



**DARLINGTON**

Borough Council

# Licensing Act 2003 Sub Committee Agenda

9.30 am

Wednesday, 20 September 2023

Council Chamber, Town Hall, Darlington

**Members of the Public are welcome to attend this Meeting.**

1. Election of Chair
2. Introductions/Attendance at Meeting
3. Declarations of Interest
4. Application for Premises Licence - 14-15 Post House Wynd, Darlington –  
Report of the Group Director of Services  
(Pages 3 - 52)
5. EXCLUSION OF THE PUBLIC AND PRESS –  
To consider the exclusion of the Public and Press :-

**RECOMMENDED** – That pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part 1 of Schedule 12A of the Act.



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Tuesday, 12 September 2023**

**Town Hall**  
**Darlington.**

**Membership**

Councillors Kane, Lawley and K Nicholson

If you need this information in a different language or format or you have any other queries on this agenda please contact Hannah Miller, Democratic Officer, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: [hannah.miller@darlington.gov.uk](mailto:hannah.miller@darlington.gov.uk) or telephone 01325 405801

FOR CHAIR AND MEMBERS  
OF THE LICENSING SUB COMMITTEE  
20 SEPTEMBER 2023

## APPLICATION FOR PREMISES LICENCE

**Applicant:** ZURI INDIAN RESTAURANT Ref No: LAPREM00509/23  
LTD

**Premises:** 14-15 POST HOUSE WYND  
DARLINGTON  
DL3 7LU

**Requested Licensable Activities** SALE OF ALCOHOL FOR CONSUMPTION ON AND OFF PREMISES;  
PROVISION OF LATE NIGHT REFRESHMENT (LNR), INDOORS AND TAKE AWAY;  
TO PLAY RECORDED MUSIC INDOORS

**Requested Hours:** 12:00 to 24:00 EVERY DAY (ALCOHOL)  
12:00 to 24:00 EVERY DAY (LNR)  
12:00 to 24:00 EVERY DAY (RECORDED MUSIC)

**Premises opening hours** 12:00 to 24:00 EVERY DAY

### Notification to Responsible Authorities: 2 AUGUST 2023

Police  
Environmental Health  
Public Health  
Licensing Authority  
Fire  
Trading Standards  
Health and Safety  
Planning  
Safeguarding  
Home Office Immigration

**Information on Council's Website: 2 AUGUST 2023**

**Advertisement in Northern Echo: 7 AUGUST 2023**

### LEGISLATION:

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four Licensing Objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State. The Licensing Authority may depart from its own Policy or the Secretary of State's Guidance if it has good cause but must be able to give full reasons for such a departure.

An applicant for a premises licence is required to advertise the application in a prescribed manner and representations may be made to the relevant licensing authority about the application.

The applicant is also required to give notice of the application to each responsible authority, as defined by section 13 of the Act, who may make representations.

## DESCRIPTION OF PREMISES

The applicants company has described the premises as:

*"A restaurant situated in the heart of Posthouse Wynd, Darlington, to provide hot food a dining of Indian and Bangladeshi cuisine and alcohol and cold beverages at the premises".*

## THE APPLICATION

On the 1 August 2023 an application was made by the applicants company, Zuri Indian Restaurant Ltd, in accordance with Section 17 of the Licensing Act 2003 for the premises to supply alcohol for consumption on and off the premises; the provision of late night refreshment to take place indoors, and to takeaway; and to play recorded music indoors. A copy of this application and plan of the premises is at **Appendix 1**. All Responsible Authorities received a copy of the application and it was properly advertised both in the press and on the premises.

## THE REPRESENTATIONS

On the 24 August 2023, the Licensing Department received representations from the fire service, as a responsible authority, in relation to this application. These representations were based on the public safety objective being undermined.

In summary, following a fire safety audit, a safety officer was of the opinion that there were contraventions of the Regulatory Reform (fire Safety) Order 2005:

- Article 9 - No fire safety risk assessment had been carried out
- Article 14 - There was insufficient emergency exit provision
- Article 17 - Fire detection and warning system insufficiently maintained

These representations have been reproduced in full at **Appendix 2**.

On the 25 August 2023 the fire service also responded to the applicant outlining their concerns in a letter, which is at **Appendix 3**.

## THE APPLICANT'S RESPONSE

On the 29 August 2023, the applicant was informed that formal representations had been made to their licence application by fire and provided with a copy of those representations. On 31 August the applicant responded with an update:

- Article 9 - A risk assessment checklist has been obtained and is to be completed
- Article 14 - Fire exit signs have been installed
- Article 17 - They will contact a fire alarm specialist to check the system and install updates

This response is reproduced in full at **Appendix 4** to this report.

On the 4 September 2023 the fire service e-mailed the applicant highlighting points that had still not been addressed to their satisfaction. The content of this e-mail is reproduced at **Appendix 5**.

At the time of writing this report, there has been no further contact from the applicant and no indication that all the issues raised by fire have been rectified to a satisfactory standard.

## ADDITIONAL INFORMATION

No representations were made by other responsible authorities or people likely to be affected by the application. Suitable conditions were agreed between the applicant and police for its operating schedule.

Relevant information from Darlington Borough Councils Licensing Policy on public safety is at **Appendix 6**.

Relevant information from Section 182 Guidance to the Licensing Act 2003, last updated in July 2023 is at **Appendix 7**.

## MEMBERS' OPTIONS

Members may consider the following options:

1. **Grant** the application subject to the mandatory conditions and any additional conditions agreed between the fire service and applicant
2. Place any **additional conditions** on the licence that Members consider are necessary to address any concerns relating to, the prevention of crime and disorder, the prevention of public nuisance, public safety and protection of children from harm.
3. **Reject** all or part of the application

Members are reminded that any aggrieved party (ie Applicant Company or Fire) may appeal any decision of the Licensing Sub Committee to the Magistrates' Court.

**Dave Winstanley**  
**Director of Group Services**

Contact Officer: Colin Dobson  
X 5988

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**For admin use only:**  
**Sub Committee Decision:**

**GRANT ALL/PART OF APPLICATION/REJECT ALL/PART OF APPLICATION/ PLACE CONDITIONS**  
**Reasons:**

**Appendix 1** - Application and premises plan

**Appendix 2** - Representations made by fire

**Appendix 3** - Letter sent to applicant by fire

**Appendix 4** - Response to representations by applicant

**Appendix 5** - Further response from fire

**Appendix 6** - Licensing Policy on Public Safety

**Appendix 7** - Relevant Section 182 Guidance

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## APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

ZURI INDIAN RESTAURANT LTD

I/We

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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**

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 14-15 POSTHOUSE WYND			
<b>Post town</b>	DARLINGTON	<b>Postcode</b>	DL3 7LU
Telephone number at premises (if any)		07761663233	
Non-domestic rateable value of premises		£ 70,000	

## Part 2 - Applicant details

- Please state whether you are applying for a premises licence as
- Please tick as appropriate  
please complete section (A)
- a) an individual or individuals \*
- b) a person other than an individual \*
- i as a limited company/limited liability partnership  please complete section (B)
- ii as a partnership (other than limited liability)  please complete section (B)
- iii as an unincorporated association or  please complete section (B)
- iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
<b>Nationality</b>					
Current residential address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
<b>Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>			I am 18 years old or over <input type="checkbox"/>		Please tick yes
<b>Nationality</b>					
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					
<b>Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	ZURI INDIAN RESTAURANT LTD
Address	14-15 POSTHOUSE WYND, DARLINGTON DL3 7LU
Registered number (where applicable)	1424919136
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	07761663233
E-mail address (optional)	ZURIHOUSE15@GMAIL.COM

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
10	09	2023

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)  
A RESTAURANT SITUATED IN THE HEART OF POSTHOUSE WYND DARLINGTON. TO PROVIDE HOT FOOD A DINING OF INDIAN AND BANGLADESHI CUISINE AND ALCAHOL AND COLD BEVERAGES AT THE PREMISES.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)
- h) **Provision of late night refreshment** (if ticking yes, fill in box I)
- Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**State any seasonal variations for indoor sporting events** (please read guidance note 5)

**Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list** (please read guidance note 6)



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur								
Fri						<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat								
Sun								

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon	12.00	24.00	RECORDED MUSIC TO BE PLAYED AT A MODERATE VOLUME WHILE CUSTOMERS ARE WELCOME TO DRINK, DINE IN AT A TABLE MUSIC WILL PLAY FROM THE TV OR YOUTUBE, CD PLAYER		
Tue	12.00	24.00			
Wed	12.00	24.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur	12.00	24.00			
Fri	12.00	24.00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	12.00	24.00			
Sun	12.00	24.00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)  REFRESHMENTS WILL BE PROVIDED TO CUSTOMERS DINING IN, TO PROVIDE A COLLECTION SERVICE TO TAKE FOOD AWAY.		
Mon	12.00	24.00			
Tue	12.00	24.00			
Wed	12.00	24.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	12.00	24.00			
Fri	12.00	24.00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	12.00	24.00			
Sun	12.00	24.00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5)		
Mon	12.00	24.00			
Tue	12.00	24.00			
Wed	12.00	24.00			
Thur	12.00	24.00			
Fri	12.00	24.00			
Sat	12.00	24.00			
Sun	12.00	24.00			
			<b><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name	TO BE CONFIRMED
<b>Date of birth</b>	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

NO ENTERTAINMENT

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	12.00	24.00	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>
Tue	12.00	24.00	
Wed	12.00	24.00	
Thur	12.00	24.00	
Fri	12.00	24.00	
Sat	12.00	24.00	
Sun	12.00	24.00	



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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

I HAVE THE REQUIRED FIRE SAFETY MEASURES IN PLACE, FIRE EXITS FIRE EXTINGUISHER  
FIRE BLANKET. BRIGHT LED LIGHTS ENERGY EFFICIENT TO DETER CRIMINAL OFFENCES.  
FREE SUPPLY OF WATER TO CUSTOMERS AND STAFF. PROMOTING NON ALCAHOLIC DRINKS.  
AGE VERIFICATION, SMALL ALCAHOL MEASURES. SUFFICIENT STAFF AT ALL TIMES.  
  
TO KEEP A RECORDED INCIDENT DIARY.

**b) The prevention of crime and disorder**

USE OF CCTV SYSTEM EASE OF SUPPLYING FOOTAGE IF NEEDED TO THE POLICE OR  
COUNCIL VIA EMAIL OR USB. EMPLOYING COMPETENT STAFF. TRAINING OF REPORTING  
A CRIME ACCORDINGLY. SMALL ACOHOL MEASURES

**c) Public safety**

APPROPRIATE FIRE SAFETY PROCEDURE IN PLACE INCLUDING FIRE EXTINGUISHERS, FIRE  
BLANKETS AND ILLUMINATED FIRE EXIT SIGNS.

**d) The prevention of public nuisance**

A POSTER DESIGNED TO ASK CUSTOMERS, TO LEAVE APPROPRIATELY AND QUIETLY, HAVING  
REGARDS TO NEIGHBOURING PREMISES.

**e) The protection of children from harm**

AGE VERIFICATION WILL BE ASKED TO UNDER THE AGE LIMIT, FOR PHOTOGRAPHIC I.D.  
SUCH AS PASSPORT, DRIVING LICENSE OFFICIAL I.D CARD, ALL BEARING PHOTO I.D  
EMPLOYEES TO BE TRAINED ON UNDERAGE SALES PREVENTATION. A REGISTER OF  
REFUSED SALES TO BE KEPT ON PREMISES.

**Checklist:  
agreement**

**Please tick to indicate**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

**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.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12).  
**If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15).</li> </ul>
Signature	ABU BAKOR RAJU
Date	31ST JULY 2023
Capacity	DIRECTOR

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
37 NORTHLIDGE TERRACE, DARLINGTON			
Post town	DARLINGTON	Postcode	DL3 6LY
Telephone number (if any)	07761663233		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
ZURHOUSE15@GMAIL.COM			

## Notes for Guidance

1. Describe the premises, 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.
2. 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:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - 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.
    - 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.
    - 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.
    - 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:
    - 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.
    - 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.
    - 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.
  - 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:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - 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;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the 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.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please 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.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please 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 or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.
  15. **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.
- 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 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, 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.

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.

**Consent of individual to being specified as premises supervisor**

I \_\_\_\_\_  
*[full name of prospective premises supervisor]*

of  
*[home address of prospective premises supervisor]*

hereby confirm that  
I give my consent  
to be specified as  
the designated  
premises \_\_\_\_\_  
supervisor in relation to the application for  
*[type of application]*

by \_\_\_\_\_  
*[name of applicant]*

relating to a premises licence \_\_\_\_\_  
*[number of existing licence, if any]*

for  
*[name and address of premises to which the application relates]*

\_\_\_\_\_



and any premises licence to be granted or varied in respect of this application made by

*[name of applicant]*

concerning the  
supply of alcohol at

*[name and address of  
premises to which  
application relates]*

I also confirm that I  
am entitled to work  
in the United  
Kingdom and am  
applying for, intend  
to apply for or  
currently hold a personal licence, details of which I set out below.

Personal licence number

*[insert personal licence  
number, if any]*

Personal licence issuing authority

*[insert name and  
address and telephone  
number of personal  
licence issuing authority, if any]*

Signed

Name (please print)

Date

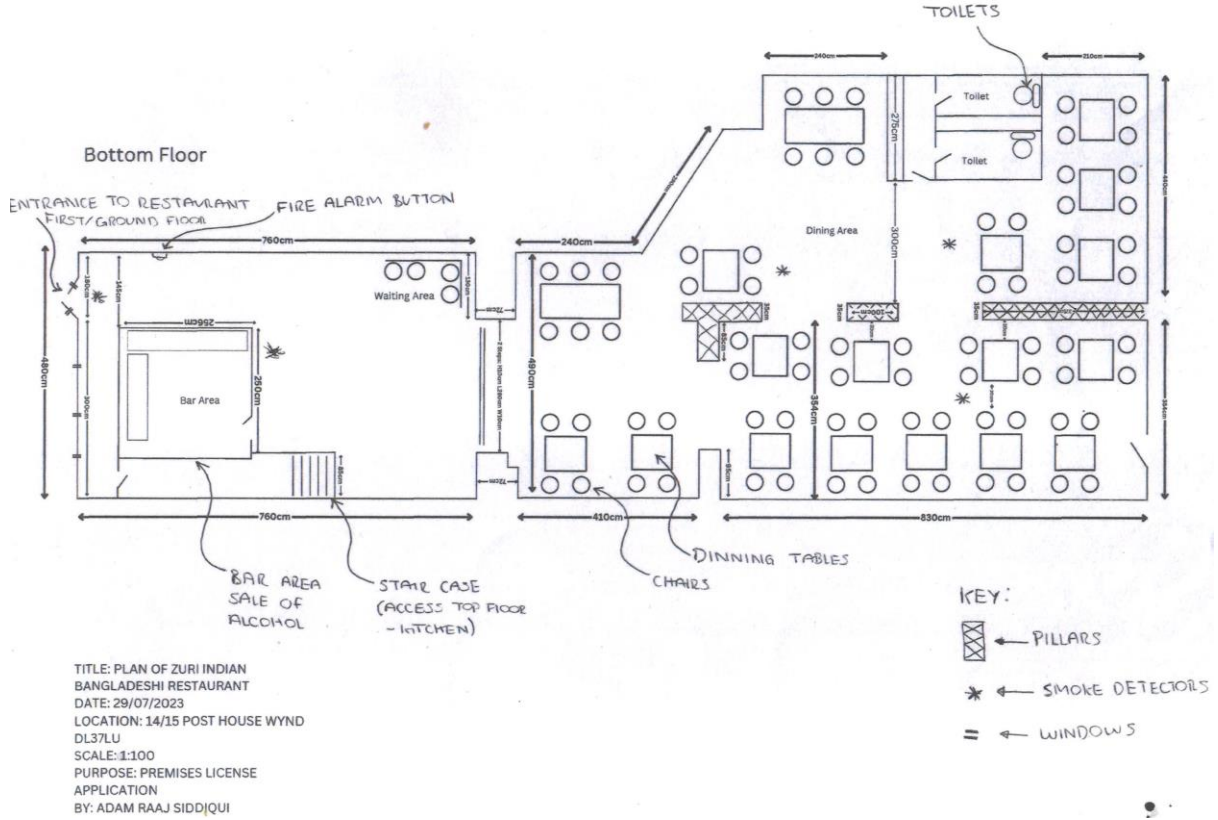
## Plan of the Premises

The plan of the premises must contain the following information and must be clear and legible in all material respects.

- the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- the location of points of access to and egress from the premises;
- if different from above, the location of escape routes from the premises;
- in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
- fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- the location of a kitchen, if any, on the premises.

The plan may also include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

# Premises Plan



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**NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES  
LICENCE/CLUB PREMISES CERTIFICATE  
(Review/Variation/New)  
UNDER THE LICNSING ACT 2003**

We:

Durham Police  Name: .....

Fire Authority  Name: David Welsh Business Fire Safety Officer

Environmental Health  Name: .....

Trading Standards  Name: .....

Any Other Person  Name: .....

Hereby give notice of objection to the Premises Licence as listed below:

Postal Address of premises or club premises:	
Zuri Indian Restaurant 15 Post House Wynd	
Post town Darlington	Post Code DL3 7LU

This Notice of Objection relates to the following licensing objective:  
(Please tick one or more boxes)

- 1) the prevention of crime and disorder
- 2) public safety **X**
- 3) prevention of Public Nuisance
- 4) the protection of children from harm

**GROUNDNS FOR RELEVANT REPRESENTATION**

We hereby give notice that we object to the application for a Premises Licence on the following grounds:

#### **ARTICLE 9 - FIRE SAFETY RISK ASSESSMENT**

**No fire safety risk assessment has been carried out.** A suitable and sufficient fire safety risk assessment should be undertaken and be made available for inspection. The assessment should cover all significant risks to relevant persons who may be affected by fire and should identify the general fire precautions needed. The assessment should be reviewed at regular intervals (recommended annually) to keep it up to date and when a significant change is made. **The fire safety risk assessment should be undertaken by a competent person.**

#### **ARTICLE 14 - EMERGENCY ROUTES AND EXITS**

**There is insufficient emergency exit provision.** An adequate number of emergency exits of an appropriate size are to be provided having regard to the use and dimensions of the premises, the equipment at the premises and the maximum number of persons who may be present there at any one time. The rear door is required to be an emergency exit due to the potential capacity of premises. **The door requires either a thumb turn lock or a push bar to open.**

**Emergency exit doors should only be bolted shut for security purposes out of business hours, when people are working on the premise emergency exit doors should be unlocked to provide immediate means of escape. Final exit doors should be provided with emergency lighting provision and fire exit signage with "FIRE EXIT KEEP CLEAR" signs placed on the exterior of the doors.**

**There is insufficient emergency exit signage.** Emergency escape routes and exits must be indicated by signs. Suitable and sufficient signage indicating all emergency routes and exits is to be provided in accordance with the current British or European test standard. **The rear door is required to be signed as an emergency exit.**

**There is insufficient emergency lighting.** Emergency routes and exits which require illumination must be provided with emergency lighting of adequate intensity in case of failure of their normal lighting. The emergency lighting should comply with the current British or European test standard. **The rear door requires emergency lighting.**

**A 5 yearly periodic testing of electrical installations should be undertaken by a competent and qualified electrical engineer.**

#### **ARTICLE 17 - MAINTENANCE**

**The fire detection and warning system is insufficiently maintained.** The fire detection and warning system should be subject to a suitable and sufficient system of maintenance and sufficiently maintained in an efficient state, in efficient working order and in good repair. Typically, testing would include: a daily visual check of the main

control panel to ensure that there are no specific faults and a weekly function test by operating a different manual call point for each successive test (manual break glass points may be numbered to ensure sequential testing). Where systems are connected to a central monitoring station, arrangements should be made prior to testing to avoid unwanted false alarms. Further, six-monthly servicing and preventive maintenance should be carried out by a competent person with specialist knowledge of fire warning and automatic detection systems. This task is normally fulfilled by entering into a service contract with a specialist fire alarm company. Testing of the system should be carried out by a competent person. Further guidance on testing and maintenance of fire warning systems can be found in British Standard 5839 Part 1. It is good practice to record all tests, false alarms and any maintenance carried out.

**The emergency lighting is insufficiently maintained.** The emergency lighting should be subject to a suitable and sufficient system of maintenance and sufficiently maintained in an efficient state, in efficient working order and in good repair. The emergency lighting units with which the premises are provided should be maintained to the current British or European test Standard, be always available for use and should receive periodic cleaning to ensure the maintenance of an adequate standard of illumination. **Typically, testing would include: a daily visual check of any central controls, a monthly function test by operating the test facility for a period sufficient to ensure that each emergency lamp illuminates, and an annual full discharge test.**

**There are insufficient records of maintenance.** A suitable and sufficient system of maintenance should be adopted for all preventative and protective measures, the details should be recorded, the records kept and made available for inspection.

Suggested Conditions that could be attached to the Licence to address these issues:

**All deficiencies should be addressed as a priority to comply with the Fire Safety Order 2005 and be eligible for a premise licence application. The premises will demonstrate suitable and sufficient measures to satisfy the requirements of the above legislation, provided the recommendations contained in the attached fire safety schedule are implemented.**

**Signature: D Welsh**

**Date: 24th August 2023**

<b>Contact name and address:</b> Business Fire Safety Officer David Welsh Durham & Darlington Fire and rescue service Belmont Business Park Durham DH1 1TW	
<b>Post Town: Durham</b>	<b>Post Code: DH1 1TW</b>
<b>Email Address: <a href="mailto:dwelsh@ddf.fire.gov.uk">dwelsh@ddf.fire.gov.uk</a></b>	
<b>Telephone number: 0345 3058383</b>	

**PLEASE NOTE :**

- 1. THE GROUNDS FOR ANY RELEVANT REPRESENTATIONS MUST BE BASED ON ONE OR MORE OF THE LICENSING OBJECTIVES ONLY.**
- 2. YOUR NAME AND ADDRESS MUST BE SUPPLIED.**
- 3. You may email this form to; [licensing@darlington.gov.uk](mailto:licensing@darlington.gov.uk)**





Fire and Rescue Service Headquarters  
Belmont Business Park, Durham  
DH1 1TW

**Safest People, Safest Places**

Chief Fire Officer: Steve Helps

This matter is being dealt with by: Allan Hobson

Ext:

Date: 24 August 2023

Ext: Our Ref: 7D81360001  
Your Ref: Zuri Indian Restaurant

Direct Dial Telephone: 0345 223 4221  
E-mail: [ahobson@ddfir.gov.uk](mailto:ahobson@ddfir.gov.uk)

**Mr Abu Bakor Raju**  
**Zuri Indian Restaurant**  
**15 Post Wynd**  
**Darlington**  
**DL3 7LU**

For the attention of the Responsible Person,

**Licensing Act 2003**

**Regulatory Reform (Fire Safety) Order 2005**

**Zuri Indian Restaurant, 15 Post House Wynd, Darlington, DL3 7LU**

A fire safety audit of the above premises was carried out on 23rd August 2023 regarding your application dated 3rd August 2023 for a Premises Licence under The Licensing Act 2003.

The Fire Authority is of the opinion that there are contraventions of the Regulatory Reform (Fire Safety) Order 2005. The premises will demonstrate suitable and sufficient measures to satisfy the requirements of the above legislation, provided the recommendations contained in the attached fire safety schedule are implemented. The Fire Authority recommend that any Licensing Committee consider the following areas for discussion:-

Please see attached letter containing deficiencies following our inspection.  
Mr Abu Bakor Raju has also received a letter of the deficiencies contained within his premise.

A further visit will be made on or after 23rd October 2023 to ensure that the requirements of the attached fire safety schedule have been carried out.

If you need further guidance please refer to [www.firesafetyguides.communities.gov.uk](http://www.firesafetyguides.communities.gov.uk) which provides information about the Regulatory Reform (Fire Safety) Order 2005.

Should you require any further information please do not hesitate to contact me on the telephone number or e-mail address shown above or visit our website [www.ddfire.gov.uk](http://www.ddfire.gov.uk) and follow the link to Fire safety at work.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Wilson".

Fire Safety Section



County Durham and Darlington  
**Fire and Rescue Service**

**Fire Safety Schedule**

-oo0oo-

<b>File Reference Number</b>	7D81360001
<b>Premises Details</b>	Zuri Indian Restaurant 15 Post House Wynd Darlington
<b>Date of Fire Safety Audit</b>	23rd August 2023
<b>Name of Auditor</b>	David Welsh
<b>Legislation Applying</b>	Regulatory Reform (Fire Safety) Order 2005
<b>Reason for the Audit</b>	Licence Application

The detail contained in this schedule allows the responsible person one option to achieve compliance with the above legislation and does not preclude the adoption of a design approach that corresponds to the complexity of the building and to the degree of flexibility required. It is without prejudice to anything which may be required by an enforcing Authority.

**ARTICLE 9 - FIRE SAFETY RISK ASSESSMENT**

- 1. No fire safety risk assessment has been carried out.** A suitable and sufficient fire safety risk assessment should be undertaken and be made available for inspection. The assessment should cover all significant risks to relevant persons who may be affected by fire and should identify the general fire precautions needed. The assessment should be reviewed at regular intervals (recommended annually) to keep it up to date and when a significant change is made. **The fire safety risk assessment should be undertaken by a competent person.**

**ARTICLE 14 - EMERGENCY ROUTES AND EXITS**

- 2. There is insufficient emergency exit provision.** An adequate number of emergency exits of an appropriate size are to be provided having regard to the use and dimensions of the premises, the equipment at the premises and the maximum number of persons who may be present there at any one time. The rear door is required to be an emergency exit due to the potential capacity of premises. **The door requires either a thumb turn lock or a push bar to open.**

**Emergency exit doors should only be bolted shut for security purposes out of business hours, when people are working on the premise emergency exit doors should be unlocked to provide immediate means of escape. Final exit doors should be provided with emergency lighting provision and fire exit signage with "FIRE EXIT KEEP CLEAR" signs placed on the exterior of the doors.**

- 3. There is insufficient emergency exit signage.** Emergency escape routes and exits must be indicated by signs. Suitable and sufficient signage indicating all emergency routes and exits is to be

provided in accordance with the current British or European test standard. **The rear door is required to be signed as an emergency exit.**

- 4. There is insufficient emergency lighting.** Emergency routes and exits which require illumination must be provided with emergency lighting of adequate intensity in case of failure of their normal lighting. The emergency lighting should comply with the current British or European test standard. **The rear door requires emergency lighting.**

**A 5 yearly periodic testing of electrical installations should be undertaken by a competent and qualified electrical engineer.**

#### **ARTICLE 17 - MAINTENANCE**

- 5. The fire detection and warning system is insufficiently maintained.** The fire detection and warning system should be subject to a suitable and sufficient system of maintenance and sufficiently maintained in an efficient state, in efficient working order and in good repair. Typically, testing would include: a daily visual check of the main control panel to ensure that there are no specific faults and a weekly function test by operating a different manual call point for each successive test (manual break glass points may be numbered to ensure sequential testing). Where systems are connected to a central monitoring station, arrangements should be made prior to testing to avoid unwanted false alarms. Further, six-monthly servicing and preventive maintenance should be carried out by a competent person with specialist knowledge of fire warning and automatic detection systems. This task is normally fulfilled by entering into a service contract with a specialist fire alarm company. Testing of the system should be carried out by a competent person. Further guidance on testing and maintenance of fire warning systems can be found in British Standard 5839 Part 1. It is good practice to record all tests, false alarms and any maintenance carried out.
- 6. The emergency lighting is insufficiently maintained.** The emergency lighting should be subject to a suitable and sufficient system of maintenance and sufficiently maintained in an efficient state, in efficient working order and in good repair. The emergency lighting units with which the premises are provided should be maintained to the current British or European test Standard, be always available for use and should receive periodic cleaning to ensure the maintenance of an adequate standard of illumination. **Typically, testing would include: a daily visual check of any central controls, a monthly function test by operating the test facility for a period sufficient to ensure that each emergency lamp illuminates, and an annual full discharge test.**
- 7. There are insufficient records of maintenance.** A suitable and sufficient system of maintenance should be adopted for all preventative and protective measures, the details should be recorded, the records kept and made available for inspection.

A copy of a fire safety log book can be downloaded from our website at [www.ddfire.gov.uk](http://www.ddfire.gov.uk).

Signed



Fire Safety Section

#### **Appendix 4**

Updates Made Regarding Objection To Premises License:

On Following Grounds:

##### **ARTICLE 9 - FIRE SAFETY RISK ASSESSMENT (RESOLVED)**

A fire safety risk assessment checklist has been obtained from a reliable source as a digital format to be filled in and printed by a competent person (annually) and signed once completed. It will be stored in a safe place where it can be easily accessed if/when inspection is required.

##### **ARTICLE 14 - EMERGENCY ROUTES AND EXITS (RESOLVED)**

Relevant fire exit signs have been installed within the premises to outline to customers and employees where the emergency exit is located

##### **ARTICLE 17 - MAINTENANCE (RESOLVED)**

We will be in contact with specialists who are available at the time of a maintenance fire alarm systems check, for instance 'Harveys Electrical Services' who was our first contact when getting a fire system check/ installation updates.

We will ensure weekly / daily - if needed - cleaning of fire safety lights located on the restaurant ceilings. We can record the visual checks of these via our fire risk assessment checklist which would be completed via online and then can be printed out, ready for inspection.

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## Appendix 5

Further response from fire

In relation to the updates a fire risk assessment checklist would not be sufficient, and I would ask Mr Raju to provide clarity on appointing a fire risk assessor who is qualified and competent to undertake a fire risk assessment of the business.

The emergency routes and exits - Can Mr Raju confirm that the security bolts are removed and the emergency exit provision is either a push bar or thumb lock turn fitted - security dead bolts cannot be used during the hours of opening or when anyone is present in the building.

Has the emergency lighting been tested by a competent electrical engineer and can evidence be provided to support this.

Fire alarm – it states we will be in contact with a fire engineer – has this been done has the fire alarm been tested and can evidence be provided to support the servicing of the system.

I am happy once all the above has been addressed to then revisit at short notice and sign the business off as compliant with the fire safety order which will mean we will accept his licensing application.

I am away on a course and will be back on Thursday morning.

Kind regards

David Welsh

Business Fire Safety Officer

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Darlington Borough Council Policy Extracts

## **10.0 PUBLIC SAFETY**

**10.1 Policy: The Licensing Authority will expect the premises to be constructed and maintained to the highest possible standards of safety. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, the Technical Standards published by the District Surveyors Association. In particular the Licensing Authority will expect compliance with Fire Safety Legislation in relation to upholstery, curtains and other hanging materials.**

**Reason:** The Licensing Authority expects premises to be constructed with safety in mind and that the operating schedule details how the premises will be properly managed and maintained to ensure public safety at all times. The Licensing Authority will further expect the operating plan to reflect the maximum capacity as determined by the Fire Authority or other relevant legislative body.

**10.2** When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:

- a) The occupancy capacity of the premises.
- b) The age, design and layout of the premises, including means of escape in the event of a fire.
- c) The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature.
- d) The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different).
- e) Customer profile (e.g. age, disability).
- f) The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

**10.3** The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of

premises and/or activities:

- a) Suitable and sufficient risk assessments.
- b) Effective and responsible management of premises.
- c) Provision of a sufficient number of people employed or engaged to secure the safety of the patrons and the premises.
- d) Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- e) Adoption of best practice guidance (eg Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA).
- f) Provision of effective digital CCTV in and around premises.
- g) Provision of toughened or plastic drinking vessels.
- h) Implementation of crowd management measures.
- i) Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

## Public safety

**2.7** Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

**2.8** A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

**2.9** The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases.

## The role of responsible authorities

**9.11** Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

**9.12** Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local

area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.