

City of Durham Parish Council

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01 February 2019

Dear Councillor,

In accordance with the Local Government Act 1972 I hereby give you notice that a **MEETING** of the **LICENSING COMMITTEE** will be held in **ROOM 2, ALINGTON HOUSE, 4 NORTH BAILEY, DURHAM, DH1 3ET** on **8th FEBRUARY 2019 AT 14:00** to transact the following business: -

- 1. TO RECEIVE ANY APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**
- 3. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 8th JANUARY 2019**
- 4. PUBLIC PARTICIPATION**
- 5. UPDATE ON SACRISTON STORES APPLICATION HEARING.**
- 6. UPDATE ON LEBANEAT APPLICATION REVIEW HEARING.**
- 7. UPDATE ON THE FOLLOWING LICENSE VARIATION APPLICATIONS.**

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| Lee Smurthwaite | Loft 17 North Road Durham DH1 4SH | Minor variation application To remove current conditions and replace with new proposed conditions | 7 February 2019 |
| Lee Smurthwaite | Studio 17 North Road Durham DH1 4SH | Minor variation application To remove current conditions and replace with new proposed conditions | 7 February 2019 |

**8. DCC STATEMENT OF LICENSING POLICY – CONSULTATION 2019
(REPORT INCLUDED).**

And pursuant to the provisions of the above-named act, I Hereby Summon You to attend the said meeting.

Adam Shanley
Clerk to City of Durham Parish Council
<http://cityofdurham.parish.durham.gov.uk>

CITY OF DURHAM PARISH COUNCIL

Minutes of a meeting of the Licensing Committee held on Tuesday 8th January 2019 at 16:00 in Room 2, Alington House, 4 North Bailey, Durham, DH1 3ET

Present:

Councillors L Brown, E Ashby and R Cornwell

Also present A Shanley

Cllr L Brown in the Chair

1. APOLOGIES FOR ABSENCE

Apologies were received from Cllrs D Freeman and S Cahill

2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS

Cllr L Brown declared an interest in both Lebaneat applications

3. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 7th DECEMBER 2018

The Minutes of the meeting held on 7th December were agreed unanimously as a true and accurate record of proceedings.

Matters arising: the Chair reported that, following the last meeting of the Licensing Committee where an objection was agreed in relation to the Bar 33 licensing variation application, the objection had been withdrawn as agreed in writing amongst Licensing Committee Members. This followed the Chair attending a meeting with the applicant and being satisfied that he had sufficiently addressed Committee concerns around extended operating hours on a Sunday presenting a public nuisance.

4. PUBLIC PARTICIPATION

No members of the public were present for the meeting; however, Cllr R Cornwell did report that he had been advised by a resident that the Bar 33 licensing variation application would be going before the County Council Licensing Committee for a decision following a complaint from a nearby resident.

5. TO DISCUSS THE FOLLOWING LICENSING APPLICATIONS (FOLLOWING PAGE).

Lebaneat Wrap House – application to review a premises license (submitted by Durham Constabulary).

Cllr L Brown requested that Cllr E Ashby chair this item as Vice Chair of the Committee, given her declared interest in relation to this application.

It was **agreed** that this application should be noted and no representations be made on this application as the police were best placed to make the necessary representations on this application and the Committee could add nothing further.

Lebaneat (47 North Bailey) – application to review a premises license (submitted by Durham Constabulary).

Cllr L Brown requested that Cllr E Ashby also chair this item as Vice Chair of the Committee, given her declared interest in relation to this application.

It was **agreed** that this application should be noted and no representations be made on this application as the police were best placed to make the necessary representations on this application and the Committee could add nothing further.

Drinks Delivered Twenty-Four Seven Ltd – New premises licence application

While recognising that the base for this business is outside the C of D Parish area the Committee considered this application for sale of alcohol (off the premises) 24 hours daily because of its potential market among the very large number of University students only a short drive away from Sacriston. Hundreds of young people living in large blocks of accommodation mean one late night/early morning delivery journey could service many customers but also cause nuisance to many others, as well as disturbing local residents.

There was also concern expressed regarding the potential sale of alcohol to under-18s and the need for the applicant to ensure that ID checks are carried out at each point of sale and delivery to establish the age of each customer. Members were concerned that it would be difficult to ensure that alcohol received on the doorstep by a person over 18 years of age was not being purchased on behalf of others under 18 inside the property.

There was also concern expressed in relation to the potential of this becoming a public nuisance should alcohol be delivered at unsociable hours and the noise which would ensue on the doorstep will create for nearby residents.

The Committee was also keen that the application should be conditioned with alcohol having to be transported in a four-wheel motorised vehicle as opposed to from a bike in the same way which Deliveroo operates. Police advice should be taken as to the need for recording equipment e.g. body cams and 2-person delivery teams for personal safety and stock security.

It was agreed that an objection to this application should be made on the grounds that this represented a potential risk to children and may also result in a public nuisance.

The Committee were keen to stipulate that they would be making no comment on the (on the premises) sale of alcohol as the business operated outside of the Parish area.

Meat n Meze Ltd – New premises license application

The Committee considered this application for the (on the premises) sale of alcohol between 11am-11pm at this restaurant.

The Committee agreed that no objection should be made in relation to the sale of alcohol on the premises.

The Committee did however wish to condition the application by requesting that there be no movement of bins after 10pm. In particular there was concern expressed about the potential of glass bottles being tipped into litter bins on or after 11pm.

It was also agreed that the application should be conditioned with a request that no bins be placed on to Claypath by the restaurant to avoid a public nuisance.

The Chair also asked the Clerk to investigate where the rubbish bins would be situated for this restaurant.

**6. TO AGREE PROPOSED BUDGET TO GO TO FINANCE COMMITTEE MEETING OF
11TH JANUARY**

Cllr L Brown reported that she had requested that the sum of £1,000 be allocated for the licensing committee for the financial year 2019/20. This would be used in case the Committee ever needed to seek independent expert legal/licensing advice on a particular application. Cllr L Brown reported that this would be highly unlikely but it was worth having this fund just in case. Cllr Brown advised that this would roll into the next financial year if unspent and would not be a recurring request.

Cllr L Brown thanked Members for their attendance and closed the meeting at 17:03pm

Signed

Chair of City of Durham Licensing Committee

ITEM 7. DCC STATEMENT OF LICENSING POLICY – CONSULTATION 2019

The Licensing Act 2003: Statement of Licensing Policy produced by Durham County Council runs from 2014 to 2019 and needs to be reviewed every five years. This expires in October 2019. This matter was the subject of a DCC cabinet report on 16th January (copy provided). There will be a twelve-week consultation on the revised Statement.

In the meantime, Durham Association of Local Councils has checked whether parish councils are able to submit a representation under the Act in relation to licensing applications. The advice received is as follows:

In essence any person or organisation may submit a representation under the Act with the proviso that the representation be relevant i.e. must relate to one or more of the four licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; and
- the protection of children from harm.

Responsible Authorities are defined by the legislation and they comprise one of the two categories of 'people etc' who may lodge a representation. The other category is 'any other person' – therefore anyone can make a representation **and Parish Councils fall under this second category of 'any other person'**.

Durham Association of Local Councils is going to keep Parish Councils updated on the consultation period, when it starts and what opportunities there will be for us to get involved with the revision of the new Statement of Licensing Policy.

Recommendation

Councillors are asked to note the above information and decide on an appropriate response to the consultation as and when more details are provided.