

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Thursday 9 July 2020 at 1.30 pm**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors J Blakey, C Hampson, A Hopgood and K Liddell

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no apologies for absence.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Club Premises Certificate - John Snow College, South Road, Durham

The Sub-Committee resolved to deal with both applications together - see item no. 5

5 Application for the Grant of a Club Premises Certificate - South College, Pitcairn Building, South Road, Durham

The Committee considered a report of

S Buston, Solicitor, confirmed that the Sub-Committee was made of 5 Members who would be present for the duration of the meeting, however he explained that only 3 Members of the Sub-Committee would be present during deliberations and those 3 would be confirmed on the decision notice.

H Johnson, Licensing Team Leader, presented the report and outlined the recommendations in the report.

In response to a question from the Solicitor, the Licensing Team Leader confirmed that the correct procedures had been followed with regards to notice of the application. Eight notices had been posted on the site and a 28 day consultation period had taken place in accordance with the Licensing Act. In addition, the Council had published the proposal on their website and an advert had been placed in the Durham Advertiser on 13 February 2020.

In response to a further question from the Solicitor, the Licensing Team Leader confirmed that there were a number of colleges in the vicinity of the site that already operated a club premises licence and confirmed the hours for entertainment and the sale of alcohol. They had an additional 2 events per year to extend the hours until 2am.

The meeting was adjourned for five minutes due to technical issues.

Mr A Foster lived on the nearby Mount Oswald development and objected to the proposal. A number of residents had discussed the notices on the site and there was a general consensus against the applications. As a resident who had lived adjacent to the site for three years, he had already experienced by outdoor events held by other colleges. This site was in closer proximity and if granted would allow additional events to be held without the need to consult on a case by case basis.

Mr Foster had two young children and had experienced noise related disturbance from these events which had been held on late summer evenings with the windows closed, and had led him to complain. There were a number of children that this would be affected by these events that affected other residential areas also. He suggested that any such events should seek a temporary event notice and be subject to the relevant scrutiny that this would entail.

Although he was pleased to see the hours for the sale of alcohol had been reduced since the first application was submitted, it was still included on weekends until 2am, every weekend. The halls of residence would have a lot of students and noise from people using the facilities – the city location was great for students and the University, but he asked for some consideration for residents.

Mr Foster queried the reason for another two licences being applied for, despite others having already been granted. He went on to say that students already had the benefit of the other facilities it was not clear why they required two more. He acknowledged that the facilities may be used infrequently, however they would still have the potential of being used until 2am.

Mr Foster considered a premises licence could add value to the land and in future be operated by a third party if the University fell into financial difficulty due to insolvency.

The meeting was adjourned for twelve minutes due to technical issues.

Mr Foster confirmed that his main objection was due to noise and disturbance which he had already experienced with the existing premises and he asked the Sub-Committee to consider all residents, particular in relation to the outdoor events where the nuisance would increase.

The Licensing Team Leader responded that unlike a Premises Licence, a Club Premises Licence was non-transferable and could not simply be transferred. If there was no Committee in place, the Licence would cease to exist and a new application would have to be submitted.

Councillor Hopgood asked Mr Foster if he was aware when purchasing the property, that there were plans for the building to have a premises licence. Mr Foster confirmed that he was expecting some sort of Licence but did not expect it to be until 2am due to the residential nature of the area.

In response to a question from the Solicitor Mr Foster confirmed that he had submitted a formal complaint to the Licensing Authority in relation to the noise disturbance he had suffered previously with regards to a TEN. Mr Foster confirmed that he was aware a TEN could be applied for at any time.

R Cohen, spoke on behalf of the University and confirmed the the importance of the events included in the application. He also confirmed that there the University was determined to engage with residents, of which they were always mindful. Mr Cohen said that a Club Premises' Licence had more restrictions which

Following the consideration of all of the feedback, the University had agreed to amend the application and reduce the sale of alcohol. This application for a Café/Bar in a confined space and it was intended that it would be a safe, regulated, place for students to socialise. The café would serve hot and cold food, hot and non-alcoholic beverages and two draft alcoholic beverages would be served using under-counter containers. There was no cellar and it was not designed as a drinking house. He reiterated the hours that had been applied for and confirmed that the hours of opening would normally be until 11pm Sunday to Thursday and 12am unless specifically authorised by the College Principal.

The location of the premises linked directly to the City, avoiding the need to travel through residential areas and for best practice there were various features to assist in meeting the licensing objectives. The building was also of a modern acoustic design and the application was specifically for indoor

entertainment with the exception of three additional events per year, which could be predicted in late June/early July. Each College had a duty of care and supervision, and to have a premises on site was the safest way for students and would alleviate some of the challenges from external premises.

Mr Cohen thanked Durham Constabulary and Environmental Health for considering the report in detail and also the City of Durham Parish Council for withdrawing their objection following the submission of the amended application.

Professor Lockhurst was Head of the new South College and first responded to the suggestion that students could share facilities. The Colleges had halls of residence for students from all over the world and this was centre of existence, they were where students done all of their socialising, sports, drama and debating activities that were inherent to student life. South College was new and needed to have its own identity. Durham students chose their college, they were not allocated and they were not simply somewhere for the students to go, they conducted debates, seminars, they held events for visiting speakers. The Café would be an important place for students to gather, a meeting hub for them to share ideas or relax, or a safe place for them to socialise. It was a regulated and civilised area which was more preferable over drinking in the city centre.

Professor Lockhurst confirmed that Durham City was a great asset for the University they wanted to be good patrons and ensure a good relationship with local residents. Two meetings had been held with residents and several had agreed to join a regular committee to discuss any concerns and he was willing to give residents his own contact details, should they require assistance 24/7.

With regards to the three planned events per year, Professor Lockhurst confirmed that traditionally the Colleges held an event to celebrate their achievements and also a summer ball, and a third event would be likely to be held around Christmas and due to the weather, was likely to be held indoors. The summer ball was traditionally organised by alumni to celebrate graduation and compete to hold the best one - should this event not be granted, the College would be less prestigious than others and it would impact on the Colleges reputation.

In response to a question from the Chair, Professor Lockhurst confirmed that the events were critical for these Colleges to be successful and compete with the other Colleges. Students paid high tuition fees to be part of a prestigious University and the summer ball was a civilised event which celebrated and showcased the Colleges achievements. It was arranged by its own alumni and its organisation was something that would be included on their CV. The events were well organised, ticketed events, which included security and

there was a sense of pride in organising the events, the aim would be to make South College as good or better than the others - drunkenness was not a feature that would be tolerated.

The Chair asked if TEN's were fully explained by the Licensing Team on application and Professor Lockhurst confirmed that he was aware of the separate process, but as there was no doubt there was an expectation for the Colleges to hold 3 events per year, albeit they could not confirm the exact date, they were published a year in advance, when the University published its academic calendar.

The Chair emphasised safety and asked how they would be dealt with should the events from neighbouring Colleges be held on the same day. Professor Lockhurst confirmed that there were three senior leaders, including himself which were on a call out rota every three weeks and contactable 24/7. There would be senior leaders in attendance at the events between 8am and 6pm, but the organisers were duty bound to contact senior leaders in the event of a complaint or emergency. He again offered to give residents contact information if they required.

Mr Cohen added that there was always a senior responsible person in attendance and there was a public nuisance management plan which permitted music outside up to 10pm – this was below the requirement of 11pm for unregulated music as they were mindful of nearby residents.

Councillor Hopgood recognised that residents were concerned that six events could be held by two colleges in close proximity during the summer period, equating to six disturbed evenings. There was a small window between graduation and returning home, possibly a 2-3 week period and holding six events in that time could be seen as excessive. Councillor Hopgood confirmed that Ustinov College had an excellent rapport with residents and when students were away during the summer, the facilities were available as a community asset. In response, Professor Lockhurst confirmed that although the facilities were never completely out of use they welcomed residents to use it during periods of down time. With regards to the number of events held in the summer, he anticipated that there would be two events in two weeks, there would be no more than four in June/July period and the other two events would be for a Christmas event.

Councillor Hopgood queried the need to apply for six events per year rather than the four suggested and asked whether the Sub-Committee could consider restricting the number of events in a two week period. The Solicitor confirmed that it was possible for the Sub-Committee to add conditions should they require, during deliberations.

In response to a question from the Solicitor with regards to the noise management plan, Mr Cohen confirmed that there were a number of expectations with regards to noise, supervision was required and amplified music was suspended at 10pm, despite the fact that amplified music was unregulated up to 11pm for events under 500 people.

The Solicitor asked why the Licence was required from 10am and whether they expected people to drink alcohol from that time or whether it was just for flexibility. Professor Lockhurst confirmed that the halls of residence were self-catering units and the café was not seen as a bar but somewhere to get coffee or lunch – he did not envisage it would be used to buy alcohol at 10am.

Both parties confirmed that they had nothing further to add when given the opportunity to sum up, but thanked the Sub-Committee for the opportunity to speak.

The Solicitor outlined the procedure and referred to the recommendations outlined in the report. He confirmed that the decision would be issued in writing.

At 3pm the Sub-Committee retired to deliberate the application in private.

RESOLVED

That the applications for Club Premises Certificates at John Snow and South Colleges, Durham, be granted as follows (and in accordance with the conditions outlined in the report);

Activity	Days & Hours
Opening Hours	Sunday - Thursday 10.00 – 00.30 hrs Friday - Saturday 10.00 – 01.30 hrs
Supply of alcohol (for consumption on and off the premises)	Sunday – Thursday 10.00 – 00.00 hrs Friday – Saturday 10.00 – 01.00 hrs Plus two college events per year – details below
Play, Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance, Similar Entertainment (all indoors)	Sunday – Thursday 10.00 – 00.00 hrs Friday – Saturday 10.00 – 01.00 hrs Plus two college events per year – details below

Two 'College Events'	<p>Supply of alcohol and regulated entertainment indoors 10.00 – 02.00 hrs</p> <p>Supply of alcohol and regulated entertainment outdoors/in a marquee 10.00 – 23.00 hrs</p> <p>Provision of recorded music (using headphones/silent disco) in a marquee 23.0 – 00.00 hrs</p>
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