

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 reports of the Corporate Director of Neighbourhoods and Climate Change with regards to the Grant of Club Premises Licences for John Snow College, South Road, Durham, and South College, Pitcairn Building, South Road, Durham.

Introductions took place and 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 reports and referred the Sub-Committee to the recommendations outlined 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 the notices of both applications. Eight notices had been posted on 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 were collectively against the applications. As a resident who had lived adjacent to the site for three years, he had already experienced noise disturbance from 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.

Mr Foster had two young children and the noise related disturbance from these events which had been held on late summer evenings had led him to complain. The noise could be heard even with the windows closed and there were a number of children which would be affected by these events. He suggested that any such events should be held on a case by case basis by means of a temporary event notice and be subject to the relevant scrutiny that this would entail.

Although Mr Foster 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 wanted the impact on residents to be considered.

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 and it was not clear why two more were required. He acknowledged that the facilities may be used infrequently, however they would still have the potential of being used until 2am.

Mr Foster was concerned that a premises licence could add value to the land and fall into the hands of a third party, should the University ever fall into financial difficulty.

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, particularly in relation to the outdoor events.

The Licensing Team Leader responded that unlike a Premises Licence, a Club Premises Licence was non-transferable and could not simply be transferred to another party if the premises changed hands. 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 that a TEN could be applied for at any time.

Mr R Cohen, spoke on behalf of the University and confirmed the importance of the events applied for. The University was determined to engage with residents, of which he said, they were always mindful of. Mr Cohen said that a Club Premises' Licence had more restrictions and that following the consideration of all of the feedback, the University had agreed to amend the application and reduce the hours for the sale of alcohol.

This application was for a Café/Bar in a confined space and was intended to be a safe, regulated, place for students to socialise. The café would serve hot and cold food and hot and non-alcoholic beverages. In addition there would be two draft alcoholic beverages, 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 added procedures 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, predicted to be held in late June/early July. Each College had a duty of care and supervision, and to have a premises on site was safe 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 during their time studying. The halls 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 its own identity to compete with the other colleges. Durham students chose their college, they were not allocated one, these were not simply somewhere for students to go, they were a hub where debates, seminars, and events for visiting speakers were conducted. 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 and they wanted to be good patrons to 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 - 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 indoors. The summer ball was traditionally organised by alumni to celebrate graduation and they were in competition – they wanted to be the best. 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 tradition 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, with security and there was a sense of pride in the organisation, aiming to make South College as good, if not 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 there was a separate process, but the Colleges fully expected to hold 3 events per year and although exact dates were not known, 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 for unregulated music, which was 11pm under 500 people, and this was due to being considerate 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, residents were welcomed during periods of down time. With regards to the number of events held in the summer, he anticipated that there could be two events in a two week period, but no more than four in June/July. The other two events would be used for an event at Christmas.

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

In response to a question from the Solicitor with regards to the noise management plan, Mr Cohen confirmed that the University had 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.

The Solicitor asked why the Licence was required from 10am and whether it was expected that people would drink alcohol on a morning. 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 and both parties 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

