

City of Durham Parish Council

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14th October 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 **OFFICE 2, CLAYPORT LIBRARY, 8 MILLENNIUM PLACE, DURHAM DH1 1WA ON 18th OCTOBER 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. DISCUSSION WITH ALAN DAY, RIVERWALK CENTRE MANAGER ON CURRENT AND UPCOMING RIVERWALK LICENSING APPLICATIONS.**
- 4. PUBLIC PARTICIPATION**
- 5. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 20TH SEPTEMBER 2019**
- 6. UPDATE ON RECENT LICENSING APPLICATIONS.**
- 7. FEEDBACK ON THE LICENSING TRAINING EVENT, HELD ON 30TH SEPTEMBER**
- 8. CUMULATIVE IMPACT ASSESSMENT CONSULTATION**
- 9. GOVERNMENT GUIDANCE ON THE ROLE OF PUBLIC HEALTH IN LICENSING** – report included.
- 10. TO CONSIDER THE FOLLOWING LICENSING APPLICATION:**

El Pincho Limited	El Pincho Unit 16 The Riverwalk Milburngate Durham DH1 4SL	<p>New premises licence application</p> <p>Live music (indoors) Monday to Sunday 3.00pm to 12.30am, New Year's Eve until 1.00am</p> <p>Recorded music (indoors) Monday to Sunday 8.00am to 12.30am, New Year's Eve until 1.30am</p> <p>Sale of alcohol (on and off the premises) Monday to Sunday 9.30am to 12.30am, New Year's Eve 9.30am to 1.30am</p>	4 November 2019
Food Pit Durham Limited	The Food Pit Unit 19 Riverwalk Durham DH1 4SL	<p>New premises licence application</p> <p>Live music (indoors) Monday to Saturday 7.00pm to 10.30pm, Sunday 7.00pm to 9.30pm.</p> <p>Recorded music (indoors) Monday to Sunday 10.00am to 10.30pm.</p> <p>Anything of a similar description to music or dancing (indoors) Monday to Sunday 5.00pm to 10.30pm.</p> <p>Sale of alcohol (on the premises) Monday to Thursday 11.30am to 11.00pm, Friday and Saturday 11.30am to midnight, Sunday 11.30am to 10.30pm.</p>	21 October 2019

11. TABLES & CHAIRS CONSULTATION FOR CROISSANTERIE LTD – 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 Friday 20th September 2019 at 14:00 in Office 2, Clayport library building, 8 Millennium Pl, DH1 1WA.

Present: Councillors L Brown, E Ashby, R Cornwell, D Freeman and C Reeves

Also present: A Shanley (Clerk)

Cllr L Brown in the Chair

1. TO RECEIVE ANY APOLOGIES FOR ABSENCE

Apologies were received from Cllr A Doig.

2. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS

None received.

3. PUBLIC PARTICIPATION

None received.

4. TO APPROVE THE MINUTES OF THE LAST LICENSING COMMITTEE, HELD ON 16th AUGUST 2019

The Minutes of the meeting held on the 16th August were unanimously agreed as a true and accurate record of proceedings.

5. UPDATE ON RECENT LICENSING APPLICATIONS

No updates to report. The Clerk did note that he did not receive notifications on the outcome of any consultations regarding minor variation applications for premises. The Chair reported that she believed this to be standard practise.

6. PROGRESSING THE PARISH COUNCIL LICENSING TRAINING EVENT

The Clerk reported that the Police had now confirmed their attendance at the event and approximately 15 members of the public were expected.

The Clerk reported that he had asked for the room to be switched to the Lantern Room for the event.

Cllr R Cornwell advised that he felt the training material provided by the training provider was excellent. The Clerk agreed with this.

The Chair asked whether any catering would be provided at the event. The Clerk reported that this could be a possibility if Members were in agreement on this. It was agreed that the Clerk should investigate purchasing cakes for attendees of the event to go with tea and coffee provided by Durham Town Hall.

The Chair asked when the training provider would be arriving at Durham train station so she could greet him.

The Clerk advised that he would be providing an Agenda for the event to the Chair in due course.

Cllr R Cornwell asked if the Member of Parliament would be attending. The Clerk advised that he had chased a response from her office and it was looking unlikely. It was agreed that a representative from Roberta's office should be invited to attend the event on her behalf.

7. CUMULATIVE IMPACT ASSESSMENT CONSULTATION

The Chair reported that, following the recent consultation of DCC's licensing policy and in response to some concerns regards the density of licensed premises in Durham City potentially increasing crime and nuisance levels, the County Council is now exploring if there is a need to introduce a Cumulative Licensing Policy. The Chair advised that she was delighted to see the County Council doing this as the Parish Council had been pushing for a specific licensing policy for Durham City.

Cllr E Ashby advised that she had a copy of queries and recommendations when the cumulative impact policy was last considered. The Clerk agreed to circulate this to all Members for their consideration.

The Clerk advised that there was an item on this matter on the forthcoming September Full Council Agenda with a recommendation for Council to note the consultation and expect a recommended response from the Licensing Committee at the October Full Council meeting.

Cllr R Cornwell advised that comments could be submitted to this consultation in addition to the box ticking element of the consultation. Cllr E Ashby **agreed** to draft the response on behalf of the Committee.

8. TO CONSIDER THE FOLLOWING LICENSING APPLICATION:

Durham University - The Graham Sports Centre, Maiden Castle – Minor variation application.

It was **agreed** to note this application.

Milburn NE Limited - Delaneys Donkey, The Riverwalk, Unit 17. Milburngate - New premises licence application

Cllr R Cornwell advised that he felt it was unfortunate that the new premises at Riverwalk had no connection in name or branding with the local area.

Cllr E Ashby raised the security issue of nearby premises such as Cosy Club. Cllr E Ashby pointed out that Cosy Club's licensing operating schedule specified on which days during the week security would be present at their premises, whereas Delaneys Donkey only mentioned "on peak days".

It was **agreed** to seek further clarification on the arrangements for security at this premises and to object to this should the applicant not specify the specific days during the week where security would be present.

There being no further business, the Chair thanked members for their attendance and closed the meeting.

Signed,

Chair of the City of Durham Licensing Committee

ITEM 9: GOVERNMENT GUIDANCE ON THE ROLE OF PUBLIC HEALTH IN LICENSING

Public health teams make sure that licensing policy and applications consider the health and wellbeing of local communities.

Published 8 March 2017

Last updated 7 August 2018 — [see all updates](#)

From:

[Public Health England](#)

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This guidance, formally known as the Analytical Support Package (ASP), brings together nationally available data and materials with local authority information to support local authorities in accessing and using a range of databases and tools. Local teams are able to input their own data and create interactive maps and reports to help them in their existing role as a responsible authority.

Licensing and public health

Under the [Licensing Act 2003](#), a number of public bodies known as responsible authorities must be fully notified of applications and can contribute to decisions made by the local licensing authority, usually the local council.

Responsible authorities and their duties

PHE and the Local Government Association (LGA) have produced guidance on the [Public health and the Licensing Act 2003](#).

Since 2013 directors of public health have been included as responsible authorities under the Act. The Home Office has published [guidance on section 182 of the Licensing Act](#) outlining the role of responsible authorities.

Public health teams may have access to information that is unavailable to other responsible authorities, which can help the licensing authority make decisions that benefit and protect the health and wellbeing of local communities.

As a responsible authority public health teams can:

- provide information on the likely effects of the grant or variation of a premises licence or club premises certificate
- support or apply a review of a premises licence or club premises certificate where problems associated with one or more of the licensing objectives arise
- contribute to the development and review of the statement of licensing policy and have a key role in identifying and interpreting health data and evidence

Licensing policy

Licensing policies must be reviewed every 5 years, or more frequently at the instigation of the licensing authority.

As a responsible authority public health teams can:

- find out from the licensing authority when the Statement of Licensing Policy (SLP) will be reviewed and what the review process will be
- conduct a health-impact assessment of alcohol in the local area or assess any existing assessment
- seek the views of the local community and wider public health community
- investigate the health data for the area
- work with the local health and wellbeing board during consultation to identify issues that would benefit from the support of licensing
- refer to the SLP in alcohol harm-reduction strategies and other key local public health documents

[Reviewing a licensing policy: think local, act local](#)

[Embedding public health in Coventry's Licensing Policy statement](#)

[Newcastle's Statement of Licensing Policy Review: a collaborative approach](#)

[Reducing alcohol-related health harms in Leeds](#)

Cumulative impact policies

Cumulative impact policies (CIPs) were introduced as a tool for licensing authorities to limit the growth of licensed premises in a problem area.

As a responsible authority public health teams can:

- provide evidence that can inform a review of CIPs
- canvass local opinion and gather qualitative data
- collate local evidence through local consultations
- consider and conduct, if relevant, specific studies

Read our case study on [public health input to the Liverpool Kensington and Fairfield licence application process](#).

Applications for licences

Public health teams will have different priorities depending on the situation in their local areas. These priorities will mean that not every application for a licence or change of licence will need a response from a public health team. It will depend on the local impact and should be assessed on a case-by-case basis. For example, a new application for a 24 hour vertical drinking establishment could have a major impact, while a minor variation an existing licence for a local restaurant may have minimal impact.

As a responsible authority public health teams can:

- identify what issues or potential harms might be linked to the different types of applications
- decide which types of application are priorities for public health

You can find out how [case law can support public health teams](#) when preparing a representation.

[Public Health and Licensing Guidance: A simple guide for responding to applications as a responsible authority](#)

[Using health data to inform alcohol licensing decisions in Solihull](#)

Data and information tools

Public health teams will need to understand what health information is available and how this information can be used and shared with other responsible authorities.

When reviewing what information is available, consider:

- what types of data and evidence are available that can be linked to specific premises or the general area and that can be used as part of a representation – for example, A&E assault data
- what information can be used to input into the SLP or development of a cumulative impact zone or other special policies
- what information can be used to provide an overview of the local area's health, social care needs and levels of deprivation to provide a context to licensing issues
- who will benefit from having access to this information
- whether it is appropriate to share that information
- what additional information is needed and how it can be collected

Any information collected will still need to explain the local context, to identify the local circumstances and describe the local area.

There are a number of data resources available to help public health teams and licensing colleagues in their role as responsible authorities:

[Alcohol harms and licensing: available data](#)

[Alcohol licensing: understanding and applying public health data](#)

[Alcohol licensing: information databases](#)

Primary research to support the licensing process

In addition to health data, such as hospital admissions and A&E attendances, local public health teams may also want to carry out their own primary research to help provide further evidence of alcohol related harm and support responsible authorities in the licensing process.

This is particularly important where there is insufficient public health related information, or such information is not readily available, but the team believes there is a local public health impact.

The commissioning of a local survey, or audit, can help to provide information or data related to alcohol, including drinking behaviours, consumption levels and purchasing habits. Commissioning local primary research may also allow local areas to focus on particular groups to gain further insights, for example, a specific location, those in treatment or street drinkers.

There are some potential survey topics that could be considered when planning to carry out primary research to support the licensing process.

Targeted groups could be surveyed to provide local data on:

- what specific alcohol products are being consumed
- how much alcohol is being consumed
- which premises are products being purchased from

This could be combined with a potential audit of licensed premises which may cover:

- the cost of the alcohol being purchased
- whether alcohol can be purchased on credit
- availability of strong beer, lager or cider
- the retail capacity of outlets, for example comparing small retailers to large supermarkets

Read our case study on [evaluating public health evidence in Medway](#).

Further information

Visit the [Knowledge hub forum](#) for additional case studies and to share learning around local attempts to use data better in influencing licensing decisions.

Published 8 March 2017

Last updated 7 August 2018 [+ show all updates](#)

**ITEM 11: TABLES & CHAIRS CONSULTATION FOR CROISSANTERIE LTD,
21 ELVET BRIDGE, DURHAM CITY.**

The above-named business has applied for permission to place tables and chairs on the public highway in the area shown on the plan (included in this report), for the sole use of their customers.

Durham County Council (DCC) is required, under Sec 115E of the Highways Act 1980, to consult widely on these proposals to produce a report for approval by the Strategic Highways Manager, under delegated powers. With that in mind, the parish Council has been invited to make observations and comments on this proposal.

Each successful application is always granted subject to appropriate conditions, which ensure that the safety of all highway users is not compromised; below is a copy of DCC's standard conditions. In addition, DCC do stipulate that any consent may be temporarily suspended in the event of an emergency.

SCHEDULE OF CONDITIONS

1. Consent is for the placement of tables and chairs on the agreed area for use by the clientele of Croissanterie.
2. Consent does not confer the Grantee any licence for the sale to or consumption by the clientele of the premises or by any other persons of intoxicating liquor (Permission for this must be sought from the proper sources).
3. The tables and chairs, whether in use or otherwise, shall occupy only that part of the highway agreed by the Engineer. The tables and chairs should be so positioned to cause as little restriction along the highway as possible and must not encroach beyond the limits of the consent area.
4. Any litter and spillages deposited on the highway whether within the limits of the consent area or the area surrounding, in consequence of or emanating from the use of the consent area must be removed and the highway left in a clean and tidy condition. The Grantee must take such steps as are practicable to prevent any litter emanating from the use of the consent area so as not to be a nuisance to the users of the highway and occupiers of adjacent premises.
5. The tables and chairs must be of a design and manufacture commensurate with the nature of the surrounding area and be approved by the Council. Any parasols associated with the tables and chairs must not carry any advertising material other than the name of the premises.
6. The County Council is not to be held liable for any damage that may be caused to the tables and chairs or any items associated with them by any third party. This includes persons using the highway, any of the Statutory Undertakers or contractors in their employ carrying out works for the installation or maintenance of their apparatus or by any operations or activities of the County Council. In the latter event the exception would be if the damage were due to wilful default or negligence on the part of the County Council, its servants or agents.

7. The Grantee is to indemnify and keep sufficiently indemnified the County Council against all liability for any loss of or damage to property or injury to persons and any other expenses, loss, damage, costs, actions, suits, proceedings or claims which but for the granting of this consent and the placement of the tables on the highway would not have arisen. Minimum amount of cover should be no less than £5 million.

8. The County Council may at any time revoke consent upon the breach of any of the conditions of consent or for any reason the Council may consider appropriate.

9. Consent may be temporarily suspended for any reasonable cause, at any time at the request of a Police Officer or any officer of the Statutory Authorities, including Durham County Council, to enable them to carry out any of their statutory duties.

9a. Consent will be suspended during special events, within the City Centre, at the direction of the County Council. Failure to comply with this direction will result in the termination, without notice, of your licence.

10. Consent shall be personal to the Grantee as the proprietor of the premises and shall not be assigned without the written consent of the County Council.

11. Consent shall not confer on the Grantee any rights as against the owners of the land on which the highway is situated to use the land.

12. This consent is only valid upon the payment of an initial fee of £200 and the annual fee of £50 thereafter.

The consultation on this application runs until 22nd October.

DECISION REQUIRED	For Members to consider any comments they wish to make on the above application.
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