

DURHAM COUNTY COUNCIL

At a Meeting of the **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Monday 17 April 2023 at 9.30 am**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors I McLean and E Peeke

1 Apologies

Apologies for absence were received from Councillor M Wilson.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of Interest.

4 Minutes

The minutes of the meetings held on 19 January 2023 and 24 January 2023 were confirmed as correct records by the Committee and signed by the Chair.

5 Application for the Variation of a Premises Licence - Jimmy Allens 19-21 Elvet Bridge, Durham City, Durham

The Chair welcomed everyone to the meeting and introductions were made. The Council's Solicitor then outlined the procedure for the hearing.

The Senior Licensing Officer, Karen Robson presented a report of the Corporate Director of Neighbourhoods and Climate Change, for an application for the variation of a Premises Licence for Jimmy Allens, 19-21 Elvet Bridge, Durham City (for copy of report, see file of minutes).

The Chair noted the difference in operating hours between the application and those granted with the planning permissions for the premises and those of an older application.

The Senior Licensing Officer responded and informed the Committee they were two separate applications so this could be the case, noting the planning permissions were a separate issue, the Council Solicitor, Stephen Buston added that it is possible if the variation was granted the premises would be operating outside of planning conditions and this was something the applicant needed to be aware of.

The Council Solicitor sought clarification if Sunday was a weekday or weekend by policy guidelines. It was confirmed by the Senior Licensing Officer it was a weekend.

Councillor Grenville Holland representing City of Durham Parish Council addressed the Sub-Committee in objection to the variation. Councillor Holland raised concerns over the conduct of the premises in regard to the noise levels in the very early hours of the morning, with the premises being located close to at least 40 properties. The Committee were informed that the Parish Council were objecting to this application on the grounds of prevention of a public nuisance in line with the licensing objectives. Members attention was drawn to the historical application for this premises which stated opening hours of 11.30 am to 11.30 pm which were never amended. Councillor Holland noted that the application was in conflict with Licensing Framework, the hours as set out by the original application and the public lead “shh” campaign. Also raising concerns from residents about the significant noise late at night as well as the cumulative impact of this application being allowed. In summary Councillor Holland informed the Committee the Parish Councillor were objecting on four grounds.

1. Prevention of a public nuisance
2. Safety of staff due to excessive noise
3. Prevention of the premises to be operating outside of Durham County Council hours
4. Concerns over other establishments making similar applications adding to noise issue already present.

Councillor McLean noted the letter of objection from the Parish Council and asked if any complaints had been received from residents in the near-by properties. The Senior Licensing Officer confirmed that no comments or objections had been received.

Councillor McLean asked if residents had been consulted on the application by the Parish Council.

Councillor Holland noted he had not done so but assumed this was something the Parish Council would have done.

Councillor Peeke asked if any complaints had been received by the Parish Council. Councillor Holland believed some had been received by the Clerk to the Parish but none to him personally.

Councillor McLean commented that there was no evidence within the submissions of any complaints having been received. In response Councillor Holland confirmed he had laid out the Parish Council's reasons for objecting.

The Chair asked if Councillor Holland had been in attendance at the meeting the application was discussed. Councillor Holland informed the Committee it had possibly been discussed at the Licensing Sub-Committee he was not a part of.

The Applicant, Mr Bullock addressed the Committee noting this application was only to bring Jimmy Allens in line with competitors, citing the recently approved application for Blue Eye, adding it was only a minor variation with no objections. Members were informed that the location of the dance floor in the premises meant it was encased in concrete and brick with no windows so was well soundproofed, with all speakers facing into the premises.

Addressing concerns raised by the Parish Council around the health and safety of staff, Members were informed employees were provided with ear buds with no staff working on the dancefloor which was the loudest area of the premises with only small speakers being used at the bar. The Applicant noted that he had sought advice from Durham County Council's Environmental Health Team who had raised no concerns, adding he was the new Designated Premises Supervisor (DPS) and would be taking a hands-on approach, adding this was a small family business and the extra hours would make a lot of difference and bring the premises back in line with everyone else.

The Chair asked the Applicant if he had received any noise complaints. The Applicant confirmed he had not adding it was largely students who attended the premise regularly who had a good relationship with staff, noting there had been issues with the old ownership but since the removal of the front speaker there had been no issues.

The Council Solicitor asked how busy the premises was on a Sunday.

The Applicant confirmed at present the club was not open on a Sunday as there was no money to be made under current operating hours, adding that clubs that were already open until 2am were busy.

Mr Bullock explained that students didn't come out until 11.30 which was only giving Jimmy Allens 30 minutes before having to close which was why the extra hours were needed.

Councillor Holland raised concerns over other premises in the area wishing to extend their opening hours.

The Applicant informed the Committee that most premises had already done this, and this was the reason for the application today.

At 10.10 am the Committee **Resolved** to retire to deliberate the application in private. After re-convening at 10.20 a.m. the meeting moved to in public and the Chair delivered the Sub-Committee's decision.

In reaching their decision the Committee had considered the report of the Corporate Director of Neighbourhoods and Climate Change and the verbal and written representations of the Parish Council and the Applicant. The Committee had also taken into account the Council's Statement of Licensing Policy and Section 182 of the Licensing Act 2003.

Resolved:

That the variation be granted.