



Special Statutory Licensing Sub-Committee

Date Monday 22 May 2023
Time 1.30 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Application for the grant of a Premises Licence, Bunty's Chip Stop, 18a North Road, Durham, DH1 4SH (Pages 3 - 58)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
12 May 2023

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors R Adcock-Forster, L Brown, C Hunt, E Peeke and
A Watson

Contact: Lucy Gladders **Tel:** 03000 269712

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Statutory Licensing Sub-Committee

22nd May 2023

**Application for the grant of a
Premises Licence**

Ordinary Decision



**Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change**

**Councillor John Shuttleworth, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships**

Electoral division(s) affected:

Elvet and Gilesgate

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for Bunty's Chip Stop, 18a North Road, Durham, DH1 4SH. A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 2 The application requests the granting of a new Premises Licence which was submitted to the Licensing Authority on 3rd April 2023 by Mincoffs Solicitors on behalf of Mr Jatinder Singh Grewal.
- 3 The application requested the following activity:
 - Late Night Refreshment (indoors and outdoors) Monday to Saturday from 23:00 hrs to 03:00 hrs and Sunday from 23:00 hrs to 00:00 hrs. Also, to extend the hours on Sundays proceeding bank holiday to 03:00 hrs.
 - Opening Hours from Monday to Saturday 11:00 hrs to 03:00 hrs and Sunday from 11:00 hrs to 00:00 hrs. Also, to extend the hours on Sundays proceeding bank holiday to 03:00 hrs.
- 4 During the consultation period, the Licensing Authority received one objection to the application from other persons, City of Durham Parish Council.

5 Responses were received from Durham County Council’s Environmental Health, Public Health and Planning Departments, the Durham Safeguarding Children Partnership, County Durham and Darlington Fire Safety Authority and Durham Constabulary all confirming they had no comments to make regarding the application.

Recommendation(s)

6 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.

7 The Sub-Committee is recommended to give appropriate weight to:

- (a) The steps that are appropriate to promote the licensing objectives;
- (b) The representations (including supporting information) presented by all parties;
- (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6;
- (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended December 2022). The relevant parts of the guidance are attached at Appendix 7.

Background

8 Background information

Applicant	Mr Jatinder Singh Grewal	
Type of Application: New Premises Licence	Date received: 3rd April 2023	Consultation ended: 1st May 2023

Details of the application

9 An application for the grant of a new Premises Licence was received by the Licensing Authority on 3rd April 2023. A copy of the application is attached at Appendix 3.

10 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

11 The applicant has proposed the conditions and steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application’s Operating Schedule.

12 The activities requested are as follows:

Licensable Activities	Days & Hours
Late Night Refreshment (indoors and outdoors)	Monday to Saturday 23:00 hrs to 03:00 hrs Sunday from 23:00 hrs to 00:00 hrs Sundays proceeding bank holidays to 03:00 hrs
Open to the public	Monday to Saturday 11:00 hrs to 03:00 hrs Sunday from 23:00rs to 00:00 hrs Sundays proceeding bank holidays to 03:00 hrs

The Representations

13 During the consultation period, the Licensing Authority received one objection from the following other persons:

- City of Durham Parish Council (other persons)

14 The Licensing Authority deemed the objection/representation as relevant, relating to the following licensing objective:

- The Prevention of Public Nuisance

Copies of the objection/representation is attached at Appendix 4.

15 Responses were received from the following Responsible Authorities confirming that they had no comments to make in relation to the application:

- Durham County Council's Environmental Health Department
- Durham County Council's Public Health Department
- Durham County Council's Planning Department
- County Durham and Darlington Fire Safety Authority
- Durham Safeguarding Children Partnership
- Durham Constabulary

Copies of these responses are attached at Appendix 5.

The Parties

16 The Parties to the hearing will be:

- Mr Jatinder Singh Grewal (applicant)
- Mr Matt Foster (applicant agent)
- City of Durham Parish Council (other persons)

Options

17 There are a number of options open to the Sub-Committee:

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;
- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;
- (e) To reject the application.

Main implications

Legal Implications

18 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

Consultation

19 The premises licence application was subject to a 28-day consultation.

See Appendix 1

Conclusion

20 The Sub-Committee is asked to determine the application for the grant of a premises licence in light of the representation received.

Background papers

- Durham County Council's Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022)

Other useful documents

- None
-

Contact: Karen Robson

Tel: 03000 265104

Appendix 1: Implications

Legal Implications

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

Consultation

The premises licence application was subject to a 28 day consultation in accordance with the Licensing Act 2003 and its regulations.

The Responsible Authorities were consulted on the application.

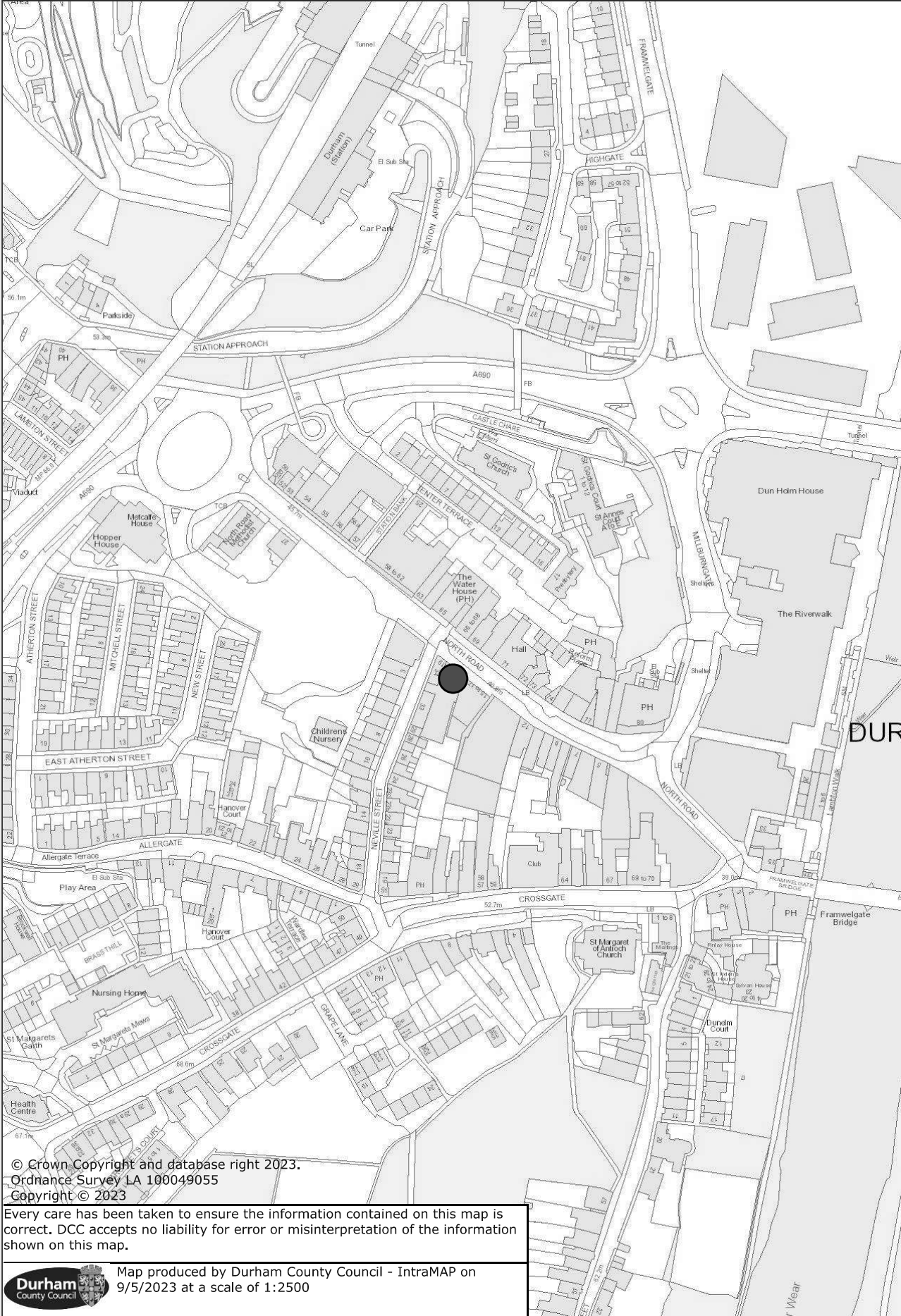
The notice of application was displayed on the premises for a period of 28 days.

Notice of the application was published in a newspaper which was circulated within the vicinity of the premises.

In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

Appendix 2: Location Plan

Durham County Council - IntraMAP



Durham County Council - IntraMAP



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 Ordnance Survey LA 100049055
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.



Map produced by Durham County Council - IntraMAP on
 9/5/2023 at a scale of 1:1250

Appendix 3: Premises Licence Application



* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

MEF/GRE257/1

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Jatinder Singh

* Family name

Grewal

* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Bunty's Chip Stop"/>
Street	<input type="text" value="18a North Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Durham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="DH1 4SH"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/>
* Nationality	<input type="text"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK
Right to work share code if not submitting scanned documents

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

This is the next step in the development of a successful family business. The premises will specialize in takeaway food with both collection and delivery available. The premises runs special offers throughout the week and on particular days. Offers include set meals and packages. There is a small range of soft drinks available in cans and our deliveries include 2 litre bottles.

The premises is located on North Road in Durham, in a busy retail and hospitality area. The area benefits from busy trading through the day with lots of other business and good footfall. The area is also busy on a night, depending on the trading of other nearby premises, particularly a local night club. Some nights are busier than others and it's likely the premises will be busier on those selected nights, including Friday and Saturday, but the operator anticipates that this will be balanced out a little with their delivery business.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Continued from previous page...

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

To extend the hours on Sundays preceding bank holidays to 03:00 for opening and late night refreshment.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes Page 20 No

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

to follow - Mr Grewal is attending a APLH course on the 25th April to then subsequently obtain his Personal Licence

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="03:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

To extend the hours on Sundays preceding bank holidays to 03:00 for opening and late night refreshment.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

As per the Operating Schedule and Conditions attached

b) The prevention of crime and disorder

As per the Operating Schedule and Conditions attached

c) Public safety

As per the Operating Schedule and Conditions attached

Continued from previous page...

d) The prevention of public nuisance

As per the Operating Schedule and Conditions attached

e) The protection of children from harm

As per the Operating Schedule and Conditions attached

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx

* Fee amount (£)

DECLARATION

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Matthew Foster

* Capacity

Applicant's Solicitor

Continued from previous page...

* Date

03	/	04	/	2023
dd		mm		yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	MEF/GRE257/1
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Bunty's Chip Stop, 18a North Road, Durham, DH1 4SH

Operating Schedule and conditions

Hours and Activities

Opening Hours – Monday to Saturday 11:00 to 03:00 and Sunday 11:00 to 00:00

Late Night Refreshment – Monday to Saturday 23:00 to 03:00, Sunday 23:00 to 00:00.

Seasonal Variations –Sundays preceding bank holidays will be extended to 03:00 for opening and late night refreshment

Applicant

Jatinder Singh Grewal (known as Bunty) is an experienced takeaway operator. He has operated Bunty's Chip Stop in Newbiggin Hall, Newcastle for over 30 years. It's a successful premises with a good reputation. This premises in Durham offers the same products but to a different clientele. Durham is a busy City Centre, rather than a predominantly residential area. So, the applicant has approached this business in a slightly different way because he believes the clientele is different and he requires later trading hours.

Premises

This is the next step in the development of a successful family business. The premises will specialize in takeaway food with both collection and delivery available. The food offering is pizza, a fish and chip shop menu, kebabs, wraps, kids meals and sides. The premises runs special offers throughout the week and on particular days. Offers include set meals and packages. Pizzas are 10 and 12 inch, cooked on site with deep dish trays. The chip shop menu runs to fish and chips, burgers, pies, sausages and veggie options. The kebabs are off kebab meat and grilled chicken kebab, and mixed. There is a small range of soft drinks available in cans and our deliveries include 2 litre bottles.

The premises is already operating and trading, and has operated under some temporary events notices already until 03:00, without issue. The operators have not experienced any issues so far in trading and the opening they have already carried out has led to some decisions in terms of this application. Whilst the operators don't believe they need a door supervisor at the premises this is something that they will keep under consideration by risk assessment for the future, because they understand that this might be something necessary in the night time economy. They are confident that they can manage the clientele they have, and even to the later hours they have operated. They will however commit to putting in place a number of measures should this licence application be granted.

The premises will operate an incident book to record any issues during operating, or anything they are aware of that is covered by their CCTV system. They will take a steer from Durham Police in terms of what they are looking to be recorded and reported. They will operate last orders for takeaway from the premises 30 minutes before closure, with delivery operating up to closure. All staff will be trained in conflict management, so they have trained mechanisms to deal with disruptive or abusive/angry customers. This is not something they have experienced in the couple of times they have tested out the later opening times, but something that realistically they will come across trading in the night time economy, particular being close to a nightclub. Managers within the business are going to sit the personal licence course to give them a better understanding of the licensing objectives.

We are alive to the fact that takeaway customers can cause litter issues. Whilst we believe that customers are for the most part pretty responsible and don't just throw their wrappers and containers on the floor, some do. We will place our own bins outside of the premises to make litter disposal easier and at the end of very trading period we will do a litter pick within the immediate vicinity.

Our deliveries are organized through various trading partners. We currently operate using Just Eat, Uber Eats, Deliveroo and Food Hub.

Location

The premises is located on North Road in Durham, in a busy retail and hospitality area. The area benefits from busy trading through the day with lots of other business and good footfall. The area is also busy on a night, depending on the trading of other nearby premises, particularly a local night club. Some nights are busier than others and it's likely the premises will be busier on those selected nights, including Friday and Saturday, but the operator anticipates that this will be balanced out a little with their delivery business.

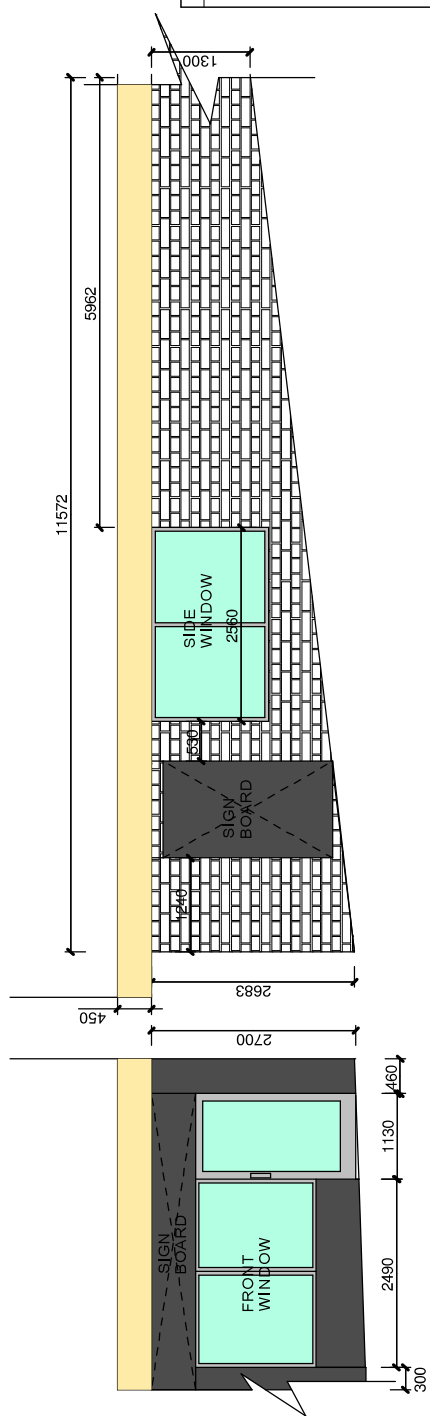
Conditions

1. The premises will operate an incident log, on paper or digitally, that can be inspected by the Police and the Licensing Authority upon providing reasonable notice.
2. All staff at the premises will be trained in conflict management. Records of training will be available for inspection by the Police and the Licensing Authority upon providing reasonable notice.
3. Where the premises is trading until 03:00, the last collection from the premises will be 30 minutes before closure.
4. The premises will place its own bins outside of the premises after 23:00 for collection of litter and fast food packaging.
5. At the cessation of any trading period ending after 23:00, the premises will operate a litter pick within the vicinity of the premises for any litter created by the premises' customers that is identified.
6. A Door supervisor will be employed on a risk assessment basis.
7. A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Durham Police. Such a system shall:-
 - i. be operated by properly trained staff;
 - ii. be in operation at all times that the premises are being used for a licensable activity;
 - iii. ensure coverage of all entrances and exits to the licensed premises internally and externally;
 - iv. ensure coverage of such other areas as may be required by the Licensing Authority and Durham Police;
 - v. provide continuous recording facilities for each camera to a good standard of clarity during the provision of licensable activities. Such recordings shall be retained on disc or otherwise (for a period of 28 days), and shall be supplied to the Licensing Authority or Police Officer on lawful request.

The use of this data by the recipient, acts as an agreement of the following statements. Do not use this data if you do not agree with any of the following statements.

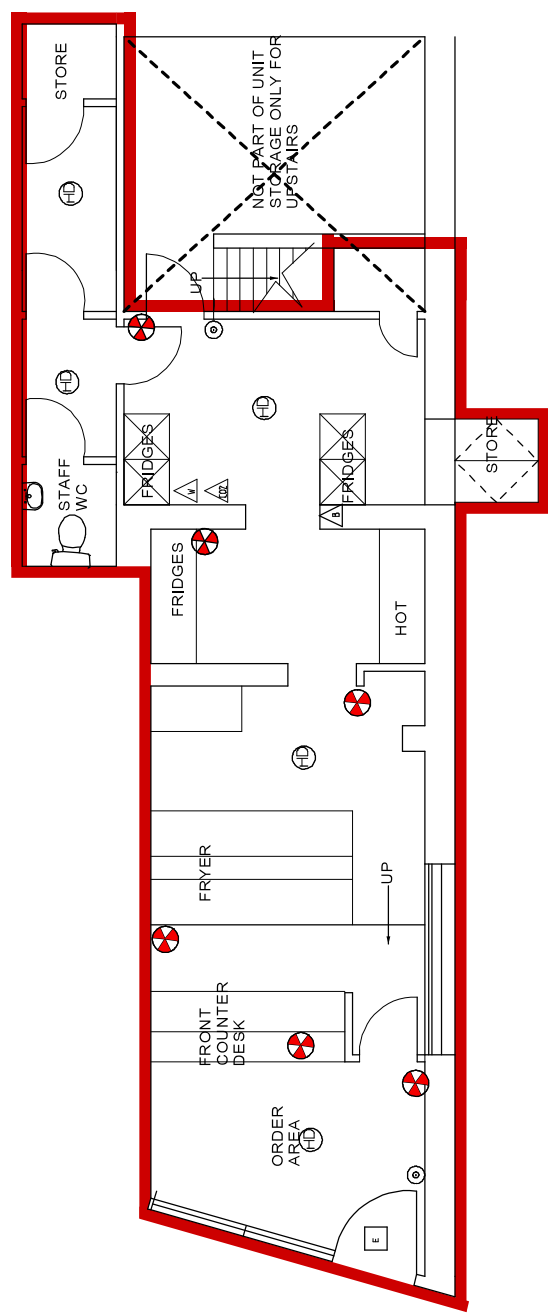
All features are approximate and are subject to clarification by a detailed topographical survey, statutory service enquiries and confirmation of the legal boundaries.

The completed version of this drawing should be viewed in full or not formed, not just or other file formats. Do not scale the drawing, where use the figures dimensions, all dimensions to be checked on site, any discrepancies are to be recorded in writing to the Project Architect/Structural Engineer.



SIDE ELEVATION 1:100

FRONT ELEVATION 1:100



EXISTING PLAN 1:100

FIRE STRATEGY

- AREA COVERED BY HEAT DETECTORS
- INDICATOR PANEL
- 3 HOUR NON MAINTAINED EMERGENCY LIGHT
- 3 HOUR MAINTAINED EMERGENCY LIGHT (on all the time)
- PANIC BOLT
- DRY POWDER EXTINGUISHER 1 (10.5 OR 20.5)
- WATER EXTINGUISHER
- CO2 EXTINGUISHER
- FOAM EXTINGUISHER
- FIRE BLANKET
- FIRE ALARM CALL POINT
- BELL
- ILLUMINATED EXIT SIGN
- EXIT DIRECTIONAL SIGN

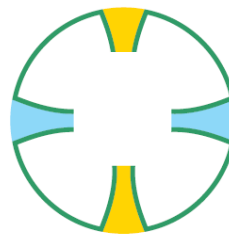
CCTV system

- CCTV CAMERA

RED EDGE BUILDING AREA

Revisions	
Delaval Arms	
ity.com	
micity	
p Shop	
Drawing Title: Existing Plans and Elevations	
Scale: 1:100 A4	
Drg No: 2023-300	
Date: 10/10/22	
Rev.	
Drawn by SAB	

Appendix 4: Representation



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

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

27 April 2023

Dear Licensing team,

Re: Application for the grant of a premises licence for Bunty's 18A 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 objective of preventing a public nuisance.

This application seeks permission for the provision of late-night refreshment (indoors and outdoors) Monday to Saturday 11.00pm to 3.00am, Sunday 11.00pm to midnight, extend the hours on a Sunday preceding Bank Holidays to 3.00am

The Licensing Act 2003 and the Section 182 Guidance (section 8.80) require the applicant to provide the correct postal address for the premises. On a procedural matter, the Parish Council does not believe that the address of this premises, provided at Section 2 of the application form, is correct.

Firstly, Appendix A of this letter is taken from the latest Ordnance Survey data and this has the address of this premises as 17A North Road.

Secondly, this premises (what we believe to be 17A North Road) has been in use as a hot food takeaway since as early as 2013 (Bells, Freddie's and now Bunty's) and the approval of planning application reference 4/13/00060/FPA. If it is the applicant's contention that the correct address for this premises is in fact 18A North Road, then this premises (18A) does not have and nor has it ever had the appropriate planning permission to operate as a hot food takeaway nor a licence to serve food after 11pm (as was the case when Freddie's operated until midnight each Friday and Saturday night).

That matter aside, the Parish Council Planning and Licensing Committee considered this application at its meeting on the 14th April 2023. 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 feels that, should this application be granted in its current form, it will fail to uphold this important

licensing objective, given that it is seeking permission to operate outside the Council's adopted Framework hours for this type of premises (weekdays 01:00am, weekends 02:00am).

Prevention of public nuisance

The prevention of public nuisance is an essential 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.

North Road is in an increasingly residential area, the increase in use of spaces above outlets in the city centre must be welcomed it making the city more attractive to local business and meets many of the council's "green" objectives by reducing the dependence of those living there on the transport infrastructure. However, this does mean that there is an increase sensitivity to noise and litter generated by establishments such as Bunty's and any extension of licensable activities outside framework hours must be resisted to prevent public nuisance.

There are no fewer than 104 residential properties within a 100m radius of the application site and the upstairs of this premises is also in residential use (Listed in Appendix B). The residents of these properties have a reasonable expectation to a quiet night's sleep and therefore allowing this premises to open later and beyond the framework hours would be unconscionable.

Bunty's in Newcastle closes at 8:15pm every night and manages to be a successful business, there is no reason that it could not be a successful business in Durham by keeping within the framework hours.

When determining the planning application for 17A North Road in 2013, the Council rightly recognised the proliferation of residential uses within close proximity of this site and saw fit to limit the hours of operation for this premises accordingly. Presently 17A North Road is only able to operate as a hot food takeaway between the hours of 11:00am to 22:00pm Mondays to Thursdays and 11:00am to 00:00am Fridays and Saturdays. The premises is not permitted to be open on Sundays.

The stated reason for this restriction in 2013 was to protect the local residential amenity of those living within close proximity of the premises. Clearly, the impact of noise and residential amenity were an issue for the Council in 2013 and the Parish Council believes that this restriction must be conformed with.

The Parish Council is unclear as to why the applicant is requesting permission for the additional hours for this premises. This is not only in conflict with the County Council's Licensing Framework hours, the planning conditions for this premises but also the resident led "Shh...11pm-7am" campaign. This application causes real concern regarding the potential of a public nuisance in the form of late-night noise to local residents.

Durham is a small, compact city centre with many residential streets in very close proximity to one another. The Parish Council believes that full consideration should be given to the risk of disturbance to residents. As such, the Parish Council objects to this licence and its proposed operating hours in the interests of preventing a public nuisance.

Within the applicant's operating conditions, the Parish Council is pleased to note that the premises staff will litter pick at the end of the evening, but are concerned that they it appears they will only be picking litter generated by their own customers, outside their own premises, if all licensed premises did this most of the litter would be left behind, but if they all picked up all of the litter outside their premises most of the litter would be picked up and North Road would be a more attractive place to do business. We would respectfully ask they pick all of the litter outside of their premises as per the government's Healthy and Safe Communities Guidance, and as we would ask all similar premises.

For the reasons set out above, this application should therefore be refused in its current form and the licensing hours must be brought in line with the Council's Licensing Framework hours.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council

CC: Mr David Chong, Planning Enforcement Officer at Durham County Council.

Appendix A – Full list of postcode DH1 4SH from the Ordnance Survey Address Base Core file:

KRAVE, 11 NORTH ROAD, DURHAM, DH1 4SH
BRITISH RED CROSS, 12 NORTH ROAD, DURHAM, DH1 4SH
SPECSAVERS OPTICIANS, UNIT 2, 1-4 NORTH ROAD, DURHAM, DH1 4SH
SCOPE, 8 NORTH ROAD, DURHAM, DH1 4SH
LEEDS BLDG SOC, 9 NORTH ROAD, DURHAM, DH1 4SH
ICELAND FOODS PLC, 4-5 NORTH ROAD, DURHAM, DH1 4SH
HAYS TRAVEL LTD, UNIT 5, 1-4 NORTH ROAD, DURHAM, DH1 4SH
BOOTS THE CHEMISTS LTD, 5A-6 NORTH ROAD, DURHAM, DH1 4SH
GREGGS, UNIT 3, 1-4 NORTH ROAD, DURHAM, DH1 4SH
SUBWAY, 10 NORTH ROAD, DURHAM, DH1 4SH
GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
11A NORTH ROAD, DURHAM, DH1 4SH
KWIK TAN, 5 NORTH ROAD, DURHAM, DH1 4SH
7A NORTH ROAD, DURHAM, DH1 4SH
THE PAWSOME CAT CAFE, 7 NORTH ROAD, DURHAM, DH1 4SH
KIOSK ADJACENT TO 7, NORTH ROAD, DURHAM, DH1 4SH
17 NORTH ROAD, DURHAM, DH1 4SH
13-14 NORTH ROAD, DURHAM, DH1 4SH
GROUND FLOOR, 1-4 NORTH ROAD, DURHAM, DH1 4SH
FLOORS 1 TO 3, 1-4 NORTH ROAD, DURHAM, DH1 4SH
15 TO 17, NORTH ROAD, DURHAM, DH1 4SH
STUDIO 1 GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
STUDIO 2 GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
STUDIO 3 GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
STUDIO 4 GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
STUDIO 5 GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
STUDIO 6 GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
STUDIO 7 GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
STUDIO 8 GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
STUDIO 9 GREENLAND STUDIOS, 4-5 NORTH ROAD, DURHAM, DH1 4SH
12A NORTH ROAD, DURHAM, DH1 4SH
12B NORTH ROAD, DURHAM, DH1 4SH
12C NORTH ROAD, DURHAM, DH1 4SH
15A NORTH ROAD, DURHAM, DH1 4SH
BUNTY'S, 17A NORTH ROAD, DURHAM, DH1 4SH
1-4 NORTH ROAD, DURHAM, DH1 4SH
SUPERCUTS, UNIT 4, 1-4 NORTH ROAD, DURHAM, DH1 4SH
COOPLANDS, UNIT 6, 1-4 NORTH ROAD, DURHAM, DH1 4SH
15-17 NORTH ROAD, DURHAM, DH1 4SH
TESCO, 18 NORTH ROAD, DURHAM, DH1 4SH
UNIT 7, 1-4 NORTH ROAD, DURHAM, DH1 4SH
ICELAND, 4-5 NORTH ROAD, DURHAM, DH1 4SH

Appendix B – list of residential dwellings within 100m radius of the application site

0 metres	15 To 17, North Road, Durham, DH1 4SH
25 metres	1, Ruby House, 34 Neville Street, Durham, DH1 4EY
25 metres	12a North Road, Durham, DH1 4SH
25 metres	12b North Road, Durham, DH1 4SH
25 metres	12c North Road, Durham, DH1 4SH
25 metres	2, Ruby House, 34 Neville Street, Durham, DH1 4EY
31 metres	11a North Road, Durham, DH1 4SH
33 metres	69a North Road, Durham, DH1 4SQ
34 metres	72a North Road, Durham, DH1 4SQ
34 metres	Flat At 72, North Road, Durham, DH1 4SQ
37 metres	66a North Road, Durham, DH1 4SQ
37 metres	66b North Road, Durham, DH1 4SQ
37 metres	66c North Road, Durham, DH1 4SQ
39 metres	27-28 Neville Street, Durham, DH1 4EY
42 metres	26 Neville Street, Durham, DH1 4EY
42 metres	4a Neville Street, Durham, DH1 4EY
42 metres	4b Neville Street, Durham, DH1 4EY
43 metres	19b North Road, Durham, DH1 4SG
43 metres	19c North Road, Durham, DH1 4SG
43 metres	First Floor, 76 North Road, Durham, DH1 4SQ
46 metres	19a North Road, Durham, DH1 4SG
48 metres	25 Neville Street, Durham, DH1 4EY
48 metres	7 Neville Street, Durham, DH1 4EY
50 metres	7a North Road, Durham, DH1 4SH
51 metres	8 Neville Street, Durham, DH1 4EY
52 metres	24 Neville Street, Durham, DH1 4EY
52 metres	77b North Road, Durham, DH1 4SQ
52 metres	77c North Road, Durham, DH1 4SQ
52 metres	77e North Road, Durham, DH1 4SQ
56 metres	58b Crossgate, Durham, DH1 4PR
56 metres	9 Neville Street, Durham, DH1 4EY
56 metres	Flat 1, Reform Place, North Road, Durham, DH1 4RZ
56 metres	Flat 2, Reform Place, North Road, Durham, DH1 4RZ
57 metres	77a North Road, Durham, DH1 4SQ

58 metres	77d North Road, Durham, DH1 4SQ
59 metres	Flat 1, 64b North Road, Durham, DH1 4SQ
59 metres	Flat 2, 64b North Road, Durham, DH1 4SQ
60 metres	23a Neville Street, Durham, DH1 4EY
61 metres	23b Neville Street, Durham, DH1 4EY
61 metres	23c Neville Street, Durham, DH1 4EY
63 metres	10 Neville Street, Durham, DH1 4EY
65 metres	58a Crossgate, Durham, DH1 4PR
65 metres	Flat 3, 63 North Road, Durham, DH1 4SQ
65 metres	Flat 4, 63 North Road, Durham, DH1 4SQ
65 metres	Flat 5, 63 North Road, Durham, DH1 4SQ
67 metres	11 Neville Street, Durham, DH1 4EY
68 metres	12 Neville Street, Durham, DH1 4EY
71 metres	13 Neville Street, Durham, DH1 4EY
71 metres	25 Tenter Terrace, Durham, DH1 4RD
71 metres	56 Crossgate, Durham, DH1 4PR
71 metres	The Undercroft, 25a Tenter Terrace, Durham, DH1 4RD
72 metres	23 Neville Street, Durham, DH1 4EY
72 metres	54 Crossgate, Durham, DH1 4PR
74 metres	16 Tenter Terrace, Durham, DH1 4RD
74 metres	16a Tenter Terrace, Durham, DH1 4RD
75 metres	15 Tenter Terrace, Durham, DH1 4RD
75 metres	56a Crossgate, Durham, DH1 4PR
75 metres	57b Crossgate, Durham, DH1 4PR
76 metres	14 Tenter Terrace, Durham, DH1 4RD
76 metres	17 Tenter Terrace, Durham, DH1 4RD
77 metres	55 Crossgate, Durham, DH1 4PR
77 metres	Studio 1 Greenland Studios, 4-5 North Road, Durham, DH1 4SH
77 metres	Studio 2 Greenland Studios, 4-5 North Road, Durham, DH1 4SH
77 metres	Studio 3 Greenland Studios, 4-5 North Road, Durham, DH1 4SH
77 metres	Studio 4 Greenland Studios, 4-5 North Road, Durham, DH1 4SH

77 metres	Studio 5 Greenland Studios, 4-5 North Road, Durham, DH1 4SH
77 metres	Studio 6 Greenland Studios, 4-5 North Road, Durham, DH1 4SH
77 metres	Studio 7 Greenland Studios, 4-5 North Road, Durham, DH1 4SH
77 metres	Studio 8 Greenland Studios, 4-5 North Road, Durham, DH1 4SH
77 metres	Studio 9 Greenland Studios, 4-5 North Road, Durham, DH1 4SH
78 metres	59 Crossgate, Durham, DH1 4PR
78 metres	Tenter Chambers A, 58-62 North Road, Durham, DH1 4SQ
79 metres	14 Neville Street, Durham, DH1 4EY
79 metres	22 Neville Street, Durham, DH1 4EY
80 metres	13 Tenter Terrace, Durham, DH1 4RD
80 metres	Tenter Chambers B, 58-62 North Road, Durham, DH1 4SQ
81 metres	63b Crossgate, Durham, DH1 4PR
82 metres	12 Tenter Terrace, Durham, DH1 4RD
82 metres	15 Neville Street, Durham, DH1 4EY
83 metres	21 Neville Street, Durham, DH1 4EY
83 metres	57a Crossgate, Durham, DH1 4PR
84 metres	54a Crossgate, Durham, DH1 4PR
86 metres	11 Tenter Terrace, Durham, DH1 4RD
86 metres	16 Neville Street, Durham, DH1 4EY
86 metres	20 Neville Street, Durham, DH1 4EY
87 metres	66 Crossgate, Durham, DH1 4PR
88 metres	64 Crossgate, Durham, DH1 4PR
88 metres	64a Crossgate, Durham, DH1 4PR
89 metres	10 Tenter Terrace, Durham, DH1 4RD
89 metres	53a Crossgate, Durham, DH1 4PR
89 metres	63a Crossgate, Durham, DH1 4PR
89 metres	Top Flat, 65 Crossgate, Durham, DH1 4PR
90 metres	65a Crossgate, Durham, DH1 4PR
92 metres	17 Neville Street, Durham, DH1 4EY

92 metres	51 Crossgate, Durham, DH1 4PY
93 metres	9 Tenter Terrace, Durham, DH1 4RD
94 metres	52 Crossgate, Durham, DH1 4PY
96 metres	18 Neville Street, Durham, DH1 4EY
96 metres	8 Tenter Terrace, Durham, DH1 4RD
100 metres	67-68 Crossgate, Durham, DH1 4PR
100 metres	67a Crossgate, Durham, DH1 4PR
100 metres	Apartment E, St Annes Court, Castle Chare, Durham, DH1 4TZ

Appendix 5: Responsible Authority Responses

From: Kelly Gilmore-Craze
Sent: 24 April 2023 11:31
To: Kelly Watson - Licensing Assistant (N'hoods)
Subject: RE: New Premises Licence Application Received - Bunty's Chip Shop - 18A North Road, Durham, DH1 4SH

Follow Up Flag: Follow up
Flag Status: Flagged

MEMO



To: Ms Kelly Watson
Licensing Services

From: Mrs Kelly Gilmore-Craze
Neighbourhoods and Climate Change

Date: 24 April 2023

Re: **Licensing Application New premises licence application
Bunty's Chip Shop, 18a North Road Durham DH1 4SH**

With reference to the above licensing application received on 3 April 2023.

I have assessed the application with reference to the prevention of public nuisance licensing objective and would confirm I have no objection to raise in relation to the granting of the above Premise Licence.

Kind Regards,

Kelly Gilmore-Craze
Senior Environmental Health Officer
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

From: Public Health
Sent: 03 April 2023 15:51
To: Helen Johnson - Licensing Team Leader (N'hoods); AHS Licensing
Cc: Kelly Watson - Licensing Assistant (N'hoods)
Subject: FW: 0306 New Premises Licence Application Received - Bunty's Chip Shop - 18A North Road, Durham, DH1 4SH
Attachments: Application pdf.pdf; Plan.pdf; Additional Info & Conditions .pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Colleagues,

I represent the County Durham Public Health which is a responsible authority under the licensing act. I have received a copy of the application for a premises licence at Bunty's Chip Shop - 18A North Road, Durham, DH1 4SH

Public Health believes the applicant approaches this application as a responsible licensee and we will be writing to them to consider implementing the following actions:

Off license

- Chief Medical Officer (CMO) guidance on alcohol related health is displayed in at least one prominent point on the shop floor or point of sale. (We will supply the information in a A4 / A5 poster / point of sale)
- Unit information is displayed in the alcohol aisle
- Alcohol will not be displayed adjacent to, or beside products aimed at children.

On-license

- Ensuring free (tap) water is available and the offer is visible to customers. There is a mandatory condition on all on-licences to provide free water on request to customers, we would like to see this as a visible offer.
- Chief Medical Officer (CMO) guidance on alcohol related health is displayed in at least one prominent point per floor, in the premises. (We will supply the information in a A4 / A5 poster).
- Unit information (and calorie data if available) is displayed on any drink menu available (effective from the next reprint of menu).
- Any food or drink vending offer on the premises to include competitively priced healthy options.

***** For consideration in all applications******

Restaurants or food offer in on-license premises

- Menu to display calories per portion information for all food offers (effective from the next reprint of menu).
- Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day from food and drink, men should aim for 2,500 calories to maintain a healthy weight).
- Menu to display food allergen information and comply with food labelling guidance (www.gov.uk/food-labelling-and-packaging)
- Menu to offer smaller / half portions (this doesn't have to be half price)
- Salt and pepper (& other condiments) available upon request rather than always on the table.

Below is mostly for takeaways and shops serving hot food beyond 11.30pm

Late night refreshment

- Menu or point of sale to display calories per portion information for all food offers (effective from the next reprint of menu if appropriate).
- Menu or point of sale to offer at least one clear and stated, 'healthy option' and to be priced competitively.

- Menu or point of sale to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day from food and drink, men should aim for 2,500 calories to maintain a healthy weight).
- Menu or point of sale to display food allergen information and comply with food labelling guidance (www.gov.uk/food-labelling-and-packaging)
- Menu or point of sale to offer smaller / half portions (this doesn't have to be half price)
- Salt and pepper (& other condiments) available upon request rather than always on the counter or dispensers designed in such a way as to not over dispense.

These suggestions are based on local consultation with partners and Public Health England in an effort to raise the health intelligence of individuals and to contribute to the health of our communities and to reduce the impact of alcohol health harms. All suggested actions are included in the County Durham Statement of Licensing Policy 2019/24.

My Ref: PH/2022/0306

Contact: Allan Fenwick
Direct Tel:
Fax:
email:
Your ref:
Our ref: CON28/23/00910



Kelly Watson

11/04/2023

For the Attention of Ms K Watson

Proposed Development **New Premises Licence**
Location **18A, North Road, Durham City, County Durham, DH1 4SQ**

I write further to your recent consultation submitted to and received by the Local Planning Authority on 04 April 2023 in respect of the above development.

As requested, based upon the information provided I can confirm the Local Planning Authority offers no objection to the *Application for a Premises Licence* as legislated under the *Local Government Act 2003* given the premises (*Bunty's Chip Stop*) appears to relate to a commercial/retail unit within the designated *Conservation Area of Durham City*.

However, given the lack of planning history available the Local Planning Authority would encourage the *Applicant/Owner* to submit an *Informal Enquiry* in an effort to establish whether *Planning Permission* would be required or not and indeed supported or not for any formal *Change of Use* of the premises.

At the same time, the Local Planning Authority would also encourage the *Applicant/Owner* to submit an *Informal Enquiry* in an effort to establish whether *Advert Consent* would be required or not and indeed supported or not for any subsequent new signage.

The forms and guidance notes may be found at <http://www.durham.gov.uk/article/8280/Planning-advice-and-enquiries>

Continued...

Regeneration, Economy and Growth

Durham County Council, Central and East, Room 4/86-102, County Hall, Durham, DH1 5UL
Main Telephone: 03000 262 830

Please note the information provided within this correspondence contains informal officer advice made for guidance purposes only and cannot prejudice any future decision of the Local Planning Authority.

I trust this information is of value, however, should you require any further information please do not hesitate to contact me direct.

Yours faithfully

Allan Fenwick
Planning Services

From: Amy Davison
Sent: 04 April 2023 10:16
To: Kelly Watson - Licensing Assistant (N'hoods)
Subject: New Premises Licence Application Received - Bunty's Chip Shop - 18A
North Road, Durham, DH1 4SH

Attachments: CFR4E68.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I acknowledge your application dated 03-04-2023 for a Premises Licence under the Licensing Act 2003 in respect of the above named premises.

No representations will be made to the Licensing Authority subject to the Responsible Person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

Many thanks,

Amy Davison

Business Fire Safety Officer

County Durham and Darlington Fire and Rescue Service

Mobile:



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From: DSCP Secure
Sent: 05 April 2023 15:25
To: Kelly Watson - Licensing Assistant (N'hoods)
Subject: RE: New Premises Licence Application Received - Bunty's Chip Shop - 18A North Road, Durham, DH1 4SH
Attachments: Buntys Chip Stop - no objections - 050423.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kelly,

Please find attached the response from DSCP.

With best wishes,

Tracy

Tracy Maratty
Administration Officer
Durham Safeguarding Childrens Partnership
Durham County Council
Room 4/129
County Hall
Durham
DH1 5UG

From: Licensed Economy Team
Sent: 20 April 2023 12:04
To: Kelly Watson - Licensing Assistant (N'hoods)
Subject: FW: New Premises Licence Application Received - Bunty's Chip Shop -
18A North Road, Durham, DH1 4SH
Attachments: Application pdf.pdf; Plan.pdf; Additional Info & Conditions .pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hi

No objection from Durham Constabulary

Thanks

A/Sgt Iain Robertson
Licensed Economy Team
Durham Constabulary

Appendix 6: Statement of Licensing Policy

7.3 Prevention of Public Nuisance - Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping near the premises.

The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The **council will expect** applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the **applicant will be expected** to offer measures designed to minimise its impact on residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used or appropriate signage requesting customers to consider residents and monitoring of such areas by staff.

The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway, relevant authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, the use of tables and chairs outside may be allowed however, the **council will normally expect** them to be removed before the premises close, and any resulting litter/debris cleared away.

Applicants should consider reducing potential noise nuisance by, for example (this list is not exhaustive):

- Assessment of likely noise levels in the premises
- Assessment of likely noise levels if outdoor drinking is allowed
- The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation)
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises)
- Dispersal of patrons – where necessary the council will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits
- Ways to limit noise / disorder from patrons leaving the premises

The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

Applicants are advised to seek advice from Durham County Council's Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

Takeaways and fast-food outlets - The council expects takeaways and late-night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

Important note: The council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the night time economy but without the same framework around them, e.g. pubwatch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

From a health perspective, obesity levels are rising nationally and locally; without action the health of the population will continue to suffer. Responsible licensees can support the ‘Working toward a healthy weight in County Durham’ goals and the council would see the following steps as a contribution to reducing health harms and health inequalities:

- Menu to display calories per portion information for all food offers.
- Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day for men it's 2,500).
- Menu to offer smaller / half portions.
- Salt and pepper available upon request rather than always on the table

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

Appendix II Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises

Category of Premises	Weekdays*	Weekends*	Bank Holidays*
Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises with licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g. takeaways	01.00	02.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)

* **NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

Appendix 7: Section 182 Guidance

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive

period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.