
From: Matt Foster
Sent: 21 January 2020 16:02
To: Karen Robson
Subject: (CHE0000068/2) - New Premises Licence Application - 19-20 Elvet Bridge, Durham, DH1 3AA
Attachments: Noise Management Plan Final.DOCX; Avans CV.docx

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Hi Karen,

Please see attached a Noise Management Plan and a CV for the new proposed DPS and premises manager, Avan Hadi. I would intend to rely on these for the hearing.

I shall be attending with my client Cetin Koroglu and Avan Hadi on Friday.

I have been in discussions with Mark Anslow, and those discussions have been the basis of the Noise Management Plan. Mark is maintaining his representation, although I believe there is some common ground.

Kind regards,

Matt

Mincoffs
SOLICITORS

Matt Foster
Partner

**1920 Bar and Grill
19-20 Elvet Bridge
Durham City
County Durham
DH1 3AA**

Noise Management Plan

Introduction

This plan has been produced to provide more information in regard to the style of operation of the premises; its planned use; and, to explain the actions/policies which are to be implemented in order to address the impact of carrying out various licensed activities from the premises. The predominant focus will be on the impact of entertainment and the possible escape of noise, particularly after 23:00 when there might be concerns about the impact on the amenity of residents in the vicinity.

The Premises

The premises is a building of modern construction, with some recent structural works. Built over 2 floors, with access from the main street, the building has balconies located: to the side with a seated balcony at ground floor and Juliette balconies at first floor; and, to the rear with a seated balcony at first floor level (all as identified on the plans accompanying the licensing application). The side balconies overlook the river and the rear looks out over Klute Night Club, and further away other licensed premises including Osbornes, Fat Hippo, Cellar Door and The Escape Rooms.

It is intended that the terraces will be available for use up until 23:00 each day from opening. After that time, they will be closed for use by customers.

The premises will also be seeking a pavement café permission at ground floor level to the front of the premises. Planned use of that area would be in line with similar permissions issued within the City, to be cleared by 23:00, with use ceasing in the lead up to that terminal hour. No regulated entertainment will take place in any of the external areas (terraces or pavement area). The pavement café area would be on the edge of the bridge, a busy location, opposite The Gin Bar and the Tin of Sardines.

The building currently has no licensing permission, but has planning to carry out activities to 23:00. Revised planning is being sought and currently consulted upon. This document will feed into the further planning process being undertaken in order to request an extension of the hours.

The recently submitted licensing application describes the activities applied for as follows:

The business is to operate as a Restaurant/Lounge Bar, opening over two floors, offering breakfast, lunch and dinner menus. There will be a pavement café at the front of the premises as shown on the plan. The applicant applied for the following proposed hours and activities:

- (1) Supply of alcohol (on/off sales) 11:00 to 02:00 Every day;
- (2) Opening Hours, exhibition of film (indoors) and recorded music (indoors) 07:00 to 02:30 Every Day;
- (3) Late Night Refreshment (indoors/outdoors) 23:00 to 02:30 every day;
- (4) An additional hour applies on the change from GMT to BST;
- (5) An extension shall apply for New Years Eve to the start of permitted hours on New Years Day; and
- (6) An operating schedule and conditions accompany the application.

Operating Style

The planned use of the premises is as a restaurant / lounge bar, a popular concept in other major cities, which doesn't seem to have been embraced in Durham. The premises core hours through the week will be 07:00 to 23:00, with later opening on weekends and selected weekdays (based on demand/trends/promotion). So, if the premises is busy enough during Sunday to Thursday the premises would want the flexibility to open later, although that might not be over both floors.

Having discussed the hours during the application process, the applicant is prepared to reduce the hours applied for in terms of opening and licensable activities by one hour. The effect of this would be the last sale of alcohol at 01:00 to close at 01:30, instead of 02:00 and 02:30 Sunday to Thursday. This would be with the exception of Bank holiday Sundays and Mondays where the hours would remain the same as on a Friday and Saturday.

The premises is a mix of lots of other business models, competing at different times of the day with a variety of businesses. It's easier to explain the mode of operation by offering a snap shot of how it will look to compete in the city centre, and with which businesses.

On a morning the business will be competing with coffee shops, moving on to serving a lot of meals such as pizza's, burgers and sandwiches at lunch into the afternoon competing with shops, restaurants and pizzerias. In the evening the business will compete with pubs, bars and restaurants. After 9pm the offering will develop from food to beverages and entertainment. During the day the demographic is not specific, although we anticipate attracting a lot of tourists because of the wonderful views available from the terraces and first floor generally. Its location at the top of Elvet Bridge offer spectacular views.

It's a difficult and a very intensive business to keep going at such a pace throughout the day, and for that reason the later hours of trade would not be every day. Typically, those later hours would be over a weekend, because those times are

typically the hours when workers and locals, who don't live a 'student lifestyle' would have free leisure time.

It is this later night use, and user which seems to have attracted the most opposition from our recent licensing application. The premises is not looking to cater to those pursuing cheap drinks offers or loud music focusing on a vertical drinking environment. That is not what we are looking to develop at all. We are looking for a customer who doesn't want that, who wants to sit down and enjoy an expertly prepared cocktail, have a nice glass or red and talk and be entertained in a comfortable environment. The demographic for the later use of the premises will be 25+. On those later nights we will be looking to keep our earlier clientele within the premises, who have been dining with us, or bring back those who have been dining earlier. Security within the venue will be provided on a risk assessment basis, but when the premises is trading to its later hours it will likely require door supervision/meters and greeters.

Within the premises there will be a predominance of seating with a guarantee of a minimum number of seats. There will be space made later on for a dance floor, but it's not a disco! Its adults enjoying some easy listening music, some jazz or funk or possibly a bit of Northern Soul. For that reason, and in relation to those types of genre we will use DJ's. No live music is applied for save for deregulated entertainment up until 23:00. There may be live music on occasion, and that would be mostly one or two piece maybe with some backing music.

Food will be available throughout the time we are open but the later it gets the more snack related customers can expect it to be. Within this seated/table based lounging environment table service will always be available and will be actively encouraged. We will be serving pints of continental lager (premium brands) and other cask/real ale products. This offering will be limited: a heavy drinking environment is not what we are looking to develop. It will be an experience, and hopefully it will become a destination venue as we are not looking at joining a circuit. Bookings will be taken, will be encouraged and as we develop our offering and expand upon our entertainment we expect there to be nights where we run ticket only events within the first floor area, whilst always accepting walk-ins at ground floor level.

The following are proposed to further support our operating style and conditions on accompanying the application:

1. To amend the hours in the application by reducing them by 1 hour Sunday to Thursday. The effect of that would be a close of 01:30, with the last sale of alcohol at 01:00 on those days.
2. Live music on the premises shall be limited to acoustic instruments with amplified voice and backing music.
3. Music played at the premises should never be played at such a level, as customers cannot talk in comfort.
4. The External Terraces shall be closed to the public after 23:00.

5. All doors and windows to be closed during performance of live/recorded music, except for access and egress.
6. There will be a prominently placed sign at the entry/exit to remind customers to be quiet and refrain from shouting when they leave the premises.
7. Prior to the undertaking of licensable activities, an Outside Management Policy shall be submitted to and approved in writing by the local Environmental Health Department. The policy shall aim to identify how the use of all outside areas, including on street seating and terraces, shall be operated so as to minimise the potential for public nuisance. The approved outside management policy shall be adhered to at all times that licensing activities are occurring at the premises and shall form part of staff training.

Mincoffs Solicitors
21/1/20

