



**CITY OF DURHAM  
PARISH COUNCIL**

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17 February 2020

Dear Licensing team,

**Application for a new premises license by The Curious Mr Fox Ltd - The Curious Mr Fox,  
Unit 35A-C, The Riverwalk. Durham. DH1 4SJ**

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

The Parish Council wishes to express disappointment firstly at the poor written quality of this application. The fact that the applicant refers to Northumbria Police as opposed to Durham Police throughout and the very limited information provided in sections b,c,d and e of the operating schedule being just two examples of this.

It should be noted that this premises currently has planning permission for use class A3 (Restaurant) only. The premises is based at *the foot of North Road* and sits within the City of Durham Conservation Area. The eastern half of this premises is also along Framwelgate Bridge, which will very soon become part of the World Heritage Site when its boundary is extended.

The premises are situated in an early 19th century building extending over 3 floors connected by what appear on the plans to be 9 flights of steps. There seems to be no lift apart from a dumb waiter. There are 2 large bay windows over the adjacent vennel and numerous windows over North Road and Riverwalk.

The front door opens directly onto the footpath with no internal lobby

This application includes the playing of live and recorded music (indoors) Monday to Thursday until 1.00am, until 2.00am on Fridays and Saturdays and until midnight on Sunday. This application also includes the sale of alcohol (on the premises) Monday to Thursday 9.00am to 1.00am, Friday and Saturday 9.00am to 2.00am and Sunday 10.00am to midnight.

Furthermore, there are already three A4 (Bar) premises within 30 metres of this premises. They are Revolution, the Fighting Cocks and Old Tom's Gin Bar. The Three Bridges is 90

metres away. The upper storeys of Bridge House, opposite this development, are being converted from offices to residential accommodation under the terms of planning permission DM/19/02214/PNC, which includes a requirement for noise mitigation measures to deal with disturbance from these **existing** premises.

The Parish Council Licensing Committee considered this application at its meeting on 14<sup>th</sup> February 2020. In reaching its decision, the Parish Council Licensing Committee had regard to the Licensing Act 2003, the Section 182 Guidance and the County Council's Statement of Licensing Policy 2019 to 2024. The Parish Council Licensing Committee feels that, should this application be granted in its current form, it will certainly fail to uphold all four of the licensing objectives. Each of which is addressed in turn.

### **Prevention of public nuisance**

Firstly, it should be noted that this application is in breach of the County Council's Licensing Framework hours, prescribed within Appendix II of Durham County Council's Statement of Licensing Policy 2019 to 2024 for this category of premises (i.e. "*premises licensed for the sale of alcohol for consumption on and off the premises e.g. pubs, social clubs and nightclubs*") which are 07.00 to 00.00 weekdays and 07.00 to 01.00 on weekends. There seems no sound justification for this premises to be open until the requested time, which extends beyond the framework hours for licensed premises and well beyond any reasonable time for a restaurant and/or bar.

This application causes real concern regarding the potential for public nuisance in the form of late-night noise to local residents. As stated earlier, there are already a number of licensed premises in this small compact area. The Parish Council believes that full consideration should be given to the risk of disturbance to residents and possibly to businesses when the playing of live or recorded music continues late at night and into the early hours of the morning. Music played at the premises should never be played at such a level as customers cannot talk in comfort and all doors and windows must be closed during performance of music, except for access and egress. Glazing on all the windows, particularly the large bays, should reduce noise emission.

There must be posters at the exits requesting patrons to be quiet when leaving the building at closing time.

Furthermore, it is unclear from this application where the external seating referenced in the applicant's operating schedule is going to be located and the Parish Council wishes to have this clarified. Prior to the undertaking of any licensable activities, an outside management policy must be submitted to and approved in writing by the local Environmental Health Department. The policy must aim to identify how the use of the external seating shall be operated so as to minimise the potential for public nuisance. The approved outside management policy must be adhered to at all times that licensable activities are occurring at

the premises and must also form part of staff training. Moreover, additional signage must be provided to remind customers to be considerate of neighbouring residential properties.

Bottle disposals must also not be carried out after 9:30pm or before 07:00am.

### **The prevention of crime and disorder**

This application also includes the sale of alcohol (on the premises) Monday to Thursday 9.00am to 1.00am, Friday and Saturday 9.00am to 2.00am and Sunday 10.00am to midnight. The Parish Council wishes to object to this in the interests of preventing crime and disorder.

Incidents of alcohol-fuelled, late-night crime and disorder and anti-social behaviour are increasing in Durham City (*Durham Constabulary report on alcohol related ASB incidents in Durham City centre, Durham City section data at December 2019*). North Road is well known as a place where anti-social behaviour is prevalent in Durham City. The Parish Council feels that this application being granted in its current form, together with the existing premises based within metres of this site, would further exacerbate this issue. The Parish Council feels that an increase in these sorts of premises; which seek to service a high concentration of people in a small compact area would have a further cumulative impact on crime and disorder taking place.

There is concern that the complex interior layout - with Foxies Club, the Garden Room upstairs and a ground floor bar area all connected by passage ways and several sets of steps - will be difficult to supervise at peak times.

### **Protection of children from harm**

This application includes no reference to the Challenge 25 policy. The Parish Council feels that such a policy is essential in order to prevent under-18s gaining access to age restricted products such as alcoholic beverages. With no such policy proposed to be in place as part of this application, the Parish Council believes that the potential for an individual under 18 being served alcohol will be increased. Subject to the exemption within Section 150(4) of the Licensing Act 2003, all members of staff at the premises must seek credible photographic proof of age from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol on the premises. Such credible evidence shall include a photograph of the customer which will either be a passport, photographic driving licence or proof of age card carrying a PASS logo.

The premises must also operate a record of refusals, either being digital or on paper. Such a record will be available to the Police, Trading Standards and/or the Licensing Authority upon reasonable request.

### **Promoting public safety**

In the absence of details about the how the layout and the total capacity of the building will be managed over 3 floors and all the stairs that have to be negotiated the Committee is

concerned that staffing levels are high and staff are well trained to deal with accidents, anti social behaviour and emergencies. On peak evenings door supervisors will be necessary at closing time to support dispersal of patrons as they and those of adjacent bars seek taxis in this congested area.

In summary: this application involves the large scale redevelopment of a historically significant and sensitively sited building in the city centre.

For all of the reasons above, the Parish Council feels that it should be refused in its current form.

Yours sincerely,

**Adam Shanley**  
**Clerk to the City of Durham Parish Council**