

City of Durham Parish Council

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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 MARCH 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 22nd FEBRUARY 2019**
- 4. PUBLIC PARTICIPATION**
- 5. TO DISCUSS THE FOLLOWING LICENSE APPLICATIONS.**

New premises licence application – Former Walkabout (Deadline 21st March).

To operate during the day as a bar food eatery and as a nightclub on an evening.

Films (indoors) Monday to Sunday 9.00am to 2.30am, from 9.00am on New Year's Eve to 2.30am on 2 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

Live music (indoors) Monday to Sunday 9.00am to midnight, from 9.00am on New Year's Eve to 2.30am on 2 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

Recorded music (indoors) Monday to Sunday 9.00am to 2.30am, from 9.00am on New Year's Eve to 2.30am on 2 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

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 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

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 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

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 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 notice to Durham Constabulary and DCC Licensing Authority

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 Friday 22nd February 2019 at 14:00 in Room 2, Alington House, 4 North Bailey, Durham, DH1 3ET

Present:

Councillors L Brown, D Freeman, E Ashby and R Cornwell

Also present A Shanley and two members of the public (Mr Lee Smurthwaite (applicant for former Walkabout application) and Tim Robson (attended as Licensing consultant to Mr Smurthwaite).

Cllr L Brown in the Chair

1. APOLOGIES FOR ABSENCE

None received.

2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS

None received.

3. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 8th FEBRUARY 2019

The Minutes of the meeting held on 8th February were agreed unanimously as a true and accurate record of proceedings.

4. PUBLIC PARTICIPATION

Mr Lee Smurthwaite and Mr Tim Robson both attended the meeting to discuss the Northumberland Taverns Ltd application for the former Walkabout on North Road. Mr Smurthwaite's company Northumberland Taverns Ltd being the applicant.

Mr Smurthwaite advised that his plans looked to double the capacity to that currently possible in the Loft. He advised that the front of the building would be used as a pub for 52 weeks of the year and the back would be used as a nightclub for 27 weeks of the year (during term times for the University to cater primarily for the student market). Cllr R Cornwell asked whether this was all illustrated in the operating schedule. Mr Smurthwaite confirmed that it did, the two areas being separated by an electronic roller door to shut the back off when not in use.

Cllr E Ashby asked whether the back of the premises would be used for private functions outside of the University term times. Mr Smurthwaite advised that he did not foresee this happening, however he felt it would set a dangerous precedent to apply such a restriction on any premises. He also advised that there was no external door to the rear of the property and therefore there could be no incident of noise breaking out which could have a negative impact on nearby residents. Furthermore, Mr Smurthwaite advised that, in making this particular application, he had been through extensive consultation with the police and fire authorities who had amended the original application and set conditions he was happy to accept. Mr Smurthwaite asked for the Committee to consider his record of running premises similar to this one in Durham without any incidents.

Mr Smurthwaite advised that, as part of the operating schedule, he would also have 12 door supervisors (DCC policy being that 9 door supervisors be in place for such a premise), 30% of whom will be female supervisors to ensure that female clients aren't made to feel uncomfortable should a supervisor need to attend the female lavatories.

Mr Smurthwaite also advised that his supervisors would undergo training by Mr Robson who delivers this training professionally as a former police officer. Mr Smurthwaite advised that there would be a two stage ID process when attending his premises – once at the entrance and the second time when attempting to purchase alcohol. Mr Smurthwaite advised that 90% of students used a driving license as ID, 10% used their passports.

Cllr Cornwell advised that he was slightly concerned that an application may be granted with flexibility for a potential future owner of the premise to act in a less responsible manner. Cllr L Brown advised that the Parish Council Licensing Committee could only comment on the application as it is in front of them and not based on any potential successor of the premises. Cllr L Brown also felt that this may form part of the Parish Council's response to the ongoing Licensing Statement Consultation (running until May 2019), in that when a premise changes ownership, it may be a good idea for a licensing review to take place.

Cllr L Brown asked Mr Smurthwaite if he was part of the "Get People Home Safe" scheme. Mr Smurthwaite advised that he has previously paid and would pay for a taxi for any of his clients who became incapacitated due to excessive alcohol consumption to ensure they got home safely.

Cllr R Cornwell asked what restrictions were in place to ensure that none of the clients of this new premises ever got into such a condition. Mr Smurthwaite advised that none of his staff would serve a client who found themselves in a bad state due to excessive alcohol consumption. Mr Smurthwaite advised that it was his experience that a lot of the issues around excessive consumption took place in the home where students were pre-drinking and the impacts of this weren't felt until later in the evening. Mr Smurthwaite advised that he could have no control over pre-drinking taking place in homes before arriving at his premises.

Cllr E Ashby and Cllr R Cornwell asked whether Mr Smurthwaite would require a planning application for the signage outside the building. Mr Smurthwaite advised that he did not believe this would be necessary but he would double check this.

Mr Robson also took a copy of the Clerk's contact details and advised that he would send the Committee a copy of the operating schedule and further information so that the Parish Council could make an informed decision on the application.

Mr Smurthwaite finished his remarks by highlighting to the Committee that he would be bringing a derelict building back into use on North Road which could only be a good thing for the evening economy of Durham.

The Chair thanked both Mr Smurthwaite and Mr Robson for attending the meeting. Both Mr Smurthwaite and Mr Robson left the meeting.

5. TO DISCUSS THE FOLLOWING LICENSE APPLICATIONS

Blue eyes application – the Committee **resolved** to note the application without objection.

Former Walkabout application – the Committee resolved to defer their decision on this application until they received the requested details from Mr Robson, this could then be discussed at the next Parish Council Licensing Committee meeting; the deadline for any representations being 21st March.

Service Station Stonebridge application - the Committee **resolved** to note the application without objection.

6. DCC STATEMENT OF LICENSING POLICY – CONSULTATION 2019

The Clerk reminded Members at the last meeting that the following representations had been put forward by Cllr R Cornwell:

- that para. 3.3 ought to be amended to ensure that planning and licensing applications should align and not contradict one another.
- that “minimum unit price” on alcohol ought to be defined in the Statement to avoid any potential loopholes if ever challenged.
- 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.

The Clerk also reminded the Committee that they had also expressed a preference for a cut off of operating hours on premises serving alcohol at 2am rather than 4am.

The Clerk also confirmed that he had written to Steve Ragg at CDALC to ask if the Association could lobby DCC to create a licensing online portal so that Members and the public could view applications in the same way that they can with planning. The Clerk advised that Mr Ragg had made the necessary representations to DCC and they were awaiting a formal response to this.

Cllr L Brown asked the Committee to consider responding to the consultation with a request that a license review take place each time a premise changes ownership.

The Clerk also advised that the Parish Council may request to know whether an applicant has a record of running premises in a manner which went against the licensing objectives.

Cllr E Ashby felt that the term “student” ought to be defined in the Statement as Cllr R Cornwell had earlier made the point that not all students are 18 or over. Cllr E Ashby also felt that the University ought to be a statutory consultee on licensing applications.

Cllr R Cornwell advised that he felt applicants ought to be asked to redact their own applications to cut down on DCC Licensing Officers time and make it easier for the details of any application to be made public.

Cllr R Cornwell also advised that he felt that a register of all licensed premises ought to be made available so that Licensing Committees could make an informed decision as to how many licensed premises were operating within a particular vicinity.

The Clerk also advised that the Committee may wish to request information from the police as to when tens or a warning was issued to a licensed premise. The Committee agreed with this suggestion and the Clerk advised that he would write to the police on this.

The Chair asked Cllr E Ashby to formulate a draft response to the consultation and to circulate this to Members for their comments. Cllr E Ashby agreed to do this.

Cllr L Brown thanked Members for their attendance and closed the meeting.

Signed

Chair of City of Durham Licensing Committee