increases in chronic disease that is particular to off-licences and violence which is specific to on-licences. The research not only looks at the increase in density but the importance of controlling opening hours.</i></p> <p><i>b) Balance feels strongly that restricting the hours of operation is</i></p>	<p>used to guide applicants and Members in making decisions.</p> <p>b) Licensing Law permits applications to be made that include 24 hour opening. However, each and every application, variation and reviewed licence will be considered and judged on its own individual merits. It is proposed that DCC should play a role in the assessment process via a framework for operating hours linking type of premises, licensable activity and prospective location. This framework may be used to guide applicants and Members in making decisions on acceptability in relation to hours of operation in given locations.</p> <p>Operating hours are controlled by conditions, which stipulate the start times, finish times and therefore the duration of the period of licensable activity at any given premises.</p> <p>c) Planning is a responsible authority under the act and Planning is consulted in relation to all applications made under the Act.</p> <p>Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so,</p>
--	---	---

	<p><i>just as much an ethical question as one of law. Why do the public, who we are encouraging to drink responsibly, need to be able to buy alcohol from a supermarket at 4am or from on-licensed premises at 8am with their breakfast? To be able to buy alcohol at these times puts alcohol on the same footing as bread and milk. Alcohol is no ordinary commodity and should therefore not be treated as such. We would ask that any future policy includes not only when a premises can sell alcohol but also a maximum time that it can be sold. We understand that it may prove difficult to introduce one prescribed set of opening hours for all types of premises, however if Durham is genuine in its attempt to reduce alcohol harm, a robust stance must be taken and we would therefore request that no on-licensed premises be allowed to sell alcohol for more than 9 hours within a 24 hour period as was prescribed within the 1964 Act. ✓</i></p> <p><i>c) We understand that planning is a very complex piece of legislation, however we would encourage that Durham consider how they use planning legislation to reduce alcohol harm. This could be achieved through controlling the number of new buildings where a licence could be applied for or for those that are granted a use which permits alcohol to be sold and/or greater restrictions on their opening hours. This is an area of work which although frequently discussed is rarely administered. We would like to see Durham as visionary leaders in this area of work by ensuring that planning is a critical partner in reducing alcohol harm.</i></p>	<p>licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.</p> <p>However, the statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.</p> <p>There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.</p>
60. Balance North East	<p><i>a) Balance believes that a set of stringent licensing conditions should be made available but only as a means of guidance. The purpose of conditions is to reduce the likelihood of harm,</i></p>	<p>a) Where applicants offer conditions to be included in their licence, for example around CCTV, noise control, age verification</p>

<p>Question 3</p>	<p><i>however this is best achieved through reducing the overall availability of alcohol. It is critical that discretion should be available to all responsible authorities and licensing committees. In order to ensure the best possible outcomes for local communities, we have to impose conditions that are relevant and proportionate to the risk that an individual premises poses and which ensures support of the four licensing objectives. Again, by ensuring that a reduction in the overall availability of alcohol is at the centre of the licensing policy, reduced harms will be achieved resulting in County Durham being a healthier and safer place to live and work. ✓</i></p> <p><i>Within a set of specimen conditions we would like to see a more holistic approach to reducing alcohol harm. For example, alcohol not to be sold adjacent to any products linked to children, DVD's, toys or displayed at POS or on entry to the premises. If we are to change the current drinking culture, alcohol has to be treated differently by those that both sell it as well as those that drink it.</i></p> <p><i>b) In relation to suitably trained staff, we would ask that Durham follows the legislation currently in place in New South Wales and Scotland where yearly training is mandatory for all permanent staff employed in the sale of alcohol. ✓</i></p> <p><i>c) As another key driver to reducing harm is the promotion of alcohol, we would like to see conditions that prohibit advertising within a 400m radius of any school and the advertising of alcohol outside or in parts of premises that are not dedicated solely to its sale. ✓</i></p>	<p>schemes and other conditions, it is proposed to produce a set of specimen conditions which can be used in the production of individual licences.</p> <p>Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question.</p> <p>If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.</p> <p>There are three types of condition that may be applied:</p> <p><b>(i) Proposed conditions</b> The conditions that are appropriate for the promotion of the licensing objectives should</p>
-------------------	---	--



	<p><i>d) We also strongly believe that irresponsible promotions should be defined within the policy. The Government have acknowledged the need for this mandatory code to be reviewed but at the time of writing, this is many months away. It will therefore be necessary for Durham's licensing policy to define irresponsible and set their own standards, for example, any promotion which encourages people to drink more than they otherwise would and for cocktail pitchers not to be deemed acceptable.</i></p> <p><i>e) Although many members of door staff that work within County Durham have received the vulnerability training via Northumbria Police, there are still many who due to timings of registration will not receive it. We therefore believe it is appropriate that all door staff working at new premises have received the training. ✓</i></p>	<p>emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.</p> <p><b>(ii) Conditions that are consistent with steps described in operating schedule</b> The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.</p> <p><b>(iii) Imposed conditions</b> The licensing authority may not impose any conditions unless its discretion has been</p>
--	--	---

		<p>engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.</p> <p>The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.</p> <p>b) Taken forward for consideration, this proposal may be included in the section on good management practice 6.4 Promoting Management Standards.</p> <p>c) See a) above. Taken forward for consideration, this proposal may be included in the section on good management practice 6.4 Promoting Management Standards.</p> <p>d) From 6<sup>th</sup> April 2010, irresponsible drinks promotions have been banned following the introduction of the Licensing Act 2003 (Mandatory Licensing Conditions) Order</p>
--	--	---

		<p>2010. The legislation defines what is meant by an irresponsible drinks promotion and makes clear that an irresponsible promotion is one that is:</p> <p>“carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children”.</p> <p>Home Office publication Selling Alcohol Responsibly: The New Mandatory Licensing Conditions – Mandatory Code for Alcohol Retailers England and Wales April 2010 sets out guidance on this condition and provides a number of examples of what would be considered as being irresponsible promotions of drinks.</p> <p>Each and every allegation of irresponsible drinks promotions will be treated on its merits under the circumstances of the case with reference to the legislation and available guidance. The respondent’s opinion of what constitutes irresponsible promotions goes further than the legislation, does not accord with Home Office examples of irresponsible promotions and does not fall</p>
--	--	--

		<p>within the definitions provided in the guidance. Notwithstanding this, it would be possible to address such matters in the section on good management practice 6.4 Promoting Management Standards.</p> <p>e) Taken forward for consideration, this proposal may be included in the section on good management practice 6.4 Promoting Management Standards. Conditions may be imposed subject to a) above.</p>
<p>61. Balance North East  Question 4</p>	<p><i>a) Controlling the availability of alcohol is key to reducing the wider harms caused by alcohol. Balance is aware that work is currently on-going in relation to the viability of cumulative impact polices throughout the local authority area. However, we are also aware of the difficult balance between alcohol harm reduction and business growth. We would argue that not all growth is necessarily positive and that in a city such as Durham, where already the harms both in terms of health and crime and disorder are well documented, that any new building developments should not include licensed premises. With alcohol harm currently costing County Durham costing an estimated £190m, we would ask that serious consideration be given to reducing the overall density of licensed premises both in the on and off trades in an attempt to stem this tide of harm. Our towns and cities should be renowned for their historical sites and quality shopping, not as a destination of choice for stag and hen parties.</i></p>	<p>a) It is possible to try to restrict the number of licensed premises via policy through the adoption of a special policy on cumulative impact. The proposed revised statement of policy does not contain a special policy on cumulative impact.</p> <p>At this stage, there is little evidence to support the need for or appropriateness of the introduction of a special policy on cumulative impact in the County. Such evidence must be associated with the 4 existing licensing objectives and be directly relevant to the County of Durham.</p> <p>The Licensing Authority recognises that the cumulative effect of the number, type and density of premises selling alcohol for</p>

	<p><i>In further support of this, Balance recently undertook a public perception survey which highlights the public's views on where and how alcohol should be sold. The question 'How acceptable is it to be able to buy alcohol at the following places' received the following responses of 'completely unacceptable';</i></p> <ul style="list-style-type: none"> <li>• <i>Soft play areas – 90%</i></li> <li>• <i>Motorway service areas – 74%</i></li> <li>• <i>Hairdressers – 71%</i></li> <li>• <i>Garage forecourts – 65%</i></li> <li>• <i>Foyer of a cinema – 51%</i></li> <li>• <i>Bed &amp; Breakfasts – 26%</i></li> </ul> <p><i>When considering the potential impact in increased density as a result of the introduction of ancillary sellers in the near future, the opinions of the public become even more significant. The review of the licensing policy is therefore very timely to ensure that some level of control is made now for the future. Do we really wish to see alcohol being sold in every premises on our high streets?</i></p> <p><i>b) As previously mentioned, the World Health Organisation's Global Alcohol Strategy's list of drivers, highlights the importance of price. In a recent Balance survey, it was found that alcohol was sold for just 16p a unit in County Durham. With the government saying that a national minimum unit price will not be introduced during this parliament, it is vital that local policies are put in place to address the sale of cheap strong alcohol. It would be ethically wrong to allow the health and well-</i></p>	<p>consumption on the premises in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.</p> <p>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.</p> <p>Each and every application, variation and reviewed licence will be considered and judged on its own individual merits however, it is proposed that DCC should also play a role in the assessment process via a framework for operating hours that may be used to guide applicants and Members in making decisions.</p> <p>b) It is important to note that Newcastle City Council have not committed to a minimum unit price (MUP). It is important to note exactly what Newcastle do say in their policy statement.</p> <p>Their statement of licensing policy contains the following information:</p>
--	---	--

	<p><i>being of our local communities to be put in the 'long grass' whilst awaiting further direction from Government. Balance would therefore ask that serious consideration be given to following the lead of Newcastle by committing to a minimum pricing policy. ✓</i></p>	<p>“Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.”</p> <p>Through their policy, Newcastle City Council encourages all licensed premises to apply a minimum unit price of 50p to all alcohol products sold under their premises licence. In addition, where premises in their area are:</p> <ul style="list-style-type: none"> <li>i) found to be selling alcohol below this price; and</li> <li>ii) there are problems associated with the premises that are negatively impacting on the licensing objectives,</li> <li>iii) a responsible authority may bring review proceedings.</li> <li>iv) Following the review, the Licensing Committee may decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.</li> </ul>
--	---	--

		<p>The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014  The draft Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 has been published after the Home Office published its guidance document on banning the sale of alcohol below the cost of duty plus VAT for England and Wales.</p> <p>The Home Office has confirmed the order will come into force on the 6th of April 2014.</p> <p>The guidance document provides comprehensive information regarding implementation of the relevant legislation, methods of calculating the amount of duty plus VAT (referred to in legislation as “the permitted price”) and effective enforcement of the ban. The content of this guidance relates to proposals to be introduced as draft legislation in early 2014. Therefore the content is subject to parliamentary approval of legislation; if approval is obtained, the legislation will come into force in April 2014.</p> <p>The ban will prevent businesses from selling alcohol at heavily discounted prices and aims to reduce excessive alcohol consumption and its associated impact on</p>
--	--	---

		<p>alcohol related crime and health harms.</p> <p>The ban is a new licensing condition of the Mandatory Code of Practice. The Mandatory Code of Practice applies to all licensed premises, including those with club premises certificates, in England and Wales.</p> <p>Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority could consider imposing controls on e.g. drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider as part of a package of measures to deal with problems. For example, where it is appropriate as part of application or review, conditions could be attached regarding display of such goods. Care will have to be exercised in relation to any measures that prevent the sale of goods. Although it would be possible to reference such measures in the 'good management' section, a ban may well conflict with the Provision of Services legislation. Taken forward for consideration, this proposal may be included in the section on good management practice 6.4 Promoting Management Standards.</p>
--	--	--



<p><b>62. Dr Richard Lilly. North Durham CCG</b></p>	<p><i>I am responding to the consultation document on the licensing policy for alcohol which runs until today, 2<sup>nd</sup> Jan 2014.</i></p> <p><i>As a local GP and the mental health lead for North Durham CCG I am concerned that there is no mention of, or reference to, any move, voluntary or otherwise, towards a minimum price for a unit of alcohol.</i></p> <p><i>This is such a well-supported proposal by all health professionals which reduces the known harm done to individuals, that I would have to request that this is considered by the council.</i></p> <p><i>There are a number of towns which have taken this up as a voluntary agreement particularly with supermarkets, notably Ipswich, where it has proved a success in reducing anti-social drinking as well as reducing the alcohol triggered hospital admissions.</i></p> <p><i>The particular form of alcohol is that sold in shops as super strength cider and beer.</i></p> <p><i>I would like this to be considered by Durham county council, and for them to be seen as progressive in this area. ✓</i></p>	<p>It is important to note that Newcastle City Council have not committed to a minimum unit price (MUP). It is important to note exactly what Newcastle do say in their policy statement.</p> <p>Their statement of licensing policy contains the following information:</p> <p>“Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.”</p> <p>Through their policy, Newcastle City Council encourages all licensed premises to apply a minimum unit price of 50p to all alcohol products sold under their premises licence. In addition, where premises in their area are:</p> <ul style="list-style-type: none"> <li>i) found to be selling alcohol below this price; and</li> <li>ii) there are problems associated with the premises that are negatively impacting</li> </ul>
--	---	---

		<p>on the licensing objectives,</p> <p>iii) a responsible authority may bring review proceedings.</p> <p>iv) Following the review, the Licensing Committee may decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.</p> <p>The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 The draft Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 has been published after the Home Office published its guidance document on banning the sale of alcohol below the cost of duty plus VAT for England and Wales.</p> <p>The Home Office has confirmed the order will come into force on the 6th of April 2014.</p> <p>The guidance document provides comprehensive information regarding implementation of the relevant legislation, methods of calculating the amount of duty plus VAT (referred to in legislation as “the permitted price”) and effective enforcement of the ban. The content of this guidance relates to proposals to be introduced as draft legislation in early 2014. Therefore the content is subject to parliamentary approval</p>
--	--	---

		<p>of legislation; if approval is obtained, the legislation will come into force in April 2014.</p> <p>The ban will prevent businesses from selling alcohol at heavily discounted prices and aims to reduce excessive alcohol consumption and its associated impact on alcohol related crime and health harms.</p> <p>The ban is a new licensing condition of the Mandatory Code of Practice. The Mandatory Code of Practice applies to all licensed premises, including those with club premises certificates, in England and Wales.</p> <p>Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority could consider imposing controls on e.g. drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider as part of a package of measures to deal with problems. For example, where it is appropriate as part of application or review, conditions could be attached regarding display of such goods. Care will have to be exercised in relation to any measures that prevent the sale of goods. Although it would be possible to</p>
--	--	--

		reference such measures in the 'good management' section, a ban may well conflict with the Provision of Services legislation. Taken forward for consideration, this proposal may be included in the section on good management practice 6.4 Promoting Management Standards.
<p><b>63. Children and Young People's Overview and Scrutiny Committee</b></p> <p><b>General</b></p>	<p><i>a) I would like to bring to your attention Children and Young People's Overview and Scrutiny Committee's work on Alcohol and Substance Misuse by Young People. Over the past three months a working group made up from the Committee's members has been working on the review and gathered evidence from various sources including Consumer Protection.</i></p> <p><i>b) The working group is aware of the current Licensing Policy Statement consultation and wanted to take the opportunity to share with you conclusions and findings from the review before the close of the consultation.</i></p> <p><i>c) It is important that a licensing policy statement acknowledge young people's vulnerability to alcohol consumption under the Protection of Children Objective of the Licensing Act 2003, with a requirement for licensees to keep and maintain a refusal register and ensure staff training schedules are regularly reviewed.</i></p> <p><i>d) Young people's consumption of alcohol is an important issue. Evidence suggests that young people who drink alcohol are more likely to experience poor health, education and social outcomes.</i></p>	<p>a) Information noted.</p> <p>b) Information noted.</p> <p>c) These comments are in accordance with the proposed statement of licensing policy. See 10.5 to 10.7.</p> <p>d) Information noted.</p> <p>e) Information on proxy sales is included in the proposed policy statement. See 10.4 and 10.7. However, the potential recommendation is outside the scope of the statement of licensing policy.</p>

*The conclusions from the evidence suggest that:*

- *The majority of young people don't drink alcohol but those that do are drinking more, more frequently and of stronger strength.*
- *The main substance misused is alcohol*
- *Accessibility of alcohol is a key driver of young people drinking alcohol.*
- *Alcohol advertising associates drinking alcohol with having fun and alcohol advertising is sponsoring many sporting and music events.*
- *Young people are more likely to get alcohol from parents and older relatives than strangers.*
- *All schools provide alcohol education but delivery varies from school to school.*
- *Evidence suggests that young people drink for many reasons one of which is being bored.*
- *Balance is actively trying to change the alcohol drinking culture of the North East.*
- *Referrals to 4Real have increased but there remains a*

	<p><i>gap with NHS Emergency Departments.</i></p> <p><i>e) Evidence suggests that a key finding is that parents and older relatives are buying alcohol for older children and therefore a potential recommendation is that greater engagement with parents/carers to raise awareness of the harms of alcohol to children and young people in relation to health and safety as a means to reduce the number of proxy sales.</i></p>	
<p><b>64. Public Health: Responsible Authority</b></p> <p><b>Question 1</b></p>	<p><i>We agree that a policy that authorises/restricts the opening times of licensed premises based on their type and location should be introduced by the County Council and our reasoning is set out in the answer to question 2.</i></p>	<p>This is in accordance with the proposed statement of licensing policy. Although each application, variation and reviewed licence will be considered and judged on its own individual merits, it is proposed that DCC should also play a role in the assessment process via a framework for operating hours that may be used to guide applicants and Members in making decisions.</p>
<p><b>65. Public Health: Responsible Authority</b></p> <p><b>Question 2</b></p>	<p><i>a) Alcohol consumption has changed. Over the last 20 years we have seen a shift in people drinking alcohol in the home environment<sup>1</sup> rather than pubs and clubs which means that much of the purchasing of alcohol has moved to supermarkets and shops. Also, people now tend to drink alcohol at home before going on a night out (pre-loading).</i></p> <p><i>b) This change in drinking patterns has implications not only for the health of the population of County Durham but on the patterns and trends of crime and disorder across the area. This</i></p>	<p>a) Information noted.</p> <p>b) Information noted.</p> <p>c) See 61. Response to Balance North East in relation to Question 4.</p> <p>d) Although each application, variation and reviewed licence will be considered and judged on its own individual merits, it is</p>

	<p><i>change in consumption is driven by the low cost and large availability of alcohol from supermarkets and shops.</i></p> <p><i>c) There is good evidence<sup>2,3</sup> to show that making it less easy to buy alcohol can reduce the negative consequences of alcohol not only for health but also on crime and disorder and the other licensing objectives. Restricting access can be done not only by increasing the cost of alcohol but also reducing the hours and days of sale and restricting the number of outlets.</i></p> <p><i>d) We believe that being able to buy alcohol early in the day should be restricted. Being able to buy alcohol with your morning newspaper is something that we believe should be reversed. The hours of alcohol sales from off-licenses are very difficult to restrict against under the 4 existing licensing objectives as it is often difficult to evidence causation from the specific premises in relation to issues of crime and disorder, public safety, public nuisance or protection of children from harm issues. We believe that licensing hours for off-licences should be restricted to at least the hours set out in the legislation prior to the Licensing Act 2003 including restrictions on Sunday trading. The Licensing Act 1964 prescribed the hours for the sale of alcohol from 11am until 10:30pm. This could be changed but sales of alcohol could not take place before 8:30am. Off-licences were only able to sell alcohol for a total of 9 hours per day.</i></p> <p><i>e) We also believe that there should be limits regarding hours for</i></p>	<p>proposed that DCC should also play a role in the assessment process via a framework for operating hours that may be used to guide applicants and Members in making decisions.</p> <p>e) See d) above</p>
--	--	---

	<p>the sale of alcohol for on-licensed premises to again restrict the time alcohol can be bought. We would suggest that licensing hours be restricted to those in existence prior to the Licensing Act 2003. The café culture envisaged by the implementation of the Licensing Act 2003 has not been realised in the UK. The Licensing Act 1964 prescribed the hours for the sale of alcohol from 11am until 10:30pm. This could be altered but sales were unable to take place earlier than 10am. On-licensed premises again were able to sell alcohol for no more than 9 hours per day.</p> <p>f) We also think consideration should be given to last entry time for on-licensed premises which are open beyond midnight. This would assist premises with safeguards against serving to people who are already drunk.</p> <p>✓</p>	
<p><b>Question 3.</b></p>	<p><i>Yes we do agree that a set of specimen conditions should be made available. Public Health, as a relatively new responsible authority, has already drafted guidance for applicants which includes specimen conditions. We believe that giving guidance to applicants about what the responsible authorities and the public expect in relation to the sale of alcohol both on and off the premises will improve both the standard of applications and the management of new premises saving time and money responsible authorities spend on challenging and negotiating applications for premises licences.</i></p> <p><i>We would be happy to provide the Licensing Authority with the specimen conditions that we have already developed</i></p>	<p>Information noted. This response is consistent with the proposed policy.</p>
<p><b>Question 4.</b></p>	<p><i>a) As the Statement of Licensing Policy should be about the effective control of alcohol within our communities</i></p>	<p>a) The purpose of the statement of licensing policy is to promote the Licensing Objectives and set out the general approach to be</p>



	<p><i>b) We believe that Durham County Council (like Newcastle City Council) should commit to a minimum unit price, particularly for supermarkets and the off-licence trade and that this should be considered within the policy even if this is a voluntary agreement.</i></p> <p><i>c) We also feel that the removal of high strength products from supermarkets and off-licences should be considered and therefore included in a statement of intent.</i></p> <p><i>d) We also know that alcohol advertising has significant impacts on young people starting to drink and those who do drink drinking more. We believe that there should be some restrictions in the licensing policy on where alcohol can be advertised for example not within a 400m radius of schools, external to petrol stations or within licensed taxi cabs.</i></p> <p><i>e) The provision of Cumulative Impact or Saturation policies should also be included in the statement of licensing policy not only in relation to on-licenced premises but also with off-licenced premises.</i></p> <p><i>f) It would be helpful if a measure to reduce the creation of vertical drinking establishments especially in the City and larger town areas was included. We know that vertical drinking encourages people to drink quicker. We feel that within the capacity limits for venues that are usually set by fire and rescue should also take into consideration a ratio of seats to people. This would help to reduce the speed and amount of alcohol consumed in on-licenced premises and hence contribute to</i></p>	<p>adopted by the Licensing Authority when exercising licensing functions under the Licensing Act 2003.</p> <p>Fundamental Principles of a Council's statement of licensing policy are that in determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees. However, while statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.</p> <p>Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.</p> <p>Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the</p>
--	---	---

	<p><i>reduced drunkenness in our towns and city centres.</i></p> <p><i>g) The Statement of Licensing Policy should, we feel, include a definition of what constitutes an irresponsible drinks promotion for both on and off-licence premises to translate the mandatory condition into being relevant and locally understood. We feel that irresponsible promotions include any price promotions which encourage people to drink more than they otherwise would, for example one shot of vodka being sold for £2 and an offer to double up for an extra £1 or buying multiple cans for less than what one individual can alone costs.</i></p> <p>✓</p>	<p>terms of the 2003 Act; and conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, I.e. the premises and its vicinity.</p> <p>Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.</p> <p>b) It is important to note that Newcastle City Council have not committed to a minimum unit price (MUP). It is important to note exactly what Newcastle do say in their policy statement.</p> <p>Their statement of licensing policy contains the following information:</p> <p><i>“where there is evidence that the licensing</i></p>
--	--	---

		<p><i>objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.”</i></p> <p>Through their policy, Newcastle City Council encourages all licensed premises to apply a minimum unit price of 50p to all alcohol products sold under their premises licence. In addition, where premises in their area are:</p> <ul style="list-style-type: none"> <li>i) found to be selling alcohol below this price; and</li> <li>ii) there are problems associated with the premises that are negatively impacting on the licensing objectives,</li> <li>iii) a responsible authority <b>may</b> bring review proceedings.</li> <li>iv) Following the review, the Licensing Committee <b>may</b> decide to impose a condition in relation to the pricing of alcohol in order to uphold the licensing objectives.</li> </ul>
--	--	---

		<p><b>The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014</b></p> <p>The draft Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 has been published after the Home Office published its guidance document on banning the sale of alcohol below the cost of duty plus VAT for England and Wales.</p> <p>The Home Office has confirmed the order will come into force on the 6th of April 2014.</p> <p>The guidance document provides comprehensive information regarding implementation of the relevant legislation, methods of calculating the amount of duty plus VAT (referred to in legislation as “the permitted price”) and effective enforcement of the ban. The content of this guidance relates to proposals to be introduced as draft legislation in early 2014. Therefore the content is subject to parliamentary approval of legislation; if approval is obtained, the legislation will come into force in April 2014.</p> <p>The ban will prevent businesses from selling alcohol at heavily discounted prices and aims to reduce excessive alcohol consumption and its associated impact on alcohol related crime and health harms.</p>
--	--	--

		<p>The ban is a new licensing condition of the Mandatory Code of Practice. The Mandatory Code of Practice applies to all licensed premises, including those with club premises certificates, in England and Wales.</p> <p>c) Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority could consider imposing controls on e.g. drinks promotions to deal with localised problems. These controls could include restricting the sale of super strength beer, lager and cider as part of a package of measures to deal with problems. For example, where it is appropriate as part of application or review, conditions could be attached regarding display of such goods. Care will have to be exercised in relation to any measures that prevent the sale of goods. Although it would be possible to reference such measures in the 'good management' section, a ban may well conflict with the Provision of Services legislation. Taken forward for consideration, this proposal may be included in the section on good management practice 6.4 Promoting Management Standards.</p>
--	--	--

		<p>d) This may be outside the scope and remit of a statement of licensing policy.</p> <p>e) This is consistent with the proposed policy statement.</p> <p>f) Each and every application, variation and reviewed licence will be considered and judged on its own individual merits. It is proposed that DCC should play a role in the assessment process via a framework for operating hours linking type of premises, licensable activity and prospective location. This framework may be used to guide applicants and Members in making decisions on acceptability in relation to hours of operation in given locations.</p> <p>The Fire and Rescue Service can set occupancy rates and use their own guidance and methodologies to do so. Maximum occupancy figures are not set for all premises.</p> <p>g) From 6<sup>th</sup> April 2010, irresponsible drinks promotions have been banned following the introduction of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. The legislation defines what is meant by an irresponsible drinks promotion and</p>
--	--	--

		<p>makes clear that an irresponsible promotion is one that is:</p> <p>“carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children”.</p> <p>Home Office publication Selling Alcohol Responsibly: The New Mandatory Licensing Conditions – Mandatory Code for Alcohol Retailers England and Wales April 2010 sets out guidance on this condition and provides a number of examples of what would be considered as being irresponsible promotions of drinks.</p> <p>Each and every allegation of irresponsible drinks promotions will be treated on its merits under the circumstances of the case with reference to the legislation and available guidance. The respondent’s opinion of what constitutes irresponsible promotions goes further than the legislation, does not accord with Home Office examples of irresponsible promotions and does not fall within the definitions provided in the guidance. Notwithstanding this, it would be</p>
--	--	--

		possible to address such matters in the section on good management practice 6.4 Promoting Management Standards.						
<p><b>Question 5.</b></p>	<p>a) <i>Whilst we appreciate that health or public health is not a licensing objective we believe that the Statement of Licensing Policy needs to be placed in context with the alcohol related harms that are apparent in County Durham, including the health harms. A truly responsible trader will take into account the health implications of alcohol.</i></p> <p>b) <i>The information that we believe should be included in the Statement of Licensing Policy is:</i></p> <ul style="list-style-type: none"> <li>• <i>Alcohol related harm costs the people of County Durham £211.72m each year.</i></li> <li>• <i>Local Alcohol Profiles for England (LAPE) are published on an annual basis and set out the extent of alcohol related harm in a local authority area. There are 326 local authorities nationally with the best performing ranked at 1 and the worst performing ranked at 326. The 2012 LAPE statistics for County Durham are below:</i></li> </ul> <table border="1" data-bbox="465 1061 1384 1319"> <thead> <tr> <th><b>Measure</b></th> <th><b>2012 Rate per 100,000 population</b></th> <th><b>National rank</b></th> </tr> </thead> <tbody> <tr> <td><i>Alcohol specific hospital admissions (males)</i></td> <td>620.5</td> <td>276</td> </tr> </tbody> </table>	<b>Measure</b>	<b>2012 Rate per 100,000 population</b>	<b>National rank</b>	<i>Alcohol specific hospital admissions (males)</i>	620.5	276	<p>a) Information has been noted.</p> <p>b) These statistics will change over time. The accuracy and reliability of these figures relates to the time they were gathered.</p> <p>The relevance of some of this information to the current licensing objectives must be considered. Such information together with its source may however be referenced or signposted in the policy.</p> <p>c) See 2.13 and 10.1 of the proposed statement of policy.</p> <p>d) See 42 above. Also, It is proposed to include a framework for operating hours that may be used to guide applicants and Members in making decisions at application and review stages.</p>
<b>Measure</b>	<b>2012 Rate per 100,000 population</b>	<b>National rank</b>						
<i>Alcohol specific hospital admissions (males)</i>	620.5	276						



<i>Alcohol specific hospital admissions (females)</i>	<i>354.3</i>	<i>297</i>
<i>Alcohol specific hospital admissions for under-18s</i>	<i>116</i>	<i>314</i>
<i>Alcohol-attributable hospital admission - males</i>	<i>1,904.5</i>	<i>290</i>
<i>Alcohol-attributable hospital admission - females</i>	<i>1141.6</i>	<i>303</i>
<i>Admission episodes for alcohol-attributable conditions (previously NI39)</i>	<i>2,485.6</i>	<i>296</i>

- *The rate of mortality from liver disease has increased by 34.7% since 2006 in County Durham. Females have seen the highest increase in mortality from liver disease with a 64.3% increase since 2006. Experts believe that alcohol is a causal factor.*
- *Rate of alcohol related hospital admissions, although they are showing signs of reducing, are still 164% higher than in 2002.*
- *31.6% of the population of County Durham are estimated to binge drink, some of the highest rates in the country. A further 20% are estimated to be drinking at increasing risk levels and just under 7% at high risk levels.*
- *13.8% of all anti-social behaviour was alcohol related. Alcohol was seized from 785 people under the age of 18.*
- *Across County Durham there are high perceptions of people drinking and causing a nuisance in public spaces (38.8%) as well as perceptions of underage drinking and*

	<p><i>sale of alcohol to youths (46%).</i></p> <p><i>As the consumption of alcohol in the home increases the impact of alcohol becomes hidden. We know for example, that in 2012/13 across County Durham 27.8% of domestic violence was recorded as alcohol related. A third of initial child protection cases are related to alcohol within the County.</i></p> <p><i>c) Analysis of child sexual exploitation information for County Durham revealed that there is a significant link to children who are being sexually exploited and at risk of being sexually exploited and the provision of alcohol. We would expect all Designated Premises Supervisors (DPS) and relevant staff to have a basic understanding on the role they can play in tackling child exploitation in County Durham.</i></p> <p><i>d) These issues not only need targeted intervention for the individuals and their families concerned but also population level changes to “design out” some of the significant issues we face in relation to alcohol consumption in County Durham by reducing the availability and affordability of alcohol. ✓</i></p>	
<p><b>66. Shildon Town Council</b></p> <p><b>General</b></p>	<p><i>At a meeting of the Town council held on 9 Dec 2013 it was resolved to support all of the changes proposed to the current Licensing Policy.</i></p>	Information noted
<p><b>67. Cllr Stephen Guy</b></p> <p><b>General</b></p>	<p><i>I do not have any major objections. I just wonder if it could be improved with the inclusion of a section restricting the number of licensed premises in a geographical area, especially in small villages. I am not sure if this is prohibited by legislation however.</i></p>	Cumulative impact and special policies to address such matters are referenced in the proposed statement of licensing policy however; at the present time there is little

		<p>evidence to support the need for such special policies as part of the overall statement of licensing policy for County Durham.</p> <p>Each and every application, variation and reviewed licence will be considered and judged on its own individual merits however, it is proposed that DCC should also play a role in the assessment process via a framework for operating hours that may be used to guide applicants and Members in making decisions.</p>
<p><b>Great Aycliffe Town Council</b></p> <p><b>General</b></p>	<p><i>The Council fully support the proposed changes to the Licensing Act Policy</i></p>	<p>Information noted</p>