

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 5 September 2023 at 1.30 pm**

### **Present:**

**Councillor L Mavin (Chair)**

### **Members of the Committee:**

Councillors I McLean and E Waldock

### **Also Present:**

G Proud (Council's Solicitor)  
H Johnson (Licensing Team Leader)  
R Cohen (Applicant)  
Professor S Forrest (Applicant)  
C Allen (Other Person)

### **1 Apologies for Absence**

Apologies for absence were received from Councillors L Brown and J Howey.

### **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 22 May, 2 June and 19 June 2023 were agreed as correct records and signed by the Chair.

### **5 Application for the grant of a Club Premises Certificate - Durham University, Rushford Court Club, North Road, Durham DH1 4RY**

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

The Licensing Team Leader presented the report of the Corporate Director of Neighbourhoods and Climate Change, to determine an application for the

granting of a Club Premises Certificate in respect of Durham University, Rushford Court Club, North Road, Durham. A copy of the application and location plan had been circulated together with details of the representations received (for copy see file of minutes).

The application requested the Supply of Alcohol for consumption on and off the premises and the provision of Regulated Entertainment indoors from 10.00 am until 11.00 pm Monday to Thursday, from 10.00 am until midnight on Friday and Saturday and from 10.00 am until 10.30 pm on Sundays.

Following mediation with Durham Constabulary, the Applicant added an additional condition to the application:-

- A register of refusals shall be maintained and kept up to date. The register would be available for immediate inspection by Police or authorised officers of the local authority upon request.

During the consultation period, the Licensing Authority received six objections to the application from 'other persons'. One of those objections was later withdrawn. Responses were received from Durham County Council's Environmental Health Department, the Fire Safety Authority and Durham Constabulary all confirming they had no comments to make regarding the application.

The Applicant requested that the Club Premises Certificate be effective from 1 July 2024 should the application be approved.

All parties were given the opportunity to ask questions of the Licensing Team Leader.

Ms Allen, Other Person was invited to address the Sub-Committee. She advised that her property faced the back of Rushford Court and the location was a quiet residential area with no road noise, despite being close to the city centre. It was noted that the area was completely silent from 9.30 pm and noise from the college bar would not be absorbed in the background noise of the city as would normally be expected.

The number of HMO properties in the surrounding area were highlighted and Ms Allen advised that residents were already being disturbed in the early hours in the morning by students returning home from nights out. It was acknowledged that the disturbance may only last for a short period of time, however when woken up it was difficult to go back to sleep. Reporting the issue or phoning the police was impractical as the students would have moved on. She appreciated that students were away from home and would

want to have fun, however this was causing a public nuisance in a quiet residential area.

Ms Allen noted that the Applicant had met with City of Durham Parish Council, however was disappointed that interaction with local residents had not taken place which would have been beneficial before submitting the application. It was noted that the university had committed to the 'Sssh' campaign, however the hours requested on the application were contradictory to the universities commitment and she asked that there be a 10.00 pm cut off which would show consideration for the local residents.

She highlighted another concern in relation to the number of arson incidents at the back of Rushford Court. The Police do not have the capacity to respond to recurring arson incidents and deal with the inevitable issues that would come from approving the application. She reiterated that her objection was in relation to the timing of the licence and asked for a 10.00pm Monday – Sunday cut off which would be a reasonable compromise and would support the residents.

All parties were given the opportunity to ask questions of Ms Allen.

Responding to a query from Councillor E Waldock regarding the off-site sales element of the licence, Ms Allen confirmed that her main concern was the timings of the licence, however she did not understand why there would be a need for off-site sales as local facilities were available close to the university.

The Applicant was then invited to address the Sub-Committee. Mr Cohen highlighted the key points in his representation and advised that the planning permissions associated with the building and the Licensing Act had been reviewed. He highlighted that the requested times were below the times stated in Durham County Council's Licensing Framework.

He advised that prior to submitting the application, discussions were held with the City of Durham Parish Council and clarified that the discussions were in relation to a possible breach of planning conditions, which was later confirmed that this was not the case. He understood residents' concerns, however he hoped to address and mitigate those concerns and provide more information about college bars and the importance of them.

Mr Cohen provided reassurance that the premises would not operate as a nightclub. Durham University opted for the Club Premise Certificate as it would provide greater control and guests would have to be signed in by a registered member.

Following feedback from residents and the City of Durham Parish Council, Mr Cohen significantly restricted the operating schedule and referred to the

activities and timings requested. He noted the main areas of concern were in relation to noise and public nuisance and highlighted that all activities would be indoors only and were in line with Durham County Councils Licensing Framework.

Mr Cohen explained that college bars were separate spaces and universities had to compete to attract students. He noted a number of college bars that were licensed until 02:00 hours, however given the location and being mindful of residents' concerns, he felt it would be better to reduce the operating hours.

In relation to noise mitigation, he felt that closing the premises earlier would not mitigate noise disturbance and could not recall receiving noise complaints from within a premises except for transient noise from outside the area. It was noted that transient noise would increase if students were walking to other college bars in the area or walking to Durham City more often. He acknowledged that transient noise impacted local residents and believed that having facilities on site, would reduce transient noise and controls would be in place for off-sale purchases.

Mr Cohen advised that Durham University was committed to the 'Sssh' campaign and was an integral part of the training which was instilled into students during orientation week. It was noted that students want to have fun and helping them to understand student life and guiding them was very important. He believed that closing the college bar at 10:00pm would result in students going elsewhere which would not be supervised and asked that any conditions considered not be counter intuitive. He referred to the arson incidents and was not aware of any evidence that suggested that college bars created crime and disorder, he felt it was the opposite as college bars were considered to be safer spaces. It was expected that students be allowed to socialise and have fun, however the main focus was to study and the licensing schedule would provide a balance and create less public nuisance.

Professor Forrest added that Durham University was home for students and staff members and college was about fitting into the community, belonging, kindness, consideration and respect. He considered the application to be a modest proposal from experienced professional people who represented students and felt it would be an asset to the community. It was noted that only one complaint had been received from a resident and the issue had been addressed the next morning.

The aim of the college bar was to create a safe space for students to socialise and come together to study, organise small plays, open mic/quiz nights and meet up with friends for coffee. It was noted that the premises would only be available to members of the college community and would be ran by students under the management of a committee structure. Professor Forrest advised that he would be the accountable officer to ensure the premises operated

safely and in accordance with rules imposed. He recognised there was a wide variety of facilities in the city, however felt that colleges provided the basis for the wider commercial environment. He advised that Durham University had established a theatre company and ran volunteering schemes and outreach projects to help vulnerable people in the local community. The university were committed to building relationships with communities and they had high and demanding expectations from students and provided them with the ability to engage with charities, residents and the local community.

All parties were given the opportunity to ask questions of the Applicant.

In response to queries from the Licensing Team Leader regarding a specific 'responsible person', It was noted that Mr Cohen would be responsible for the premises licence and there would be a committee structure which included the Head of the College, Food and Beverage Services Manager, Student Bar Lead and a nominated responsible person who would be a graduate and be employed by the university to manage the premises. The premises would operate a 24/7 duty rota and there would be a physical presence onsite at all times, in addition to the Duty Officer there would be a Principal Officer and Vice-Principal Officer. The process of reporting noise complaints was explained and contact details would be provided to local residents via a mail shot in due course.

Ms Allen believed that there would be issues if the application was granted and asked what controls would be in place to ensure that public nuisance issues do not occur. Mr Cohen explained that education, training and creating links was important and the university provided a facilitator guide which contained information relating to public nuisance. The committee structure had an interest in the wider benefits of college bars which also provided benefit for the local community. The college ethos made it very different from a commercial run bar and the established policies and procedures had proven that they could create a community whereby residents and universities were integrated and able to live in the same space. He believed key issues for residents were transient noise and graduations, not college bars. It was noted that outside space had not been requested and the operating schedule would help retain students onsite, therefore reducing transient noise, whilst allowing students to socialise and have fun without impacting local residents. Professor Forrest agreed that by containing students in their home space would help with transient noise, however recognised the wider issue of addressing noise issues caused by students in HMO properties late at night and welcomed broader discussions and combined efforts in tackling the wider issue.

In response to Ms Allen's comment regarding the lack of consultation with local residents, Mr Cohen explained that there was consultation at the planning stage and accepted on reflection that they could have done more to communicate with residents prior to submitting the licensing application.

Referring to the Applicants explanation regarding transient noise, Ms Allen disagreed and felt that transient noise would still happen and by requesting later operating hours, it would mean that the transient noise would disturb residents at a later time. She reiterated that residents were unable to make complaints due to the inability to provide evidence and in most cases disturbances would last for a few minutes by which time they would have moved on. Professor Forrest understood concerns around transient noise, however he was unsure where the transient noise was coming from and he believed that approving the application would not add to the current issue. He ensured that a clear structure was in place and contact details for complaints during office hours and out of hours would be provided.

Mr Cohen added that they noted residents' concerns and they requested significantly less hours. The operating schedule was within the council's framework and provided a better opportunity for students to remain on site. He added that there had to be a level of license where they could compete with other college bars as student night life had changed, they no longer attend night clubs every night and he felt that transient noise would happen whether a college bar was there or not.

Responding to comments from Councillor L Mavin, Mr Cohen confirmed that students at the college would be members and the Club Premises Certificate provided conditions on the license for guests to be signed in by members. He acknowledged that communication with residents prior to submitting the application would have been beneficial and made that commitment going forward.

All parties were given an opportunity to make a final statement.

At 2.50 pm Councillors L Mavin, I McLean and E Waldock **Resolved** to retire to deliberate the application in private. After re-convening at 3.05 pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change and took into account the written and verbal representations of the Applicant and Other Persons. The Sub-Committee also considered the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**Resolved:**

That the club premises licence be granted, subject to the conditions outlined in the operating schedule and the mandatory conditions under the Licensing Act 2003 as well as the mediated condition agreed with Durham Constabulary.