

Crossgate Community Partnership
c/o Liz Brown (Trustee)
4 George Street
Nevilles Cross
Durham
DH1 4PA

The Licensing Committee
Durham County Council
PO Box 617
Durham
DH1 9HZ

22nd May 2016

Re. The Basement, 29 Neville Street, Durham DH1 4EY

Crossgate Community Partnership (CCP) is a charity whose objects are:

- To promote the conservation and improvement of the physical and natural environment of Crossgate and the surrounding area in Durham City
- To promote the establishment, continuation and improvement of local amenities
- To build and maintain a strong, safe, healthy and balanced community by encouraging the residents of Crossgate and neighbouring areas to participate in community activities

The May meeting of CCP deputed the undersigned to consider this application in more detail and to object should that be necessary. Having considered the latest information, we do wish to object, for these reasons:

We feel that it contravenes three of the four licensing objectives in that it does not promote the prevention of crime and disorder nor public safety nor the avoidance of public nuisance. As a background to this objection we attach the relevant part of the minutes of the CCP March meeting where it is referred to as "the basement of the Fish Tank". Mr Bimbi attended this meeting with his representative Tim Robson, which at the time we thought very laudable. As you can see from the minutes, what was put to us as the proposal and the application that was submitted are different. The local community are very unhappy that Mr Bimbi was less than honest with us. We could tolerate "The Basement " being a restaurant as it was first described on the 1st March and feel that as such it would only need a licence up to midnight, but we still have reservations.

Our major objection to this application is that of public nuisance. Neville Street is a narrow one way street with the pavement being only 116cm wide outside the Basement entrance. (Appendix 1 attached. This shows the width of the road and the pavement, with Mr Bimbi's green bin further up the street). There are about 120 residents on this street, both permanent and student. A quick poll of these residents has shown that 67 of them (approximately 55%) are against this licence being granted. The six residents of no 28 are particularly affected as there is a basement room abutting the new premises. As you can see from the attached photo (Appendix 2) the street is part of the Durham City CPZ with parking bays directly outside the entrance to the basement. As the applicant has stated that the designated smoking area is to the front of the premises this means that patrons will congregate on the pavement and on the road with consequent noise and disturbance (CCTV does not register noise levels). We note that the application states "any patrons drinkingoutside should do so in an orderly manner." CCP would like to remind the applicant that drinking outside is forbidden in line with the Durham City DPPO. Should you be minded to

grant this application we urge you to impose a condition limiting the noise levels in adjacent buildings and outside. Neville Street acts as a funnel for sound so any excess noise will be amplified due to the layout of the street.

We are also objecting to this application on Environmental Health Grounds. As you can see from the photos (appendix 1 plus appendix 3) the rubbish generated by these premises is stored on the street and the pavement can be blocked by rubbish bags. We are told by a Neville Street resident that this is a long term problem stretching back several years. Mr Bimbi has explained to residents this is because of a dispute with his waste collection service. It would appear that Mr Bimbi is very unfortunate in his choice of waste disposal operatives because apparently his service has not improved over the years. Given this, we cannot foresee the penultimate paragraph under part d) of his submission being followed to the letter.

We are also very unhappy with the evacuation arrangements in the event of a fire. We feel that a metal stairway and a crush of people attempting to escape at the same time endangers public safety. Given that the ground level exits will be constricted by both rubbish bins and parked cars it is perhaps not an exaggeration to say that there are echoes of Hillsborough as the upstairs night club and the takeaway also disgorge into the same area We understand that there is an alternative escape through the ladies toilet and through the ground floor shop (the plan is not clear). This would appear to be inadequate to say the least but we bow to the fire officers' superior knowledge.

Another aspect of public safety also concerns us. Given the use of Neville Street as a short cut for taxis from North Road to Crossgate we are worried about the risk to patrons congregating on the road.

Finally we see that in his application Mr Bimbi has said that these premises will give patrons the "opportunity to enjoy....the ambiance of a basement bar/restearant (sic)". Unfortunately there is no kitchen on his plans, and he stated on March 1st that the three levels of the building will be unconnected (which is not true - e.g. evacuation arrangements), so the food preparation area upstairs will not be used. We (and we presume Environmental Health) would be unhappy about food being transferred from the 'Jumping Bean' café across the road.

As representatives of the local community we have read this application with great interest. We would hope that if a licence is granted it is subject to stringent conditions/requirements and that before the premises opens an inspection takes place to check that all the licensing requirements are in place. We feel it would not be out of order for a representative of Crossgate Community Partnership to accompany the licensing officer on this inspection given that Mr Bimbi has been so eager to engage with local residents. Also given the historical problems regarding licence transfers in Durham City, we would ask that in the event of the property changing hands any licence be non-transferable.

Yours faithfully,

Liz Brown

Ann Evans

Brendan McKeon

For CCP

Appendix 1 Width of road pavement



Appendix 2 Entrance to Basement



Appendix 3 Bin close up, Neville Street



Appendix 4 Extract from March 2016 minutes

4. **Proposal to apply for a licence for the basement of the Fish Tank, Neville Street.**

Tim Robson, now a licensing consultant, introduced the application: building work in is progress underneath the Fish Tank and Stantons Fish and Chip shop. This is an underground space, with no windows, accessed by a flight of stairs. The intention is to run it as a bar with food; there will be music but this is not the primary function. The fire department have set the maximum occupancy at 100, and the plan was to run comfortably below this maximum.

Proprietor Anthony Bimbi described the premises as a historic arched space, older than Neville Street itself, previously serving as a covered vegetable market. He was working closely with the Jumping Bean café opposite, and planned to offer a very similar daytime menu. This would create between 8 and 14 part-time jobs. The opening hours would be less than those of the fish Tank (possibly until 2.00 am rather than 2.30). Rubbish would be bagged and taken out for collection in the morning: the present arrangement with the Durham Company was not satisfactory, and as soon as that contract could be ended, the fish and chip shop would also be transferred to a bag collection system. The three levels of the premises are, and will remain, unconnected. The proposal was for acoustic music, with no drumkits, in keeping with the vegan / alternative food style; the drink on sale would be similar to that at the Head of Steam.