

City of Durham Parish Council

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26th July 2022

Access details for Zoom Licensing Committee meeting:

Join Zoom Meeting
<https://us02web.zoom.us/j/89234285941>
Meeting ID: 892 3428 5941

Dear Licensing Committee Member,

In accordance with the Local Government Act 1972, I hereby give you notice that a meeting of the **Licensing Committee** will be held in **via Zoom** on **Monday 1st August 2022 at 4:30pm** to transact the following business:

- 1. Welcome and apologies**
- 2. To receive any declarations of interest from members**
- 3. To receive and approve as a correct record the minutes of the meeting on 18th July 2022**
- 4. To receive any public participation comments on the following agenda items.** Please email the Parish Clerk parishclerk@cityofdurham-pc.gov.uk to register to speak.
- 5. Update on changes to DCC's Hackney Carriage and Private Hire Licensing Policy**
- 6. Progressing the cumulative impact policy for Durham City proposal**
- 7. To consider the following new licensing applications in the parish area:**

| | | | |
|-------------------------------|--|---|----------------|
| Claypath Delicatessen Limited | Claypath Delicatessen 57 Claypath Durham DH1 1SQ | Application for the grant of a premises licence Sale of alcohol (on and off the premises) Monday to Sunday 11.00am to 8.30pm | 5 August 2022 |
| Coarse Restaurant Limited | Coarse Restaurant Reform Place North Road Durham DH1 4RZ | Application for the grant of a premises licence Sale of alcohol (on the premises) Monday to Thursday 5.00pm to 10.30pm, Friday and Saturday 5.00pm to 11.00pm, New Year's Eve until midnight | 23 August 2022 |

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

Adam Shanley
Clerk to the City of Durham Parish Council

CITY OF DURHAM PARISH COUNCIL

Minutes of a meeting of the Licensing Committee held on Monday 18th July 2022 at 16:30 via Zoom.

Present: Councillors S Walker (in the Chair), E Ashby and A Doig.

Also present: A Shanley (Parish Clerk), Ms Helen Johnson (DCC Licensing), Iain Robertson (Licensing economy team, Durham Police), Cllr G Holland, Mr John Ashby and Ms Janet George (members of the public).

1. Welcome and apologies

Apologies were received from Cllr N Brown.

2. To receive any declarations of interest from members

Cllr E Ashby declared an interest in the application from Claypath Delicatessen Ltd and took no part in the discussion or vote on this application.

3. To receive and approve as a correct record the minutes of the meeting on 20th June 2022

The minutes of the meeting held on 20th June 2022 were unanimously agreed as a true and accurate record of proceedings.

4. To receive any public participation comments on the following agenda items.

Cllr G Holland advised that he was attending the meeting with a general interest in all Agenda items.

Ms Janet George advised that she would like to support the application for the Claypath Deli. Janet informed that she was Secretary of the local Residents Association for this area, but she is speaking in a personal capacity today. As a local resident, Janet advised that she had never heard anyone complaining of any trouble at the Deli.

Janet advised that she felt that the current owners had run the Deli impeccably and, as a family-run independent business, had worked really hard to grow their business in a responsible and community-focused way.

Janet advised that, during the Covid-19 pandemic, the owners went above and beyond to deliver food to local vulnerable residents.

Janet also advised that the Deli was a real asset to the local community providing a personal service to local residents.

Janet advised that she had no doubt that the owners would address any complaints should any be received.

Mr John Ashby advised that he would also like to support the application for the Claypath Deli. John highlighted that the recent planning application for the use of the outdoor area for the premises had taken some time to gain approval and followed a 12-month trial period, during which there were no statutory noise complaints submitted to the Council.

John advised that the local community were also working in the outdoor garden area with additional planting which would act as a further acoustic barrier for local residents.

John also stressed the need for the conditions attached to any future planning application for this premises to mirror the conditions for the license application too, should this be approved.

John also highlighted that there is a mechanism to call a license in for a review by DCC if a current/ future owner of the premises was operating in a manner which did not promote the four licensing objectives.

The Chair thanked John and Janet for their representations on this application.

5. Consultation on changes to our Hackney Carriage and Private Hire Licensing Policy

The Chair took the opportunity to thank the Clerk for his drafting of the Parish Council's response to this consultation. The Clerk confirmed that the response to this consultation had now been submitted to DCC.

The Chair also welcomed Helen Johnson from DCC's Licensing team to the meeting on this item.

Helen thanked the Committee for the opportunity to speak at the meeting today and provided some background to the new consultation. Helen advised that this further consultation is taking place to allow for further responses that may result from or reflect the effects of the Covid pandemic on the taxi trade and the travelling public. Helen highlighted that there was very little representation from the taxi trade on the 2020 proposals.

Helen also advised that this further round of consultation allows the Council to update its policy in relation to Euro emissions standards for vehicles.

Helen advised that there has been a much larger response to the 2022 proposals than for the 2020 consultation. Helen advised that all comments will be reviewed and an updated (if applicable) version of the Policy will go to the Council's General Licensing and Registration Committee for further comments/ amendments and then go forward to Full Council for adoption. Helen advised that the aim is to have this Policy adopted by December 2022.

The Clerk highlighted that the Parish Council very much welcomed that the new Policy now includes a requirement that all new applications must meet at least Euro 6 vehicle emissions standards. The previous Policy proposed that this commence from 1st April 2024 and the Clerk advised that the Parish Council is pleased to understand that this will commence as soon as this Policy is adopted by the Full County Council.

The Clerk highlighted that Euro emissions standards for Wheelchair Accessible Vehicles (WAVs) is not specified in the Policy and asked Helen for clarification on this point. Helen advised that all new applications for WAVs would also need to meet Euro 6 vehicle emissions standards. Helen also clarified that all renewal applications – there currently being 120 licensed WAVs across the county – would need to meet at least Euro 5 standard after 1st January 2024. Helen advised that this standard had been lowered from Euro 6 due to the hardship suffered by the trade during the Covid-19 pandemic and there is also a huge national issue in acquiring new vehicles.

The Clerk highlighted that the issue is that WAVs aren't specified in the vehicle emissions standards in the 2022 Policy.

Helen advised that all renewal applications would need to meet Euro 6 emissions standards by 2025. The Clerk highlighted that this is not included in the Policy. Helen advised that this is something which Members would need to decide on.

The Clerk highlighted that Euro 5 standards came in in 2007. The Clerk advised that – from data he has from September 2020 – there are currently 1,257 vehicle licenses across Durham. The Clerk advised that there are only 33 vehicles registered from 2007 or earlier from this list of licenses. The Clerk therefore asked why the Council was not making Euro 6 is definite requirement for renewal applications now, given that only a small number of vehicles currently licensed are aged from 2007 or earlier.

Helen advised that there are currently 1,144 licensed vehicles across the county, of which 56 are Euro 4, 549 Euro 5, 515 Euro 6 and 24 are electric vehicles. Helen also advised that the number of Euro 6 and electric vehicles are also increasing each month, whilst the number of Euro 4 and 5 vehicles are reducing.

The Clerk highlighted that Durham City has a lot of Newcastle, North Tyneside and Middlesborough taxis operating in the area and they operate based upon the Policy of those respective Local Authorities even when present in Durham. Helen highlighted that this is due to Government legislation which is incredibly out of date. Helen advised that DCC frequently lobbies Government on the issue of de-regulation.

The Clerk made a plea to Helen that DCC looks to incentivise licensed drivers to switch to electric vehicles in Durham – perhaps by making the fee free of charge to re-new/ apply for a new license. Helen advised that this would be difficult as the licensing team was self-financing and this fee covered officer time and resource.

Cllr A Doig asked how many taxis would be likely to cease trading if they are expected to meet the impending regulations. Helen advised that she wasn't sure of the answer on this. Helen highlighted that there is a national shortage of taxi drivers.

6. Progressing the cumulative impact policy for Durham City proposal

The Clerk highlighted that the Parish Council and Durham Police had submitted a joint letter to Durham County Council requesting that DCC re-look at the issue of a cumulative impact policy, given that new premises are likely to be coming on board in the City in the very near future.

Iain Robertson advised that he was unaware of the discussions which had taken place since the submission of this letter, albeit he is aware that Durham Police do support the introduction of a cumulative impact policy for Durham City. Iain recommended that the Parish Council undertake a further discussion with Caroline at Durham Police on this matter. The Clerk highlighted that he is keen to ensure that the Parish Council and Durham Police responds to Craig Rudman's letter.

Helen highlighted that the Policy for Durham City was looked at by a third independent party on behalf of DCC some years ago. The Clerk asked what the criteria is for the introduction of the Policy. Helen highlighted that it is any and all evidence relating to crime and disorder associated with licensed premises.

Helen advised that this information is required in order to carry out an assessment. Helen highlighted that the Parish Council and the Police would need to evidence that the density of licensed premises was having a detrimental impact on the promotion of the licensing objectives since 2019, when this was last reviewed.

Cllr E Ashby and Ms Janet George advised that there appeared to be a disparity between official figures reported to the relevant agencies and what happens during the night-time economy.

Ms Janet George advised that a lot of residents have given up reporting crime and disorder. Janet advised that she has personally written endless letters to the Council's ASB team about the distress which drunk and disorderly behaviour is causing to local residents. Helen highlighted that the difficulty comes from actually pinpointing this behaviour to a particular premises or group of premises.

The Committee **agreed** to meet again with Caroline at Durham Police to discuss this in more detail.

7. To consider the following new licensing applications in the parish area:

- Application for the grant of a premises licence by Claypath Delicatessen Limited for Claypath Delicatessen, 57 Claypath. Durham. DH1 1SQ

Helen updated the Committee that the Environmental Health team at DCC had been liaising with the applicant's solicitor on this application and the following amendments/conditions had been agreed as part of the application:

- The operating hours for Sundays and Bank Holidays would be 11:00am – 5:30pm with a 6:00pm close.
- The use of the external garden area shall cease at 8:00pm.
- No music will be played or relayed to any external part of the property.

Helen also advised that off sales of alcohol permitted by the Business and Planning Act 2020 had now also been extended to September 2023.

The Clerk also highlighted that the delivery of alcohol – looking at Condition 9b) of the operating schedule appeared to be included in the application. Helen confirmed this to be so and advised that Durham Police would likely be seeking additional conditions for this activity. Iain Robertson confirmed this to be the case.

In light of the Committee not having a quorum of Members to make a decision on this application, it was **agreed** to defer a decision on this application until the meeting of 1st August 2022.

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

Signed,

**Chair of the City of Durham Parish Council Licensing Committee
(1st August 2022)**