



**CITY OF DURHAM
PARISH COUNCIL**

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Licensing Team
Durham County Council
Annand House
8RP, John Street North
Meadowfield
Durham
DH7 8RS

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

8 September 2021

Dear Licensing team,

Re: Application for a new premises licence by Brewdog, Unit 6 The Waterside Milburngate House Durham DH1 5TL

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 and preventing a public nuisance.

This application seeks permission for the provision of late night refreshment (indoors) Monday to Sunday 11.00pm to 1.00am and for the sale of alcohol (on and off the premises) Monday to Sunday 10.00am to 1.00am. In both cases, from the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

The Parish Council Licensing Committee considered this application at its meeting on 6th September 2021. 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 two 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.

It should be noted firstly that this application is outside the County Council's Licensing Framework for this type of premises (i.e. a premises licensed for the sale or supply of alcohol for consumption on or off the premises). The Council's Framework hours for this type of premises are 07:00 to 00:00 on weekdays and 07:00 to 01:00 on weekends. These 'framework hours' serve to identify those types of premises where the Council will pay particular regard to local factors and the likely effect on the local neighbourhood of carrying out the proposed licensable activities.

The Parish Council is unclear as to why the applicant is seeking permission for the sale of alcohol outside of the framework hours. Needless to say that this causes the Parish Council and local residents serious concerns in relation to the promotion of this important licensing objective. It is therefore imperative that the proposed hours of operation are reduced to the framework hours.

The Parish Council very much welcomes the applicant's commitment to provide notices to the exits of the building requesting customers to leave in a quiet manner. Similarly, the Parish Council is pleased to see that the applicant has a clear dispersal policy in place and hopes that this will be adhered to at all times.

That being the case, this premises is clearly within very close proximity to local residents in the Sidegate part of our Parish. Whilst the applicant states that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance, the Parish Council believes that windows and doors being closed from 10pm as opposed to 11pm (except for access and egress) would conform more closely to this commitment. This has an even greater importance in this part of the City given that the premises location – within the setting of the World Heritage Site and near to the River Wear - is particularly sensitive to excessive noise.

Similarly, the emptying of bins into skips and refuse collections must not take place between 10pm and 8am as opposed to the applicant's proposed 11pm and 7am, this is to avoid any late night disturbance from the tipping of glass bottles.

Public safety

Public safety is an important licensing objective as it is about protecting the safety and even the lives of everyone. It is expected that anyone visiting a licensed venue in the County can do so in complete safety, as they will be visiting premises that have been constructed or adapted with safety in mind.

The Licensing Authority expects that the applicant will detail in their operating schedule the steps that will be taken to promote public safety.

The Parish Council is extremely concerned at the plans submitted by the applicant. There appears to be some obstruction of at least one of the fire exits within the premises, which is completely unacceptable. The Parish Council welcomes the fact that the management of the premises shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations. However, the layout of the premises must be altered prior to the Parish Council being satisfied that the application in its current form promotes this important licensing objective.

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