

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 4 October 2021 at 9.30 am**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors C Hampson, I McLean and R Potts

1 Apologies

Apologies for absence were received from Councillors L Brown and M Wilson.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Minutes

The minutes of the meetings held on 15 July and 27 July 2021 were agreed as a correct record and signed by the Chair.

The minutes of the meeting held on 31 August 2021 were withdrawn from the Agenda for amendments to be made.

5 Application for the Grant of a Premises Licence - Brewdog, Unit 6, The Waterside, Milburngate, Durham

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change, with regards to an application for the grant of a Premises Licence, Brewdog, Unit 6, Waterside, Milburngate, Durham (for copy see file of minutes).

The Licensing Team Leader presented her report and advised that the Applicant had met via Zoom with the City of Durham Parish Council and Sidegate Residents Group the previous week.

S Walker addressed the Committee on behalf of the City of Durham Parish Council and advised that following the meeting the Parish Council wished to withdraw their objection to the application. She did wish to add that they were making a judgement based on people's intentions and buildings which had not yet been constructed and therefore suggested it was reviewed in 18 months to ensure there were no issues.

R Humphrey resided in Sidegate and the garden of his property backed onto the hotel and Milburngate development. This had already been the case for two years and when considering the opening hours, this had a significant impact on his quality of life. Even at the reduced hours of 12.00am on weeknights and 1.00am weekends, there would inevitably be people walking down Sidegate as it was a direct route to Newton Hall and Framwellgate Moor. He had already stopped having milk delivered as it was being taken regularly.

Mr Humphrey felt threatened by the proposal and was concerned that if this application was approved, it would set a precedent for others that came forward in future. He advised that Sidegate Residents also encompassed Diamond Terrace who had found that noise from Walkergate was amplified at weekends and there had been representations made to the Council to address this.

With regards to the reduction in hours, even with the time reduced to 12.00am, people would not be leaving the premises until 12.30am and 1.30am on weekends. This would result in groups of people leaving together and disrupting residents' sleep. There were children who needed to be at school, students, people who worked and some retired in the area and each of them shared concern.

In response to the Chair, Mr Humphrey confirmed that the residents group included 15-17 residents from Sidegate, Diamond Terrace and Framwellgate Waterside and represented around 40-50 residents in total.

Mr I Horridge advised that he was also a resident of Sidegate Residents Association and was concerned about the threat to his quality of life. When the development had first started, residents were able to attend meetings and raise concerns and they had expressed that they did not want the drink culture of Walkergate to extend to the other side of the river and have Durham's version of the Quayside. They were aware that there would be applications for restaurants, bars and a bowling alley and the first application to be submitted was for a pub. There were occasionally people using

Sidegate from Walkergate and the main concern is the opening hours, as this would have a significant impact on quality of life. He could not see how noise could be kept to a minimum even with the amendments that had been made.

Ms F Tulloch, addressed the Sub-Committee on behalf of the Applicant and advised that they had originally sought a later closing time however they had reduced that to fall within the framework hours.

A brochure had been circulated to Members which had given an insight to the brand and they were asking them to grant the amended terms. Ms Tulloch advised that there had always been an intention for Milburngate to include offices, hotel, cinema, restaurants, bars and although it may be that this was the first application, there were more to come.

If granted the premises would open in April 2022 and would trade as a modern day pub, not a late night bar or nightclub and any music played would simply be to create an atmosphere. This was a modern building so noise would not escape and there would be an external waterfront terrace, used as a dining area with a view of the river.

The application included an operating schedule and no objections had been received from responsible authorities. There were 65 premises operating under the same brand and they were experienced operators, who had opened similar premises in similar locations and in close proximity to residents and they had never had a review as they did not impact.

Ms Tulloch advised that this application would create an opportunity for people to meet for coffees, lunch, free wifi to work and although it was a smaller site in comparison to others, they did not attract trouble and would be a low key premises.

Referring to the meeting in which the Parish Council had agreed to withdraw the representation, Ms Tulloch advised that this was due to the willingness of the Applicant to reduce the hour opening hours, close doors and windows in the evening at 10.00pm and restrict the emptying of glass bottles. Mr Humphrey had attended the meeting and she said that he was not concerned about the principle of the premises, but the location. The site was well within the scheme and could not be viewed from Sidegate, residents would not be able to hear any noise as it would be shielded by offices and flats. She confirmed that having visited the site earlier that day, she saw no reason why people would disperse from the premises and walk home via Sidegate, however there would be a disposal policy and staff would manage customers leaving.

Ms Tulloch confirmed that the premises would be operating as a pub not a nightclub and they did not expect it to be at capacity at the end of the

evening. It was a place that small groups met to have a few drinks and then drifted off, there was unlikely to be any noise created and the pub was not designed to attract students but an older clientele. There were craft ales, no drinks promotions and food would be a massive part of the operation, sourcing ingredients from local producers.

There was guidance on dispersal procedures and it acknowledged that there was only a certain amount that an operator could do when customers left the premises and once beyond the boundary people were responsible for their own actions, however the Applicants were confident that there would be no antisocial behaviour.

Finally, Ms Tulloch confirmed that the Applicant would accept a condition where Sidegate Residents Association and Durham City Parish Council would be given emergency contact details of the DPS and invite them to quarterly meetings to discuss any concerns that may arise.

In response to a question from Mr Humphrey, Ms Tulloch advised that there was currently no time restriction attached to the outdoor seating area and they could ensure that the doors were closed and people were moved inside at 11pm, however there still had to be provision for people to smoke so it would still need to be used until closing.

Mr Humphrey disagreed with the statement that the pub would not attract students and in response to customers not using Sidegate to disperse, he advised that many people in the City lived on the outskirts of Durham and this was a route to Framwellgate and Newton Hall.

Mr Horridge also reminded Members that it was the route to the train station from the Raddison Hotel.

Councillor Potts asked Ms Tulloch to explain the rationale of closing the doors at 10pm when the people could still use the terrace area up until 11pm and then for smoking until close. Ms Tulloch advised that the purpose of closing the doors would be to keep internal noise from escaping from people within the premises however there would be al fresco dining and Smoking policies to ensure the area was controlled and it would also be monitored by CCTV. The area could not be closed off completely as an area for smokers had to be provided. She replied to a further question that people were unlikely to be eating after 10.00pm, but they were confident that they would be able to manage the area.

In response to a question from the Chair regarding music, Ms Tulloch advised that they had not applied for a regulated entertainment licence and would only be playing background music as the main function of the premises was a pub.

Ms Tulloch confirmed that the two amended conditions offered were;

- external bins were not to be emptied between 2300 and 0700 hours but this could be reduced further to between 2200 and 0800 hours.
- Doors and windows to the premises would close at 2300 hours but this could be reduced to 2200 hours.

The Legal Advisor to the Sub-Committee asked a question regarding of the location of the outside terrace area and Ms Tulloch confirmed that it overlooked the river and there were other buildings which separated it from residential properties.

Mr Humprey summed up to confirm that concerns of the Sidegate Residents Association had not been sufficiently answered and their quality of life would be threatened.

Ms Tulloch summed up that safeguards were robust enough to ensure nobody would be adversely affected by the application and she hoped that Members would grant the Premises Licence.

The Sub-Committee retired to deliberate the application in private at 10.23am.

Resolved

The Sub-Committee granted the application subject to the conditions that were consistent with the operating schedule and those that had been amended as a result of mediation with the Parish Council. Two further conditions were also imposed, that were agreed by the Applicant during the hearing.

10.2 Conditions amended from those of the operating schedule:

- The emptying of bins into skips and refuse collections will not take place between 10pm until 8am;
- Doors and windows at the premises were to remain closed after 10pm, save for access and egress.

10.3 Additional conditions for the promotion of the Public Nuisance objective:

- The mobile phone number of the DPS is to be available to the Parish Council and Residents' Association so that they can be contacted.

- At the request of the Residents' Association or Parish Council, a meeting is to be arranged by Brewdog to discuss any issues that may arise.

10.4 Activities and times:

Licensable Activity	Days and Hours
(Late night refreshment indoors)	<p>Monday to Thursday: 11.00 p.m. until 12 midnight</p> <p>Friday to Sunday: 11.00 p.m. until 1.00 a.m.</p> <p>Good Friday, all other Bank Holidays (including New Years Day) and on days preceding these other Bank Holidays – 11.00 p.m. until 1.00 a.m.</p>
Supply of alcohol (consumption on and off the premises)	<p>Monday to Thursday: 10.00 a.m. until 12 midnight.</p> <p>Friday to Sunday: 10.00 a.m. until 1.00 a.m.</p> <p>Good Friday, all other Bank Holidays (including New Years Day) and on days preceding these other Bank Holidays – 10.00 a.m. until 1.00 a.m.</p>
Open to the public	<p>Monday to Thursday: 10.00 a.m. until 12.30 a.m.</p> <p>Friday to Sunday: 10.00 a.m. until 1.30 a.m.</p> <p>Good Friday, all other Bank Holidays (including New Years Day) and on days preceding these other Bank Holidays – 10.00 a.m. until 1.30 a.m.</p>