



**CITY OF DURHAM
PARISH COUNCIL**

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Dear Licensing team,

Re: Application to vary a premises licence by Babylon, 13-15 North Road. Durham. DH1 4SH

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

This application seeks permission to add live music to the same hours as recorded music - 9.00am to 2.30am every day, with non-standard timing of 3.00am on the morning British SummerTime begins, with the condition that live music after midnight will only involve DJ performances. In addition, it is proposed that condition 12 at Annex 2 of the license, under Prevention of Crime and Disorder, be removed.

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 fail to uphold three of the four licensing objectives. Each of which are addressed in turn.

Prevention of public nuisance

The prevention of public nuisance is an important licensing objective. Two of the greatest irritations to residents are noise and public nuisance associated with licensed premises. If representations are made, noise and nuisance might preclude the grant of a licence or certificate or, if one has already been granted, could be a ground for review, with a view to the imposition of further conditions or, if the licensing objectives cannot be achieved by such conditions, revocation of the licence or certificate.

When dealing with applications and issuing licences, the Council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas.

Proper consideration should therefore be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

The Parish Council is unclear as to why DJs only are being proposed as the live music offer. While changing the offer to maximise footfall may be acceptable business strategy, the fact that DJs tend to have their own fan base who will travel in numbers to support them suggests there may be more late night activity on North Road with potential for undermining this important objective. Equally, a DJ set is far noisier and less controllable than music played through speakers. This condition is therefore unacceptable and should be removed.

Preventing crime and disorder

Firstly, 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).

The Parish Council is unclear as to why the applicant is seeking permission to remove the following condition from the original license: *“The PLH or DPS will inform Durham Constabulary’s Harm Reduction Unit in writing 14 days prior any event where they expect more than 400 attendees, or should the event be booked at shorter notice then due notification will be given as soon as is reasonably practicable.”* The Parish Council feels that this is essential in promoting this important licensing objective. No information has been provided as to why this condition was attached to the original license and how, if at all, circumstances have changed to permit the removal of this condition.

For the reasons set out above, this application should therefore be refused in its current form.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council