

Appendix 3

Responses to consultation

Durham Constabulary

To whom it may concern.

On behalf of Durham Constabulary, I have reviewed Darlington Borough Council's current Statement of Licensing Policy 2019-2024 and wish to provide the following information which I think will be beneficial to have incorporated into the Statement of Licensing policy 2024-2029.

In addition to the four licensing objectives, the local authority has requested additional information, views, and opinions around.

- **Integrating the national licensing policy framework** - Ensuring our local policy reflects current national guidance, best practice, and legislative changes aligned with the licensing objectives.
- **Martyn's Law (Protect Duty)** - Considering how future counter-terrorism security requirements may apply to licensed premises and how these responsibilities should be reflected within our licensing approach.
- **Spiking** - Strengthening local measures to prevent and respond to drink-spiking and needle-spiking, and supporting premises in protecting customers.
- **Alcohol delivery services** - Reviewing how the home delivery of alcohol should be responsibly managed to safeguard vulnerable people and uphold the licensing objectives.
- **Illegal working within the hospitality sector** - Addressing risks associated with illegal employment practices and ensuring that licensed premises operate safely, legally, and responsibly.

Information around these areas is documented below with guidance and suggestions of policy and procedures the local Authority may want to include in the statement of licensing policy.

Integrating the national licensing policy framework

This is addressed through out the document with what Durham Constabulary would like to see integrated into the statement of licensing policy.

Below is the link to the National Licensing Policy Framework from 26th November 2025

<https://www.bing.com/ck/a?!&p=e1aded66e80853cbf87f7167792d3500094476a81358dc0448c9dd85cb2aab5JmItdHM9MTc3NzkzOTlwMA&ptn=3&ver=2&hsh=4&fclid=1db30286-c70c-61b8-1630-140ec6e660e4&psq=integrating+the+national+licensing+policy+framework+-+ensuring+our+local+policy+reflects+current+national+guidance%2c+best+practice%2c+and+legislative+changes+aligned+with+the+licensing+objectives+statement+of+licensing+policy&u=a1aHR0cHM6Ly93d3cuZ292LnVrL2dvdMvYbm1lbnQvcHVibGljYXRpb25zL25hdGlvbmFsLWxpY2Vuc2luZy1wb2xpY3ktZnJhbWV3b3JrLWZvci10aGUtaG9zcGl0YWxpdkHktYW5kLWxlaXN1cmUtc2VjdG9ycw>

Martyn's Law – Protect Duty:

Terrorism (Protection of Premises) Act 2025 also known as “Martyn’s Law”, received Royal Assent on 3rd April 2025. A tiered approach has been established under the act, with those responsible for premises and events in scope required to fulfil different requirements according to the number of individuals it is reasonable to expect may be present. It improves protective security and organisational preparedness across the UK by requiring those responsible for certain premises and events to take steps to reduce the risk of harm to individuals arising from acts of terrorism.

Those responsible will be required to implement public protection procedures and/or measures, and as such be better prepared and protected, ready to respond in the event of a terrorist attack.

Martyn’s Law is expected to be implemented over a 24-month period, with Statutory Guidance being produced within that timeframe to assist those responsible to understand the requirements set out within the legislation.

As part of the large events/premises planning process, it is expected that all necessary applicants will engage with the Safety Advisory Group (SAG) within Darlington to ensure measures under this new law are in place and adhered to.

Spiking

Types of spiking

1. Drink spiking is when someone puts drugs or alcohol into a person’s drink without their knowledge or consent. It can include putting alcohol into a non-alcoholic drink, adding extra alcohol to an alcoholic drink or slipping prescription or illegal drugs (such as tranquillisers, amphetamines or GHB—also called liquid ecstasy) into an alcoholic or non-alcoholic drink. It can be difficult to tell whether a drink has been spiked, as substances used for spiking usually have no taste, odour, or colour.

2. Needle spiking (sometimes referred to as injection spiking) is where someone surreptitiously injects, with a hypodermic needle, (or other form of administration e.g. combi-pen) a victim with a substance.

Recommended actions for licensed premises

Many licensed premises work incredibly hard to ensure that their customers can enjoy a night out safely and deter perpetrators.

Ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. It is also helpful to the police if staff:

obtain full details of the affected person reporting the incident, including a description of what they are wearing as officers will want to track them on CCTV.

can provide as detailed a description of the suspected perpetrator as possible, if known, including clothing

Provide an approximate time of the incident and the location within the premises where they believe it occurred.

Secure the drinking vessel(s) that is suspected as containing the 'drug' so this can be tested at a later time.

Seize any drinking vessel that the suspect may have been using.

Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance if needed, and providing a safe space for the customer.

Ensure appropriate training is provided to relevant members of staff.

Review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, as victims of spiking have been found in there. Premises should also review the functionality of any CCTV and ensure it is not obscured.

Consider providing information (such as posters) regarding drink spiking in the premises.

Consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits have been made available in your area by the police or council.

Take into consideration the home office report understanding and tackling spiking – published 19th December 2023 link below.

<https://www.bing.com/ck/a?!&&p=7dc82b328b8fbbdcJmltdHM9MTcxNDUyMTYwMCZpZ3VpZD0yMDM0YjUzMy04OTRiLTlyZWltMGYzZC1hNGMwODgxMzYzMTgmaW5zaWQ9NTIyOQ&p=3&ver=2&hsh=3&fclid=2034b533-894b-62eb-0f3d-a4c088136318&psq=home+office+national+strategy+on+spiking&u=a1aHR0cHM6Ly93d3cuZ292LnVrL2dvdMvYbm1lbnQvcHVibGljYXRpb25zL3VuZGVyc3RhbmRpbmctYW5kLXRhY2tsaW5nLXNwaWtpbmcmVwb3J0LXVuZGVyc3RhbmRpbmctYW5kLXRhY2tsaW5nLXNwaWtpbmctYWNjZXNzaWJsZQ&ntb=1>

Alcohol deliveries

Delivery-Based Premises

This policy applies to Premises that provide the sale of alcohol and/or food for delivery to customers rather than for consumption on-site.

- Online alcohol retailers
- Restaurants offering home delivery of food and alcoholic beverages
- Dark kitchens (commercial kitchens set up for delivery only)

Applicants should expect that the following conditions would be requested by the licensing authority to be placed on a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- A standard age verification check shall be undertaken on entering the website.
- A signature at the point of delivery must be obtained from a person above the age of 18 with appropriate age verification identification. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place.
- Every third-party courier delivery box shall be labelled with the words “Age Restricted Product”. - Any delivery driver or third-party courier will be required to have appropriate age verification training, and they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated.
- A refusals log will be maintained for deliveries and available for inspection on request.
- Appropriate security will be in place at the premises as agreed with the Police.
- Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule.
- Website and all promotional material should be designed and set out in a way which is consistent with the responsible retail of alcohol.

- The Authority would expect operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded.

Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule.

Illegal working within the hospitality sector

Prevention of Illegal Working in Licensed Premises

1 Policy Statement

The Licensing Authority is committed to promoting the licensing objectives set out in the Licensing Act 2003, in particular the prevention of crime and disorder. The Authority recognises that illegal working in licensed premises is a serious criminal offence which undermines legitimate business, exploits vulnerable individuals, and damages community safety.

2 Legal Framework

Under the Immigration, Asylum and Nationality Act 2006, it is a criminal offence to employ a person who does not have the right to work in the United Kingdom. The Home Office Immigration Enforcement is a Responsible Authority under the Licensing Act 2003 and may make representations or request a review of a premises licence where illegal working is identified.

3 Expectations of Licence Holders

Licence holders, designated premises supervisors, and operators are expected to:

- Conduct thorough **right-to-work checks** on all employees before employment commences, in accordance with Home Office guidance.
- Retain clear and verifiable records of such checks, including copies of original documents.
- Implement robust recruitment procedures to prevent the employment of individuals without lawful immigration status.
- Cooperate fully with enforcement agencies during inspections or investigations.

4 Enforcement Approach

Where evidence of illegal working is found, the Licensing Authority will consider this a serious breach of the licensing objectives. Enforcement action may include:

- Review of the premises licence, which could result in suspension or revocation.
- Referral to the Home Office for civil penalties or criminal prosecution.

- Imposition of additional licence conditions to ensure compliance.

5 Partnership Working

The Licensing Authority will work in partnership with the Home Office, the Police, and other relevant agencies to share intelligence, coordinate enforcement activity, and promote lawful employment practices in the licensed trade.

Appendix – Illegal Working Compliance Checklist for Licence Holders

Purpose:

This checklist helps licence holders demonstrate due diligence in preventing illegal working in licensed premises. It should be kept on-site and produced during inspections.

Pre-Employment Checks

- Verify the individual's right to work in the UK **before** employment starts.
- Check **original documents** (not photocopies or scans).
- Use the **Home Office online right-to-work check** where applicable.
- Ensure documents are valid, unaltered, and belong to the person presenting them.

Record Keeping

- Keep **clear copies** of all right-to-work documents.
- Record the **date of the check** and the name of the person who carried it out.
- Store records securely for the duration of employment and for **at least two years** after it ends.

Ongoing Monitoring

- Track expiry dates for visas or work permits and re-check before they lapse.
- Update records promptly if an employee's immigration status changes.

Staff Training

- Train managers and supervisors on right-to-work requirements.
- Keep a record of training sessions and attendance.

Cooperation with Authorities

- Respond promptly to requests from the Licensing Authority, Police, or Home Office.
- Provide requested documents without delay.

Points to consider not currently in policy

Prevent and reporting incidents of sexual harassment and misconduct and gender-based violence.

Resident and visitor safety, especially the safety of those using the night-time economy, is an important factor that the Council, applicants, and licence holders must take into consideration report – Freedom from violence and abuse: a cross-government strategy published in December 2025

https://assets.publishing.service.gov.uk/media/697c7e14043a4ade0f7b503f/31.260_VAWG_01_Strategy_Slip_FINAL_v5_290126_WEB.pdf

Definition of Sexual Harassment

The definition of sexual harassment was created with a range of experts on the subject. The defining characteristics are that it is unwanted, persistent, and of a sexual nature.

List of unacceptable behaviours are:

1. Unwelcome sexual gestures or innuendos
2. Groping, pinching, or smacking someone's body.
3. Exposing yourself to someone
4. Entering the toilet that does not best accommodate your gender.
5. Derogatory comments based on someone's age, gender, race, orientation, or ability.

Examples of unacceptable behaviour include (but are not limited to):

Unwelcome comments with a sexual overtone

Unwelcome and/or irrelevant questions about your personal life (including sex, romance, and sexual orientation)

Someone exposing their sexual organs to you without consent.

Someone groping, pinching, or touching your body without consent.

Procedures and policies for how to handle perpetrators of sexual harassment to be included in the operating schedule/conditions. These will of course differ from premises to premises but ensure that they reflect a zero-tolerance attitude towards harassment and discrimination.

Ensure that there are clear guidelines on how to handle complaints made by targets of sexual harassment, a positive response involves believing them, responding sympathetically, and taking the incident seriously. Negative responses are characterised by not believing them or suggesting that the incident was their fault.

Establish consequences to perpetrators of sexual harassment that reflect zero tolerance of those behaviours. These can range from removal from the premises to a ban from the premises for an extended period of time.

Example of Model policy for licensed premises to adopt.

1. This premises shall enforce a strict Zero Tolerance policy to sexual harassment and discrimination.
2. The policy shall enforce zero tolerance to the following behaviours:
3. Unwelcome sexual gestures or innuendos
4. Groping, pinching, or smacking someone's body Exposing yourself to someone.
5. Entering the toilet that does not best accommodate your gender.
6. Derogatory comments based on someone's age, gender, race, orientation, or ability.
7. This policy is for all patrons and staff at this premises.

Training:

1. Management will ensure that all staff are trained and briefed adequately on the policy.
2. All casual staff shall receive a briefing on the policy and its operations during staff training.
3. Security shall be briefed and trained on the policy.

Reporting an incident

- When a customer needs to report an incident, they may do so by speaking to any member of security or staff.
- The staff or security who received the report shall pass it on to a manager or supervisor
- When a staff member needs to report an incident, they will pass it on to a manager or supervisor.
- Reports of victims will be taken seriously, as well as the reports of others observing the incident (staff or other visitors) depending on the context of the situation.
- Reports will be dealt with in a manner that reflects zero tolerance of sexual harassment.

Dealing with a report / enforcement:

- All perpetrators will be removed from the main space of the premises for discussion.

- The manager or supervisor will, in consultation with others, decide if the perpetrator has violated the zero-tolerance policy.
- If the policy has been violated, the perpetrator will be dealt with in a manner that correlates with zero tolerance of harassment.
 - a. This should at minimum involve the perpetrator's presence no longer being allowed in the premises on the day of the offense.
 - b. Visitors who break the policy on more than one occasion shall be dealt with in a more severe manner, including longer-term bans from the premises.

Hate and Intolerance to be considered

It's important to recognise that addressing hate and intolerance is an ongoing process that involves individuals, communities, and businesses working together. Promoting diversity, equity, and inclusion is not only a matter of social justice but also essential for building harmonious, respectful, and progressive societies. It requires a commitment to empathy, education, and the active rejection of hatred and intolerance in all their forms.

Licence holders are expected to consider carefully, the possible impact on the local community of allowing their premises to be used by performers or organisations that promote messages of hate or intolerance.

Licensees should make themselves familiar with the requirements of the Equalities Act 2010 for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of:

- Age
- Being or becoming a transsexual person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief • Sex • Sexual orientation.

Licensees can promote inclusivity by creating an environment that welcomes people from diverse backgrounds and ensuring that all customers feel safe and respected while on the premises.

We will notify licence holders of our concerns if an event appears to be in some way detrimental to equalities, local community cohesion and local public order. We also remind licence holders of their responsibility to uphold the licensing objectives, and that crime or disorder resulting from an event, could lead to a review of the premises licence.

Shadow Licences to be considered

A shadow licence is a second or subsequent licence for premises where a licence already exists. A “shadow licence” may replicate the authorised licensable activities, hours and conditions of an existing licence or it may be different.

A reason for holding a “shadow licence” could be in the event of an existing premises licence being revoked, suspended, surrendered or lapsing, the holder of the “shadow licence” can use the “shadow licence” immediately to continue operating the premises. The holder of the “shadow licence” could be the freeholder of the premises, the existing premises licence holder or any other person.

The existence of a shadow licence may lead to confusion as to which licence is being used at the premises at any given time. We would, therefore, expect applicants for shadow licences to consider the following non-exhaustive list of conditions and to include them in the operating schedule:

- The premises licence holder will not trade from or operate the premises under this premises licence, for a period of three months after the revocation of premises licence number: [insert licence number] which exists for the same premises
- The premises licence holder shall hold a notification of interest in respect of premises licence [insert licence number] under section 178 of the Licensing Act 2003
- The premises licence holder will hold quarterly meetings with the holder of premises licence number [insert number] to discuss any issues arising or relating to the premises and the operation of premises licence number [insert number]
- The shadow licence will not authorise licensable activities while premises licence [insert number] has effect.

Shadow licences – To be added to Review section

It is concerning that the existence of a shadow licence may undermine the sanctions available to respond to a review application where a shadow licence exists for the same premises.

Where an application to review a licence for premises where a shadow licence exists, we will consider whether it is appropriate for the promotion of the licensing objectives, to make an application to review the shadow licence at the same time.

Where the applicant for the review is a responsible authority or any other person, we may ask the applicant to consider whether it may be appropriate for the promotion of the licensing objectives, to make an application to review the shadow licence at the same time.

Dedicated section around Reviews to be considered

The Licensing Act provides a mechanism for reviewing premises licences and Club Premises Certificates where problems associated with premises undermine the licensing objectives following grant or variation. The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.

The proceedings set out in the Act for reviewing premises licences and club premises certificates represent a key protection for the community. Unless an application is withdrawn, deemed to be frivolous, vexatious or repetitious or does not relate to the licensing objectives, the council will hold a hearing and take any necessary steps to promote the licensing objectives.

If a request for a review of the premises licence is made, they are required to notify the holder of the premises licence or club premises certificate and the “responsible authorities”, by sending them a copy of the request, together with any accompanying documents, on the same day as the request is given to the council. The council will advertise the review to enable others (responsible authorities or other persons) to comment on it. Responsible authorities have the option, if they wish, to comment on any application for a review.

A licensing authority must act on requests for review unless they consider the request to be irrelevant, repetitive, frivolous or vexatious. Frivolous representations would concern minor issues which the licensing authority could not reasonably be required to take any action to remedy. Representations may be considered vexatious if they appear to be intended to cause aggravation or annoyance without reasonable cause.

The council will advertise the fact that a request for review of the licence has been received and allow a period of 28 days for other persons to make representations to it (such representations can be for or against the activities at the premises in question).

After the period for making representations has expired, the licensing authority will hold a hearing to consider the request unless the request for review or the application has been withdrawn. The request will in most cases be considered by the licensing sub-committee who will hear representations from all parties involved. If you make a representation, the council will invite you to attend the hearing. You will also be given the opportunity to address the licensing subcommittee in support of the request for review.

You must give the authority at least 5 working days’ notice (prior to the start of the hearing, advising:

- If you will attend the hearing in person
- Whether you will be represented by someone else (e.g. MP/lawyer / residents’ association representative / friend)

- If you think that a hearing is unnecessary (if, for example, the parties have come to an agreement before the formal hearing), or
- You may also request permission for another person to attend the hearing, and must advise the licensing authority how that person may be able to assist the authority in relation to the request for review

Important note: All parties submitting any written documents they wish to rely on at a hearing, should provide them to DCC Licensing Services within five working days of the hearing.

Once the sub-committee has listened to and considered all views and evidence, it will decide what (if any) action is appropriate to promote the licensing objectives. Actions can include:

- No Action
- Modifying the conditions of the licence (change, add or remove conditions – including operating hours)
- Excluding a licensable activity from the licence
- Removing the designated premises supervisor
- Suspend the licence for a period (not exceeding 3 months), and
- Revoke the licence

Important note: The council will not expect a premises licence to be reviewed more than once within any 12-month period on similar grounds, except in exceptional circumstances or where it arises following a Closure Order.

Where a Magistrates Court makes a Closure Order under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014, the relevant licensing authority under section 167 licensing act 2003 must review the premises licence.

Framework Hours to be considered

Licensable activities are more likely to cause disturbance to residents during the night and early morning. For this reason, we expect applicants to propose additional measures if they intend to operate beyond certain time periods, which we call ‘framework hours’.

Framework Hours:

Recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises

Category of Premises	Weekdays	Weekends	Bank Holidays
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Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs	07:00 to 00:00	07:00 to 01:00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages	07:00 to 23:30	07:00 to 00:30	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises with licences not including the sale or supply of alcohol (community centres, village halls)	07:00 to 00:00	07:00 to 01:00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g. takeaways	23:00 to 01:00	02:00 to 02:00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)

* NOTE: For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

Reasons for the Policy Approach

Darlington has a large number of licensed premises. Many of these premises sell alcohol late at night and into the early hours of the morning. Darlington also borders with several other local authorities/police forces - North Yorkshire, Cleveland, Durham and Northumbria that have high concentrations of licensed premises with late night/early morning hours.

Against this background, we consider that the possibility of residents being disturbed late at night and in the early hours of the morning, and the effect that such disturbance may have, is a proper matter for us to consider when considering the hours for licensable activities.

In considering suitable times for framework hours, we have had regard to concerns expressed by residents, the licensed trade and the police. We acknowledge that different risks are associated with selling alcohol for consumption on and off the premises or where alcohol is not provided and the premises only provide regulated entertainment.

General

- The framework hours are a guide for applicants when preparing their operating schedules. However, if we do not receive any relevant representations about the proposed application, the law requires us to grant the licence as requested and applied for.
- The end time for the framework hours on any given day is not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in Darlington. Instead, the framework hours serve to identify applications where we will pay particular attention to the likely effect on the local neighbourhood when carrying out the proposed licensable activities outside the framework hours.
- Where applications propose licensable activities outside the framework hours, we expect the applicant to consider the risk and volunteer appropriate conditions in their operating schedule to promote the licensing objectives and in particular to prevent crime and disorder and public nuisance.
- We also expect applicants to provide appropriate conditions in their operating schedule to prevent public nuisance where customers will use external areas of premises such as gardens and patios.
- In preparing the operating schedule, applicants seeking to provide licensable activities outside the framework hours should have particular regard to:
 - • the location of the premises and the character of the area in which they are situated
 - • the proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises
 - • the adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance
 - • any relevant issues that may have arisen where the premises were previously licensed

- • whether customers have access to public transport when arriving at or leaving the premises at night-time and in the early hours of the morning
- • the proximity of the premises to other licensed premises in the vicinity and the hours of operation of those other premises
- • policies and proposals for the orderly dispersal of customers

The following also applies:

- if an application is within the framework hours, there is no presumption that the application will automatically be granted
- in all cases where relevant representations are made, we will pay particular attention to conditions relating to any external areas of the premises
- where relevant representations are made, we will consider each case on its merits.

Any licence condition setting out the hours refers to the hours during which licensable activities may take place at the premises. We expect premises to close thirty minutes after the terminal hour for licensable activities.

Deciding on Hours

Applicants should consider the following when deciding on the hours they propose to operate:

- to limit their applications to the hours they genuinely intend to operate
- when completing the operating schedule, to carefully consider the crime and disorder and public nuisance licensing objectives. Relevant representations are more likely to be received where inadequate regard is given to the need to promote these licensing objectives
- where relevant representations are made, the Licensing Panel shall determine whether the proposals in the operating schedule address the issues underpinning the policy on framework hours. As each application will be determined on its own merits, the individual circumstances will vary between each application
- this policy applies to all licensable activities; however we will have regard to the proposed use of the premises when considering whether and how this policy should apply in any given case

Illicit Goods to be considered

Alcohol and Tobacco

We will review a premises licence where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found we may consider this as evidence of poor management which has the potential to undermine the licensing objectives

- . • Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and/or smuggled
- Illicit tobacco means, counterfeit, and/or non-UK duty paid tobacco products
- Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other trading standards legislation such as consumer safety and unfair commercial practices

We are mindful of the advice provided in the S182 Guidance in respect of “Reviews arising in connection with crime” and may consider the following conditions in such circumstances:

- 1) The licence holder shall not purchase any goods from door-to-door sellers unless a valid receipt is supplied at the time of the purchase
- 2) The licence holder shall ensure that receipts for all stock purchased include the following details:
 - Seller’s name and address
 - Seller’s company details, if applicable
 - Seller’s VAT details if applicable
 - Full details of products purchased
 - Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to above shall be retained on the premises and made available to police officers or authorised council officers on request
- 4) The licence holder shall obtain and use a UV detection device to verify that duty stamps are valid

Large Temporary Events to be considered

This section relates to applications for large events that are temporary in nature but cannot be authorised under a temporary event notice (TEN) because of the number of persons attending or because the event spans more days than permitted by a TEN.

Generally, we will consider licensing these events under a time limited premises licence lasting for the duration of the event.

We advise persons wishing to hold such events to contact the Licensing Team for advice prior to making an application

We will expect applicants seeking a time limited premises licence for a large event to attend a meeting of the Safety Advisory Group (SAG).

The SAG consists of officers from responsible authorities such as the police, our noise and health and safety teams, the fire authority.

We will invite applicants to present their application and details of their event to the SAG. We expect the applicant to bring a draft Event Management Plan (EMP) with them to ensure the event will be run safely and will cause minimum disruption to the environment in terms of nuisance, traffic management.

The SAG does not determine licence applications or impose conditions but will advise applicants how to on produce an acceptable EMP for their event.

An EMP is a statement detailing how an event will be organised. It should incorporate a risk assessment, traffic and transport planning, first aid, stewarding, site layout, emergency planning and evacuation plans, noise management, litter disposal and communication protocols.

We strongly urge applicants to consult the SAG and produce a draft EMP prior to submitting their application. Where a responsible authority considers an EMP is inadequate to promote the licensing objectives, it may make a representation about the application.

We expect applicants to include the following conditions in their operating schedule:

a) The Licensee shall comply with the event management plan submitted to the licensing authority and no changes shall be made to the event management plan without the prior written consent of the licensing authority.

b) The Event shall be run in accordance with the site plan submitted to the licensing authority. No changes shall be made to the site plan without the prior written consent of the licensing authority.

This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a premises licence or an application to vary the existing premises licence. Without this approach, any changes made could be unauthorised and result in enforcement action being taken against the event organiser.

Public space protection orders to be considered

The Council/police support the use of Public Space Protection Orders as a tool to prevent alcohol related crime and disorder in the streets. The Council expects premises that operate in areas where Public Space Protection Orders have been implemented to have measures in place to ensure that their customers do not contribute to alcohol related anti-social behaviour.

Consumption of alcohol by street drinkers or people who are drunk can cause anti-social behaviour, disorder and be a nuisance to visitors, businesses, and residents.

Licence holders can play an important part in minimising this by restricting street drinkers' access to alcohol such as:

- Avoiding stocking low-cost high strength alcohol such as white ciders and high strength lagers 18
- Restricting the sale of strong beer and cider above 6.5% ABV
- Preventing the sale of single cans or bottles of beer and cider
- Ensuring all staff are aware of their responsibilities under the Licensing Act 2003 not to serve alcohol to a person who is drunk
- Not offering irresponsible drinks promotions as outlined in the section above
- Keeping and using a refusals registers or refusals button on the electronic point of sale and ensuring this is completed each time a sale is refused to a person who is drunk. The log should show the date, time, description of customer, name of staff member who refused the sale and the reason it was refused. This should be made available to the Police or authorised Council officers on request and should be regularly reviewed to identify trends and patterns
- Taking part in community safety initiatives with Durham Constabulary and sharing intelligence
- Ensuring that the premises operates in conjunction with any Public Space Protection Order

Section around street drinkers be considered.

Consumption of alcohol on the street drinkers or people who are drunk can cause anti-social behaviour, disorder and be a nuisance to visitors, businesses, and residents.

Licence holders can play an important part in minimising this by restricting street drinkers' access to alcohol such as:

- Avoiding stocking low-cost high strength alcohol such as white ciders and high strength lagers.
- Restricting the sale of strong beer and cider above 5.5% ABV. • Preventing the sale of single cans or bottles of beer and cider.
- Ensuring all staff are aware of their responsibilities under the Licensing Act 2003 not to serve alcohol to a person who is drunk. • Not offering irresponsible drinks promotions as outlined in the section above.

- Keeping and using a refusals registers or refusals button on the electronic point of sale and ensuring this is completed each time a sale is refused to a person who is drunk. The log should show the date, time, description of customer, name of staff member who refused the sale and the reason it was refused. This should be made available to the Police or authorised Council officers on request and should be regularly reviewed to identify trends and patterns.
- Taking part in community safety initiatives with Durham Constabulary.
- Ensuring that the premises operates in conjunction with the Public Space Protection Order

Section around preventing thefts to be considered.

Preventing theft from the premises High value alcohol and alcohol which is close to entrances can be a target for theft.

This can be prevented by:

Ensuring that storage areas and cellars are locked and secured when the premises are open to the public.

Shops selling alcohol ensuring that alcohol is not displayed within the first few meters of the door to prevent 'grab and run' thefts.

More expensive alcohol or other items attractive to thieves being security tagged.

Installing lockable shutters which can be closed at the end of the licensed hours will also prevent illegal sales of alcohol.

Possessions can also be a target for thieves particularly if customers are relaxed and enjoying a night out.

Measures such as:

- Regular property patrols and highlighting potential risks to customers
- Having well managed cloakrooms and toilets
- Having well-lit premises
- Installing bag hooks at tables and bars
- Installing mirrors to aid supervision

Events for Under 18 Only Events to be considered

1. The Police Harm Licensing Unit, DBC Licensing Services and Local Safeguarding Children's Board must be notified of any under 18 events at least 28 days in advance of the event. Such

notification should be from the premises licence holder or the DPS. They would be held accountable should the event undermine any of the licensing objectives.

2. The premises must be covered by colour, digital CCTV which meets the requirements and expectations of the Police and council. This equipment to record whilst the event is being held on the premises; all recordings to be retained for a minimum period of 28 days and to be made available upon request to the Police or authorised officers of the council within a period of 7 days.

3. The operator to ensure that the premises have enough SIA registered security staff and they are employed to meet at least the following minimum ratio: 2 for the first 100 customers, one of which being female, 2 for the second 100 customers and 1 for every 100 customers thereafter. At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and protecting patrons from unwanted attention or harassment.

4. Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.

5. Where there is normally a bar, ensuring that alcohol is not on display and is locked away.

6. Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.

7. Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.

8. Where alcohol is seized from persons aged under 18, the details to be recorded in a register.

9. Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to under 18's, nobody who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.

10. Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.

11. Toilet checks being carried out at regular intervals and records of such checks retained.

12. First aid provision to be available at the premises.

13. Ensure a policy is in place to prevent under aged persons leaving and returning to the premises to consume alcohol outside.

14. For events held on a Thursday, Friday or Saturday evening a terminal hour of no later than 11.00pm.

15. An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or, in the case of minors, until reunited with a parent, guardian or responsible adult.

B Additional Measures expected to be considered for Mixed Age Events

1. All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's.

2. Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.

3. At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and to protect patrons from unwanted attention or harassment.

4. Children under 16 years of age should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than 4 such children.

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

Comments in relation to existing 2019-2024 policy.

3.11 The designated premises supervisor

To add the DPS is expected to be present for a significant proportion of trading time, it is necessary and proportionate in this case to require the DPS to be present during peak trading times.

*This places some responsibility on the DPS to be actually on site and involved in the management of the venue and where they want to be DPS at numerous different premises they need to be able to evidence that they are involved in each site.

3.15 Temporary event notices

Section around Temporary Event Notices – other local authorities have in their statement of licencing policy additional information around TEN's which would assist the police and environmental health

The part in bold whereby TENs are being used purely to extend the existing hours of operation is something Durham Constabulary would like to be added to the policy as the

number of TEN's received by late night venues who just want to extend alcohol sales for extra profit encourages patrons to stay out later, consume more alcohol which can lead to crime and disorder and should not be encouraged.

The Licensing Authority will encourage bona fide community events. Applications for TENS at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation.

9.3 Location and Impact Of Activity

Mentions about closing times – is this where reference could be made to framework hours which are in neighbouring forces statements of licensing policy and in particular Durham County Council which is within Durham Constabulary's force area.

11.3 Steps to be taken by Licensees to Address Crime and Disorder Issues –

To include a paragraph around the expectations of CCTV

The provision of good quality, colour, digital CCTV. This can act both as a deterrent and as a useful tool in detecting crime and disorder.

Access to CCTV should be readily available for viewing by Police and other Responsible Authorities and staff should be trained in its use.

Footage should normally be retained for a minimum of 28 days and be capable of producing evidential quality footage for use in court. (This should be a minimum)

Consideration should also be given as to the location of CCTV cameras to ensure full coverage both inside the premises and external areas, particularly those covering entrances and exits to the premises.

CCTV should be provided to Durham Constabulary via the secure Axon link however where this is not possible the licensed premise will provide cctv within agreed time limits.

NOTE: Licensed premises must maintain a supply of memory sticks and self-seal bags. These will not be provided by Durham Constabulary.

12.0 Protection of Children from Harm

The under 18 events guidance on page 18 of this document could be added into this

Durham and Darlington Fire and Rescue

Good afternoon Colin

I hope this email finds you well, thank you for providing us with the statement link below. From our consultation perspective the only view we have for review is suggested below:

One of the key areas for the licensing review at Darlington Borough Council is:

- Integrating the national licensing policy framework - Ensuring our local policy reflects current national guidance, best practice, and legislative changes aligned with the licensing objectives.

As mentioned, I think we could suggest a Fire Risk Assessment as a requirement for an alcohol license to be accepted as is the case with a HMO. Following the Building Safety Act 2022 it is a legal requirement for all businesses to have a recorded FRA. As we consult under the licensing objective of Public Safety I think it would be best practice for all licence applications to provide an FRA.

Kind regards

David Welsh

Senior Business Fire Safety Officer

Police and Crime Commissioner

Date: 8th May 2026

Colin Dobson

Licencing Manager

Darlington Borough Council

Darlington Borough Council – Statement of Licensing Policy Consultation Response.

Dear Mr. Dobson,

I am submitting my response as Police and Crime Commissioner for County Durham and Darlington, and APCC Joint National Lead for Addictions and Substance Misuse.

The statutory responsibilities of the Police and Crime Commissioner include crime prevention, harm reduction, and safeguarding vulnerable people. Licensing policy is not simply an administrative function; it is a critical frontline tool in tackling crime, protecting communities, and reducing harm.

My Police, Crime and Justice Plan 2025–2029 sets out a clear ambition to deliver safer communities, reduce harm, and place victims at the heart of our approach. Delivering against these priorities requires a licensing policy that is robust, intelligence-led, prevention-focused, and unambiguous in its commitment to public safety over commercial interest where the two come into conflict.

The national context has fundamentally shifted. The Government's High Streets Illegality Taskforce reflects mounting evidence that serious and organised crime is now embedded within parts of the high street economy. This includes the sale of illicit and adulterated vapes, illegal tobacco, and counterfeit alcohol, alongside clear links to drug supply, money laundering, labour exploitation, and modern slavery.

Licensing policy must evolve to meet this threat. It must be positioned as a key mechanism for disruption, enforcement, and safeguarding—not simply regulation.

Integrating the National Licensing Policy Framework

I support the Council's intention to align the local Statement of Licensing Policy with the national framework and statutory guidance. However, it is essential that any reference to economic growth is clearly and explicitly balanced against the four licensing objectives.

Growth cannot, and must not, come at the expense of public safety.

The policy should go further in recognising the changing nature of criminality within the high street and nighttime economy. There is increasing evidence that some premises operate as fronts or facilitators for organised criminal networks.

The policy should explicitly:

- Recognise risks associated with illicit tobacco, illegal and adulterated vapes, and counterfeit alcohol
- Highlight links between licensed premises and wider criminality, including drug supply and exploitation
- Emphasise intelligence-led decision making
- Strengthen expectations around partnership working with police, trading standards, HMRC, and safeguarding agencies
- Reinforce the use of licensing powers, including refusal and review, where criminality is identified

Licensing must be used proactively to disrupt criminality, not reactively once harm has occurred.

Martyn's Law (Protect Duty)

The inclusion of Martyn's Law is welcome and aligns with the priority of Safer People and Safer Places.

However, the policy should adopt a broader, all-hazards approach to public safety. While the Protect Duty focuses on terrorism, the same principles apply to other risks present within the nighttime economy, including serious violence, disorder, and criminal exploitation.

Premises should be encouraged to:

- Engage with Safety Advisory Groups and police advisors
- Undertake proportionate risk assessments
- Provide staff training
- Develop clear emergency and evacuation procedures

Public safety must be viewed holistically, not in silos.

Spiking

Spiking is a serious and underreported crime that directly undermines public confidence and safety, particularly for women and girls.

I strongly support the measures outlined and would encourage further strengthening to ensure a proactive and preventative approach. This should include:

- Comprehensive staff training to recognise early warning signs
- Clear, consistent reporting and response protocols
- Immediate engagement with police and emergency services
- A trauma-informed, victim-focused approach

It is also critical to recognise that spiking does not occur in isolation. It is often linked to environments where drugs are accessible and where safeguarding is weak. The policy should therefore emphasise intelligence sharing and partnership working to address these wider risks.

Alcohol Delivery Services

The rapid growth of alcohol delivery services presents new and increasingly complex risks.

While I support the inclusion of Challenge 25, refusal policies, and training requirements, the policy should go further in addressing emerging threats.

These include:

- The infiltration of supply chains by illicit or counterfeit alcohol
- Increased opportunities for underage access and proxy purchasing
- The potential for delivery systems to be exploited for wider criminal activity

The policy should require:

- Clear accountability across the supply chain, including third-party providers
- Robust audit trails linking sale to delivery
- Restrictions on late-night and high-volume deliveries
- Strong safeguarding measures, including consideration of risks linked to domestic abuse and vulnerability within the home.

Illegal Working within the Hospitality Sector

Illegal working must be recognised not only as a compliance issue, but as a significant safeguarding and criminal justice concern.

There are clear and evidenced links between illegal working and:

- Modern slavery and human trafficking
- Labour exploitation and debt bondage
- Organised criminal networks and money laundering

The policy should explicitly reflect these risks and set clear expectations that:

- Premises operate lawfully and demonstrate competent management
- Safeguarding risks are identified and acted upon
- Partnership working supports early identification and intervention

Licensing has a vital role to play in identifying and disrupting exploitation.

Serious and Organised Crime on the High Street

Given the national focus and emerging intelligence, the policy should explicitly address serious and organised crime within the high street and licensed economy.

The High Streets Illegality Taskforce highlights the scale of this issue. Licensed premises can be used to facilitate:

- The sale of illicit vapes, tobacco, and alcohol
- Drug supply and associated criminality
- Money laundering and financial crime

- Labour exploitation and modern slavery

The policy should clearly state that:

- A zero-tolerance approach will be taken where criminality is identified
- Licensing powers will be used decisively to refuse, review, or revoke licences
- Intelligence sharing and joint enforcement activity will be prioritised

Licensing is a critical tool in disrupting organised crime and must be used with confidence and clarity.

Gambling-Related Harm

The interaction between licensed environments and gambling-related harm should not be overlooked.

There is strong evidence linking addiction, alcohol use, and vulnerability. The policy should therefore:

- Promote awareness of gambling-related harm
- Encourage staff training to identify vulnerability
- Support partnership approaches to safeguarding and early intervention

This is an important component of a broader public health and harm reduction approach.

Licensing is a powerful lever for change. It sits at the heart of efforts to reduce crime, protect the vulnerable, and build safer communities.

A modern licensing policy must be:

- Prevention-focused
- Intelligence-led
- Partnership-driven
- Firm and confident in enforcement

It must recognise the reality that serious and organised crime is operating within our communities and that licensing authorities have a critical role in disrupting it.

This is about more than regulation. It is about public safety, community confidence, and protecting people from harm.

I welcome the Council's engagement on this consultation and look forward to continued partnership working to deliver safer, stronger communities across Darlington.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Joy Allen', written in a cursive style.

Joy Allen

Durham Police and Crime Commissioner

Environmental Health

Morning Colin,

I have had a look at the consultation.

The only points I would make relate to the existing Licensing Policy, as follows:

- In Section 9.8.2 a) rather than 'Environmental Protection team' can this be changed to 'Environmental Health team'.
- In Appendix E List of Responsible Authorities number 5 can '(POLLUTION)' be removed.

Kind Regards

Stacey Newton

Environmental Health Officer (Environmental Protection)