



**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

20 September 2021

Dear Licensing team,

Re: Application to vary a premises licence by Fat Hippo, 36 Saddler Street. Durham. DH1 3NU

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 crime and disorder and public nuisance.

This application seeks permission for the sale of alcohol (on and off the premises) Monday to Saturday 11.00am to midnight, Sunday 12.00pm to 11.30pm, Christmas Day and Good Friday 12.00pm to 11.30pm and 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 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.

Under section M of the application, the applicant has simply stated **Not Applicable** under actions/ measures to prevent a public nuisance. Clearly no regard has been given to this important objective.

Durham is a small, compact city centre with many residential streets in very close proximity to one another. Furthermore, Durham City has a number of Purpose-Built Student Accommodation (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.

The Parish Council is concerned at the prospect of the delivery of alcohol taking place up until midnight on most days and feels that the off sales part of this application should be limited to 10pm in order to avoid any excessively late night noise disturbance to local residents.

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 or making an order for delivery 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.

If the alcohol is to be delivered by one driver only until late into the night, the Parish Council would have concerns about the safety of this individual and their vulnerability to crime.

The Parish Council would also like to have some further assurances regarding collections of orders from the premises itself. The premises is located in the middle of Saddler Street, within the heart of the City and in a main thoroughfare for pedestrians in the City. The main access route is characterised by narrow footpaths for pedestrians and there is no turning circle on this route. More information is therefore needed regarding how the vehicle (whether car, van or bike) is to travel to and from the premises, park up and pick up the order. Particularly at weekends, Saddler Street can become very crowded with groups of pedestrians on both footpaths and the roadway. Any extra vehicular movements and parking could be a potential hazard. How does the applicant propose to deal with this?

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 feels that this application being granted in its current form would further exacerbate this issue.

Again, the applicant has offered a commitment to promote the prevention of crime and disorder as **Not Applicable**.

Although the Parish Council welcomes the Aide Memoire in all vehicles for all delivery drivers to check age, there is no commitment by the applicant to operate a 'Challenge 25' policy. Equally, the Parish Council does not believe that a self-declaration of age upon making an order is acceptable and should be tightened with a condition to the license. The age of a customer 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 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.

It is unclear from this application whether the applicant is proposing a fast-turn around service such as those offered by companies such as Deliveroo, Uber Eats, etc. and the Parish Council believes that this must be controlled via a condition to the application to ensure that there must be a clearly stated lead in time between order and delivery, as agreed between the applicant and the licensing authority.

Added to this, should the applicant propose to use the services of a (third party) courier service on occasions to facilitate the delivery of alcohol, there is no information in this application to advise what controls the applicant proposes to put in place to ensure that the courier service is complying with the procedures on age verification (e.g. maintaining a log book, Challenge 25, etc.).

There is no commitment from this applicant to ensure that nobody who appears drunk will be served alcohol and it is unclear from this application whether there will be a limit on the number of units of alcohol which may be permitted per order. The website should state not only any minimum purchase required for a delivery but also a maximum (agreed as reasonable between the applicant and the Licensing authority) number of units permitted per transaction.

The operating schedule also seems to suggest that the delivery of the alcohol will be carried out by one driver only. One individual late at night delivering alcohol is considered extremely vulnerable to crime. Presumably alcohol from other orders will also be stored inside the delivery van. It is imperative that the van be locked at all times when the employee is delivering the alcohol.

Finally, authorised staff, employed by Durham Police, must be given free access to all parts of the premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the license and to ensure the promotion of the licensing objectives.

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