

DURHAM COUNTY COUNCIL

At a Meeting of the **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Thursday 30 July 2020 at 1.30 pm**

Present:

Councillor C Carr in the Chair

Members of the Committee:

Councillors J Blakey, A Hopgood, K Liddell and J Maitland

Also Present:

G Proud (Council's Solicitor)

H Johnson (Licensing Team Leader)

A Comaish and R Montague-Vaughan (Applicants) (on behalf of Durham University)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

No substitute members were in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the grant of a Premises Licence - Durham City Rugby Club, Green Lane, Durham

Prior to the presentation of the report, the Chair advised that although five Sub-Committee members were present to hear the application, only three of those members would make the decision. The Council's Solicitor explained that, under the Licensing Act 2003, only three members were entitled to make the decision. The additional members were present to hear the application in order that, in the event that a member had to retire due to unforeseen consequences, one of the additional members could participate as a substitute, thereby avoiding the necessity to rearrange the hearing. The Council's Solicitor then outlined the procedure for the hearing.

The Licensing Team Leader, H Johnson, presented the application for the grant of a premises licence at Durham City Rugby Club, Green Lane, Durham (for copy see file of minutes).

The Licensing Team Leader advised that the application for a premises licence was to host, Durfest, an annual, outdoor event. An extensive event manual was included as an appendix to the report. The original event had been cancelled due to the Covid-19 pandemic and the first event is now planned for Saturday 5 June 2021. The application was originally lodged by Elsa Kent, and the applicants had changed to Mr Comaish and Ms Montague-Vaughan on 20 July 2020. The Licensing Team Leader then outlined the details of the application and set out the options and recommendations for consideration.

The Chair advised that representatives of Whinney Hill Community Group were not in attendance to state their objection to the proposal, however, additional written information from the group had been circulated and read by the Applicants and members of the Sub-Committee. The Licensing Team Leader explained that additional information received from Mr Hayton representing Whinney Hill Community Group dated 24 July indicated that the group believed that, in April, they had sent a response to the Applicant's letter of 20 April, however it appeared not to have been received. As a result, they submitted a further copy of their response on 24 July. The Licensing Team Leader then read the response from Whinney Hill Community Group dated 22 April, in which the following points were raised in objection to the application:

- The group would not be withdrawing their objection to the application as there was no evidence to alleviate concerns regarding noise and disturbance and they remained concerned that no effective procedures would be put in place to avoid local residents from being subject to noise and unruly behaviour by large groups of people, including students, who wished to continue to party in nearby student accommodation.
- The documentation does not state exactly how many people will attend the event, however it is anticipated that 6,000 people will attend. This exceeds the number of attendees previously managed by the Rugby Club, and, there is no evidence to support the claim that the Rugby Club had previously managed events of up to 3,500 people.
- The lack of clarity on the numbers attending the event led to questions as to whether security issues will be adequately addressed and no information had been supplied regarding the experience or ability of the security persons to manage such large crowds. This information is fundamental to an application concerning an event with a large number of people, where alcohol is available.

- The documentation states no noise will travel more than 30 metres from the event as natural barriers will deaden the noise, however past experience does not support this claim. There is no illustration of the proposed direction of the stage and speakers, or, information regarding any noise suppression measures to be put in place.
- Music from marquees does not prevent noise pollution. Although the organisers state they have had no noise complaints from previous events, those events were indoor events involving only a few hundred people and are not comparable to the events being proposed.
- The claim that no disturbance is anticipated in relation to the event shows a lack of insight into the experience of local people when large events are held and alcohol is consumed, when the local community is subjected to antisocial behaviour.
- The event is due take place at the end of the University term which is a notoriously bad time for complaints about student behaviour. An event at this time will coincide with other events including student parties and this will exacerbate the anti-social behaviour.
- The documentation states that monies raised will go to charities including the Rainforest Alliance however there is no mention of other charities, whether any local charities will be supported, and, how much money will be donated.
- Claims by the Applicant that there are adequate transport links and good parking are inaccurate. The bus stop closest to the proposed site of the event is located near Stockton Road, which would result in increased footfall through Whinney Hill. Parking in Green Lane is limited and it is also used by the public and local businesses. It is inevitable that parking problems and traffic pollution will occur on Whinney Hill, Hallgarth Street and Old Elvet.
- For these reasons it is unreasonable to consider a year-on-year licence for such a large event.

The Licensing Team Leader informed the Sub-Committee that Durham Constabulary proposed additional measures to which the Applicant agreed, in the promotion of the licensing objectives.

No questions were raised by the Applicants on the Licensing Officer's report.

The Chair asked for clarification on which company it was proposed would be providing security at the event. The Licensing Team Leader explained that prior to the application being made, she met with the then Applicant, Elsa Kent, to explain the process for the premises licence application and at that meeting it was discussed that Mitie Security was to be approached to provide security services at the event. The Licensing Team Leader confirmed the application had been considered by the Safety Advisory Group.

The Chair referred to the environmental health requirement for a maximum of 65 decibels, 20-30 metres away from the sound stage. The Licensing Team Leader confirmed that further to the Safety Advisory Group meeting, Elsa Kent had met with environmental health to discuss their requirements.

Councillor Hopgood referred to the recent closure of New Elvet Bridge and raised concern that when the event had been planned, the closure of the bridge was not known and therefore would not have been taken into consideration by the Safety Advisory Group. Councillor Hopgood pointed out that the bridge is to close for 14 months and the event is due to take place within that timescale adding that the closure will have a major impact on vehicle access to the venue and for the residents of Whinney Hill. The Licensing Team Leader responded that the Highways Team are part of the Safety Advisory Group, therefore the group coordinators should be aware of the matter and be advising on this, however, she had no knowledge if they had commented further with regard to the closure of New Elvet Bridge.

The Chair commented that he attends bi-monthly meetings with the Police, Highways and Licensing and at the last meeting, which was held in June the closure of New Elvet Bridge was discussed, therefore, it was likely that this had been taken into consideration. The Licensing Team Leader commented that the Highways team would be expected to respond to the Safety Advisory Group who would advise the event managers in order that appropriate measures could be put in place.

Councillor Blakey expressed concern that it was not known if the Bridge closure had been taken into consideration. The Licensing Team Leader clarified that whilst the Highways team is part of the Safety Advisory Group it is not a responsible authority for the purposes of a licensing consultation. The Chair requested that the Sub-Committee accept the significant importance of the closure of New Elvet Bridge, and, ensure this point is given due consideration during the decision making process.

The Applicants, Mr Comaish and Ms Montague-Vaughan were then invited to make representations. Ms Montague-Vaughan stated that the concerns of Whinney Hill Community Group had been discussed at length by the events team.

Ms Montague-Vaughan explained that the event manual had been written some months ago however further developments had now occurred with regard to security of the event. Mitie security who had been asked to provide security at the event stressed they would not be willing to work on an event where there were concerns around safety. It is planned to have a minimum of 19 door trained supervisors, and, if the number of attendees was to increase to 5,000, the number of door supervisors would increase to 24.

In addition, stewards would be available to provide help and advice, leaving the door supervisors to concentrate on security.

Ms Montague-Vaughan commented that the event is planned to be family friendly, with advertising as a community event and it was not an event specifically targeting children. She added that the event team would consider imposing an age limit for children and would take advice from relevant agencies including the Safety Advisory Group. The Sub-Committee noted that a detailed safety plan which includes a Missing Children Policy was included in the documentation.

Referring to the concerns regarding the timing of the event, the Applicants explained the event is planned to take place at the end of the University exam season to capture the students in Durham prior to their vacation, and they reiterated the desire that the event should be inclusive and a community event.

The Applicants confirmed that donations are planned to be made to the Rainforest Alliance, however they would consider donating to local charities, and they were open to suggestions.

In response to the concerns raised regarding disturbance from houses of multiple occupancy, in accepting that they cannot guarantee no disturbance will occur, the Applicants stated they believe that this opportunity to run an organised event with a responsible bar, and stages closing at staggered times will limit the number of people exiting at any one time. The Applicants informed the Sub-Committee that they are considering a partnership with one of the nightclubs in Durham to host an official 'after-party', in an effort to avoid a large number of students returning to student accommodation immediately after the event.

In response to concerns regarding transport, the Applicants commented that parking on Green Lane is intended for the event providers and residents of that area. The event is to be promoted as an eco-friendly event and therefore they will be discouraging people from driving to the event. Attendees will be directed to park and ride and to the bus stops at Elvet and Stockton Road. They anticipate the majority of students will walk to the event and they expect that families are most likely to use the park and ride and they are generally less likely to cause a disturbance to residents.

Applicant, Mr Comaish referred to a site meeting with environmental health who had confirmed they were satisfied with the arrangements with regard to noise limitations, with the stages pointing away from Whinney Hill, towards the river with speakers channelling sound down into the crowd in order to reduce noise into the atmosphere.

They were also satisfied with the proposal to play softly amplified acoustic music in the marquee until midnight, and the proposal to stagger stage closures in order to minimise disruption.

The Applicants emphasised they were very aware of safety concerns regarding the proximity of the river. It is proposed that the entire site area is fenced and stewards will line the path in order to discourage people from taking that route. The main entrance is to be well away from the river. On advice from the police, it was resolved that the most appropriate entry and exit point for the event would be the footpath at the top of Green Lane.

Questions were then invited.

Cllr Hopgood asked the Applicants if they had discussed the park and ride system with the Council as the only bus service available during the bridge closure will be park and ride from Howlands which is already very busy. The Applicants responded that they had not spoken to the Council on this, as the bridge closure was a relatively new development, however, they would be keen to do so. Ms Montague-Vaughan added that she would be willing to research the bridge closure and identify alternative ways of getting people to and from the venue. Mr Comaish pointed out that their aim was to promote the use of the park and ride in the hope that this would keep car journeys to a minimum, and they hope that students will walk to the venue.

The Chair enquired about the system which is used by the University to ensure that intoxicated students are picked up by taxi and taken safely to their halls of residence. Ms Montague-Vaughan stressed the aim is to avoid attendees getting too intoxicated. Discussions are taking place regarding the operation of a challenge 25 policy and to arrange a 'pay as you go' phone on site, for people to call to arrange transport home. In addition, discussions have taken place with a company to supply stewards with radios to ensure any potential problems can be communicated as quickly as possible.

Councillor Liddell referred to the fencing around site and the emergency exits located at the entrance and near the toilet facilities and asked if two exit points were adequate for the amount of participants. The Applicants responded that they had liaised with health and safety to devise a plan where a large section of fence could be moved leading into a large field by the Rugby Club. Stewards would be used to direct attendees to Green Lane in an emergency. Exit points near the river were being avoided.

Councillor Blakey asked whether any other sites had been considered for the event. Ms Montague-Vaughan explained that Wharton Park had been considered however it too is a residential area and has the disadvantage of being situated on a busy road. The racecourse had also been considered however it has limited availability due to the sporting events held there.

The site outlined in the application has the advantage of natural sound barriers and is relatively unobtrusive.

Councillor Maitland raised concerns that there is no mention of a recommended time for children to leave the event. The Applicants acknowledged this was not mentioned in the manual however it had been discussed more recently. The Applicants commented that they would be considering recommending that children leave by a set time, details of which were to be determined. The Applicants confirmed that they are considering using stage announcements to communicate with the audience to recommend that children leave at a particular time. In addition they would discourage artists from using inappropriate language during their sets.

In response to a question from the Chair, the Applicants confirmed they were aware that traders selling food and / or alcohol at the event must comply with the licence conditions. The Licensing Team Leader commented that it was pleasing that there will be at least 19 security industry authority trained door supervisors to monitor the sale of alcohol and the Licensing Team would be willing to make the necessary checks on the company responsible for running the bar at the event. The Licensing Team Leader advised that, should the licence be granted, it is the responsibility of the licence holders to ensure the necessary arrangements are in place. Mr Comaish stressed that experienced personal licence holders is a priority.

At that point Councillor Maitland took the Chair as Councillor Carr was experiencing technical difficulties. No further submissions were made by the parties.

The Council's Solicitor announced that the Councillors making the decision would be Councillor Carr, Councillor Blakey and Councillor Maitland. However, if Councillor Carr was unable to re-join the meeting, Councillor Hopgood would substitute.

The decision would be communicated to the parties later that day and it would be available to view on the Council's website at a later date.

At 2.35pm, the Sub-Committee retired to deliberate the application in private.

In reaching a decision, the Sub-Committee took into account the report of the Licensing Team Leader, and, the oral and written representations of the Applicants and the written submissions of Whinney Hill Community Group. The Sub-Committee also took into account the provisions of the Licensing Act 2003 relating to the grant of a premises licence, together with the Section 182 Guidance and the Council's Statement of Licensing Policy.

RESOLVED:

That the application for a premises licence be granted as follows:

Licensable Activities	Days & Hours Requested
Provision of Films indoors (marquee)	Saturday 11:30 hrs – 23:00 hrs
Live Music (indoors/outdoors)	Saturday 11:30 hrs – 00:00 hrs Two outdoor stages – music will cease by 23:00 hrs and continue in the marquee until 00:00 hrs
Recorded Music (indoors/outdoors)	Saturday 11:30 hrs – 23:00 hrs
Performance of Dance, Anything of a Similar Nature (indoors/outdoors)	Saturday 11:30 hrs – 23:00 hrs
Late Night Refreshment (indoors/outdoors)	Saturday 23:00 hrs – 00:30 hrs
Sale by Retail of Alcohol (on the premises)	Saturday 11:30 hrs – 00:30 hrs
Hours open to the public	Saturday 11:30 hrs – 00:30 hrs

- a) The Sub-Committee acknowledged that the responsibility for children leaving the event is that of the parent or responsible adult, however they welcomed the agreement of the Licence Holder that announcements would be made encouraging children under the age of 16 to leave the event by 9pm.
- b) The Sub-Committee determined that the mediated conditions agreed by the Applicant and Durham Constabulary would be added to the premises licence, together with additional conditions imposed by the Licensing Sub-Committee on the basis it was necessary and proportionate to impose those conditions upon the licence, together with the standard licensing conditions. The mediated/additional conditions are as follows:

1. The Event Manager, Event Safety Officer and the Head of Security will be able to contact each other during the event should there be any need for intervention or police presence. Any request for police assistance will be made via the standard reporting procedures, i.e. for non-urgent matters 101 and for urgent matters 999.
2. All recommendations and comments made by the SAG members will be agreed upon and actioned prior to the event. Failure to reach agreement and get approval will result in the event being cancelled.
3. The Event Manual and any accompanying Risk Assessments provided for any events held as part of this licence, must be adopted in full.
4. The number of events shall be limited to 1 in any calendar year.
5. The Licence Holders are to engage with the Council's Safety Advisory Group 3 months prior to the event taking place each year.
6. The Licence Holders are to provide the Licensing Authority with the details of those suppliers of alcohol and late-night refreshments, no later than one month prior to the event taking place.