



**CITY OF DURHAM
PARISH COUNCIL**

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Dear Licensing team,

Re: Application for a new premises licence by Jovial Technologies Limited at Suites 11 and 12 Crossgate Centre Durham. DH1 4HF

With reference to the above licensing application, the City of Durham Parish Council wishes to object to this application under the objectives of public safety, preventing a public nuisance, the protection of children from harm and preventing crime and disorder.

This application is for the sale of alcohol (off the premises) Monday to Sunday 24 hours daily. The license application also includes the delivery of alcoholic beverages between 6.00pm to 2.00am using a mobile application named "Jovi" to a fixed residential address.

It should be noted that the proposed premises is based in a residential area, very near to a nursing home in Crossgate centre and is accessed via a one way route along the cobbled street of Upper Crossgate.

The Parish Council Licensing Committee considered this application at its meeting on 31st January 2020 and feel that, should this application in its current form be granted, it will fail to uphold all of the four licensing objectives. Each of which are addressed in turn.

Prevention of public nuisance

Firstly, it should be noted that this application is in breach of the Durham County Council Licensing Framework hours for this category of premises (i.e. "premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garage") which are 07.00 to 23.30 weekdays and 07.00 to 00.30 on weekends.

The Parish Council is unclear as to why the applicant is requesting permission for the sale of alcohol off the premises Monday to Sunday 24 hours daily. This is in further conflict with the County Council's Licensing Framework hours and causes greater concern regarding the potential for delivery of alcohol after 2am.

Durham is a small, compact city centre with many residential streets in very close proximity to one another. The application seeks permission for delivery of alcohol and the premises is accessed via the cobbled street of Upper Crossgate. A delivery driver entering and leaving the premises until 2.00am on a regular basis will cause an unacceptable public nuisance in the form of noise from the cobbled street.

This not only impacts on nearby residential properties, but also a nearby nursing home and, due to the one-way system, the only way to the Crossgate Centre involves travelling along one of Allergate or Neville Street or South Street and lower Crossgate. The Parish Council is already aware of a large number of complaints regarding noise from cars on cobbled streets in this area and feels that the granting of this application would only exacerbate this issue further in a manner which is unacceptable to local residents and in breach of this licensing objective.

Furthermore, Durham City has a number of Purpose-Built Student Accomodation (PBSAs). The applicant appears to be targeting the student market in Durham city and the prospect of regular deliveries of alcohol to densely populated buildings such as these PBSAs represent an unacceptable public nuisance to students living and studying in these buildings.

In addition to this, the noise from loading the vehicle and banging on the door until 2.00am in order to make delivery of the alcohol adds a further noise nuisance for nearby residents and should not be permitted.

Protection of children from harm

The Parish Council has been made aware of the concern from Durham Constabulary regarding the issue of age verification. This is something which the Parish Council agrees with. With this sort of license, there appears to be little scope to carry out test purchases to ensure that the 'Challenge 25' policy is being implemented. The applicant has also not provided evidence that the delivery driver will keep a log of all times age is needed to be verified.

It is also unclear from the operating schedule how the two-stage verification of age via the Jovi app suggested will actually work and how open this is to misuse.

The application does not include the condition of delivery drivers having to wear a bodycam on exchange of the alcohol. The Parish Council feels that this is imperative in order to retain evidence of age verification having been carried out.

The Parish Council also feels that the likely early evening/ late night disturbance from deliveries will also have a particularly acute impact on children.

Prevention of crime and disorder

It is unclear from the operating schedule whether the deliveries will be carried out by one driver only or whether he/she will be accompanied by a colleague. One individual late at night delivering alcohol is considered extremely vulnerable to crime.

In the operating schedule, the applicant states that they will have a two-way communication to report incidents to the CCTV monitoring centre. Not all areas of Durham are covered by CCTV and therefore this condition does not carry a lot of weight in promoting this licensing objective. Further to this, the lack of a bodycam for the delivery driver also conflicts with this objective.

Public safety

Payment is made prior to the delivery of the alcohol; presumably via the 'Jovi' app. There is no means at the point of transaction via the app (in the same way there is inside a licensed premise) for the licensee to establish whether a customer is a) underage and/ or b) already highly intoxicated and therefore should not be served. This is more difficult to establish when alcohol is simply being delivered to a residential property and potentially late at night/in the early hours of the morning where visibility is reduced. The Parish Council considers this highly unacceptable in terms of public safety and this could lead to a range of public safety issues for the both employees of the applicant and prospective customers.

Furthermore, there is no mention within the operating schedule as to where this alcohol is to be stored. Most alcohols are flammable and therefore, without further details on the storage location and arrangements of the alcohol, it is difficult to ascertain if this represents an unacceptable breach of public safety.

This application should therefore be refused.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council