

# City of Durham Parish Council

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16 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 **22<sup>nd</sup> 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 FEBRUARY 2019**
- 4. PUBLIC PARTICIPATION**
- 5. TO DISCUSS THE FOLLOWING LICENSE APPLICATIONS.**

Mr Cetin Koroglu	Blue Eyes 25 Elvet Bridge Durham DH1 3AA	<b>New application for a premises license</b> Recorded music (indoors) Monday to Sunday 12:00pm to midnight  Sale of alcohol (on the premises) Monday to Sunday 12:00pm to midnight	12 March 2019
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<p>Northumberland Taverns Limited</p>	<p>Former Walkabout 13-15 North Road Durham DH1 4SG</p>	<p><b>New premises license application</b></p> <p>To operate during the day as a bar food eatery and as a nightclub on an evening.</p> <p>Films (indoors) Monday to Sunday 9.00am to 2.30am, From 9.00am on New Year's Eve to 2.30am on 2<sup>nd</sup> January, Extension to 3.30am on the morning when British Summer Time begins, From 9.00am to 4.00am up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and DCC Licensing Authority</p> <p>Live music (indoors) Monday to Sunday 9.00am to midnight, From 9.00am on New Year's Eve to 2.30am on 2<sup>nd</sup> January, Extension to 3.30am on the morning when British Summer Time begins, From 9.00am to 4.00am up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and DCC Licensing Authority</p> <p>Recorded music (indoors) Monday to Sunday 9.00am to 2.30am, From 9.00am on New Year's Eve to 2.30am on 2<sup>nd</sup> January, Extension to 3.30am on the morning when British Summer Time begins, From 9.00am to 4.00am up to 15 occasions a year, giving 7 days written notice to Durham</p>	<p>6 March 2019</p>
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		<p>Constabulary and DCC Licensing Authority</p> <p>Performance of dance (indoors) Monday to Sunday 9.00am to 2.30am, From 9.00am on New Year's Eve to 2.30am on 2<sup>nd</sup> January, Extension to 3.30am on the morning when British Summer Time begins, From 9.00am to 4.00am up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and DCC Licensing Authority</p> <p>Anything of a similar description to music or dancing (indoors) Monday to Sunday 9.00am to 2.30am, From 9.00am on New Year's Eve to 2.30am on 2<sup>nd</sup> January, Extension to 3.30am on the morning when British Summer Time begins, From 9.00am to 4.00am up to 15 occasions a year, giving 7 days written notice to Durham Constabulary and DCC Licensing Authority</p> <p>Late night refreshment (indoors) Monday to Sunday 11.00pm to 2.30am, From 11.00pm on New Year's Eve to 2.30am on 2<sup>nd</sup> January, Extension to 3.30am on the morning when British Summer Time begins, From 11.00pm to 4.00am up to 15 occasions a year, giving 7 days written</p>	
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		notice to Durham Constabulary and DCC Licensing Authority	
	Service Station Stonebridge Durham	<b>Application to vary a premises license</b> To add the sale of alcohol (off the premises) 24 hours daily, add additional conditions and amend the layout of the premises	28 February 2019

## 6. DCC STATEMENT OF LICENSING POLICY – CONSULTATION 2019

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 February 2019 at 14:00 in Room 2, Alington House, 4 North Bailey, Durham, DH1 3ET**

Present:

Councillors L Brown, D Freeman and R Cornwell

Also present A Shanley

**Cllr L Brown** in the Chair

### **1. APOLOGIES FOR ABSENCE**

Apologies were received from Cllrs E Ashby and S Cahill. The Clerk also noted that he had received correspondence from Cllr S Cahill to request that he be taken off the Licensing Committee. Cllr L Brown advised that she had asked Cllr A Doig if he would be willing to take up a place on the Committee.

### **2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

None received.

### **3. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 7<sup>th</sup> DECEMBER 2018**

The Minutes of the meeting held on 8<sup>th</sup> January were agreed unanimously as a true and accurate record of proceedings.

### **4. PUBLIC PARTICIPATION**

No members of the public were present for the meeting and therefore no public representations were received.

### **5. UPDATE ON SACRISTON STORES APPLICATION HEARING**

Cllr R Cornwell advised that he, Cllr E Ashby and Cllr L Brown had attended the recent hearing into the Sacriston Stores application for off premises sale of alcohol 24/7. The Committee had been notified prior to the hearing that the applicant had amended the application to reduce the delivery times to up to 11pm. As a result of this amends, the Parish Council withdrew their objection on the grounds of this potentially representing a public nuisance to nearby residents.

Cllr R Cornwell also advised that, prior to the hearing, the applicant had also withdrawn completely the application to deliver alcohol to residents and therefore the application consisted of having an off-licence only with on premises sale of alcohol. Given this latter amendment to the application, the Parish Council also decided to withdraw their objection on the grounds of this potentially representing a harm to children.

The amended application for an off-license with on premises alcohol sale only was granted.

## 6. UPDATE ON LEBANEAT APPLICATION REVIEW HEARING.

Cllr L Brown reported that she had attended the Lebaneat application review hearing. After long consideration with representation made from the barrister acting on behalf of the premises' owner, Cllr L Brown advised that the licenses had been revoked. Cllr L Brown advise that this would take 28 days to come into effect, during which the owners have the right to appeal the decision to a Magistrates Court.

## 7. UPDATE ON THE FOLLOWING LICENSE VARIATION APPLICATIONS:

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

Cllr R Cornwell advised that he, Cllr E Ashby and Cllr E Brown had examined the applications at Annand House and were content with the outcome of the variations. These were made following representations made last year. No further objections to either application.

## 8. DCC STATEMENT OF LICENSING POLICY – CONSULTATION 2019

The Clerk advised that the Committee that 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. There will be a twelve-week consultation on the revised Statement and the Clerk advised that CDALC were going to keep Parish Councils updated on the details of the consultation.

In referring to the consultation, all Members of the Committee felt that it would be helpful if the County Council had a public Licensing portal, similar to how their planning portal functions to allow for ease of access and further transparency.

Furthermore, Cllr R Cornwell advised that he had looked over the report to Cabinet and felt that para. 3.3 ought to be amended to ensure that planning and licensing applications should align and not contradict one another.

Re: para 6.8, Cllr R Cornwell also observed that the reference to “minimum unit price” on alcohol ought to be defined in the Statement to avoid any potential loopholes if ever challenged.

Cllr R Cornwell advised that the Statement also referred to a “late night levy”, Durham County Council currently not operating such a levy as this would need to apply to the whole County and not specific areas with a high density of premises serving alcohol until 2am. Cllr D

Freeman advised that the Parish Council may wish to specify that they would like the County Council to consider introducing a late night levy on Town Centre premises only.

The Committee also expressed a preference for a cut off on operating hours on premises serving alcohol at 2am rather than 4am.

The Clerk advised that he would keep the Parish Council informed of more details of the consultation and any response would need to be first drafted by the Parish Council Licensing Committee then agreed by Full Council.

Cllr L Brown thanked Members for their attendance and closed the meeting at 14:35pm

Signed

Chair of City of Durham Licensing Committee

## **ITEM 6 - Review of Statement of Policy under the Licensing Act 2003**

All licensing authorities must prepare and publish a statement of their licensing policy every five years. Durham County Council's current policy, which was published in 2014, must be reviewed this year. DCC will be developing a new policy over the coming months that will be adopted by the Council by the end of October 2019.

In carrying out that review, DCC want to consult with existing licensed premises and with organisations, persons and bodies representing responsible authorities, the public and most importantly, the licensed trade in our area.

As with the current policy, the new one will be focused on the following four licensing objectives which the policy will seek to promote:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

DCC believe that the Council's licensing policy should benefit the operators of licensed premises and the public alike. DCC policy will reflect and incorporate the freedoms and flexibility provided to the licensed trade and leisure industry by the Act. However, DCC believes it is important that licensing policy balances the legitimate needs of businesses in the county and the demand for leisure and cultural activities alongside the need to protect those who could be adversely affected by licensed premises.

DCC would very much like to hear our views in relation to the current licensing policy. DCC would welcome any suggestions we may wish to make that might lead to improvements in the policy for the coming five-year period.

The link to the consultation of the policy can be found here:  
<http://www.durham.gov.uk/consultation>

Comments must be received by Friday 3rd May 2019 and Members of the Parish Council Licensing Committee are reminded that they are requested to formulate a recommended response to this consultation, which will be approved by Full Council.

<b>DECISION REQUIRED</b>	For Members to decide on a recommended response to the consultation on DCC's Review of Statement of Policy under the Licensing Act 2003, to be approved by Full Council.
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