



**DARLINGTON**

Borough Council

# Licensing Act 2003 Sub Committee Agenda

10.00 am, Friday, 5 January 2024  
Council Chamber, Town Hall, Darlington

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

1. Election of Chair for the purpose of the meeting.
2. Introductions/Attendance at Meeting
3. Declarations of Interest
4. Application for Premises Licence – Report of the Group Director of Services  
(Pages 3 - 24)

**Luke Swinhoe**  
Assistant Director Law and Governance

**Wednesday, 27 December 2023**

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

**Membership**  
Councillors Curry, Kane 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 Paul Dalton, Democratic and Elections 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: paul.dalton@darlington.gov.uk or telephone 01325 405805

FOR CHAIR AND MEMBERS  
OF THE LICENSING SUB COMMITTEE  
05 January 2024

## APPLICATION FOR PREMISES LICENCE

**Applicant:** LAVINDER KUMAR & Ref No: LAPREM00517/23  
BIMLA KUMARI

**Premises:** YARM ROAD CONVENIENCE STORE  
172 YARM ROAD  
DARLINGTON  
DL1 1XE

**Requested Licensable Activities** SALE OF ALCOHOL FOR CONSUMPTION OFF PREMISES;

**Requested Hours:** 06:00 to 23:00 EVERY DAY

**Premises opening hours** 06:00 to 23:00 EVERY DAY

**Notification to Responsible Authorities: 7 NOVEMBER 2023**

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

**Information on Council's Website: 7 NOVEMBER 2023**  
**Advertisement in Northern Echo: 17 NOVEMBER 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 have described the premises as:

*"Off Licence".*

## THE APPLICATION

On the 7 November 2023 an application was made by Lavinder Kumar and Bimla Kumari, in accordance with Section 17 of the Licensing Act 2003 for the premises to supply alcohol for consumption off the premises. 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 23 November 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 in response to this application 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 available
- Article 13 - No fire detection
- Article 14- No portable fire extinguishers; no emergency lighting; no emergency signage

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

A Fire Safety Officer visited Mr Kumar who stated that he has appointed a company to undertake a fire risk assessment, however he was having problems sourcing contractors to undertake the work required.

At the time of reporting this work had not been completed.

## ADDITIONAL INFORMATION

No representations were made by other responsible authorities or people likely to be affected by the application.

Relevant information from Darlington Borough Councils Licensing Policy on public safety is at **Appendix 3**

Relevant information from Section 182 Guidance to the Licensing Act 2003, last updated in August 2023 is at **Appendix 4**

The applicant and representative from the Fire Service have been invited to this hearing

## 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 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** Licensing Policy on Public Safety

**Appendix - 4** Relevant Section 182 Guidance



This document was classified as: OFFICIAL

# DARLINGTON

Borough Council

**SERVICES GROUP**  
Town Hall, Darlington DL1 5QT  
DX69280 Darlington 6

## 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.

I/We LAVINDER KUMAR & BIMLA KUMARI  
(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 <u>YARM ROAD CONVENIENCE STORE</u> <u>172, YARM ROAD DARLINGTON</u>			
Post town		Postcode	<u>DL1 1XE</u>
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£	<u><del>1,250,000.00</del></u>	<u>7650</u>

### Part 2 - Applicant details

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>KUMARI</b>		First names <b>BIMLA</b>		
Date of birth [REDACTED]	I am 18 years old or over		<input checked="" type="checkbox"/> Please tick yes	
Nationality <b>INDIAN</b>				
Current postal address if different from premises address		[REDACTED]		
Post town	<b>DARLINGTON</b>	Postcode	[REDACTED]	
Daytime contact telephone number				
E-mail address (optional)		[REDACTED]		
<p>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)</p> <p style="text-align: center;"><b>TO PROVIDE</b></p>				

**(B) OTHER APPLICANTS**

[REDACTED]

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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)



When do you want the premises licence to start?

DD	MM	YYYY
17	10	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)

OFF LICENCE

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	6.00	23.00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)  ALL HOLIDAYS	Both	<input type="checkbox"/>
Tue	6.00	23.00			
Wed	6.00	23.00			
Thur	6.00	23.00		<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> (please read guidance note 6)	
Fri	6.00	23.00			
Sat	6.00	23.00			
Sun	6.00	23.00			

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	LAVINDER KUMAR
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	DARLINGTON [REDACTED]
Personal licence number (if known)	DL17/02003/PERSON
Issuing licensing authority (if known)	DARLINGTON COUNCIL

**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)**

CCTV CAMRAS

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

CONTACT POLICE  
CCTV CAMRAS

c) **Public safety**

RISK ASSESSMENT  
HEALTH & SAFETY MEASURES  
CCTV CAMRAS

d) **The prevention of public nuisance**

ID CHECKS  
FIX THE NO OF CUSTOMERS VISIT THE SHOP

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


ID CHECKS REGARDING AGE PERMISSIBILITY

**Checklist:  
agreement**

**Please tick to indicate**

**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	
Date	17/10/2023
Capacity	OWNER

**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	Bimla Kumari
Date	7-11-23
Capacity	JOINT OWNER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

- 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.

- 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.

September 2021

Personal licence number

[insert personal licence number, if any]

DL17/02003/PERSON

Personal licence issuing authority

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

DARLINGTON COUNCIL

Signed



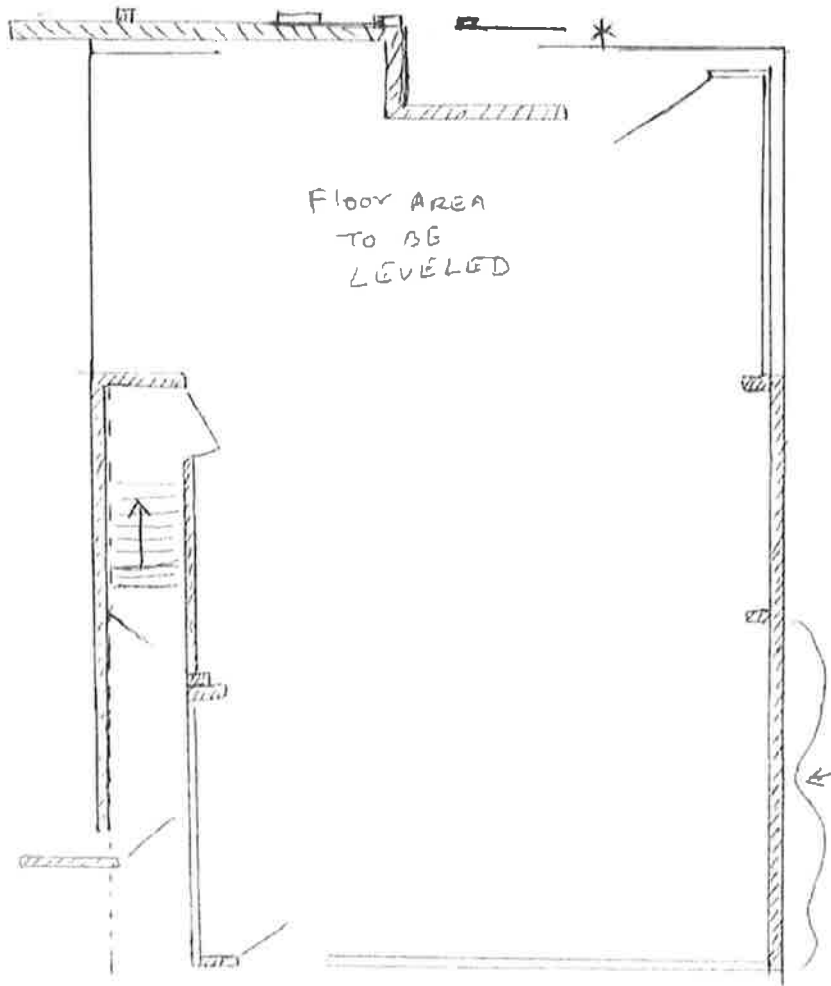
Name (please print)

LAVINDER KUMAR

Date

17/10/2023

Annex 4. PREMISES PLAN



In accordance with applications to transfer the licence and verify the designated premises supervisor

Authorised Officer

Date of issue





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: David Welsh

Ext:

Date: 23 November 2023

Our Ref: 2E80402025  
Your Ref: License Application

Direct Dial Telephone: 0345 3058383  
E-mail: [dwelsh@ddfir.gov.uk](mailto:dwelsh@ddfir.gov.uk)

[charley.trueman@darlington.gov.uk](mailto:charley.trueman@darlington.gov.uk)

For the attention of the Responsible Person,

### **Licensing Act 2003**

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

**Mr Lavinder Kumar & Mrs Bimla Kumari, Yarm Road Convenience Store, 172 Yarm Road, Darlington, DL1 1XE**

A fire safety audit of the above premises was carried out on 22<sup>nd</sup> November 2023 regarding your application dated 7<sup>th</sup> November 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:-**

- **No Fire risk assessment available.**
- **No fire detection.**
- **No portable fire extinguishers.**
- **No emergency lighting.**
- **No emergency exit signage.**

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.

[www.ddfire.gov.uk](http://www.ddfire.gov.uk)

Tel: 0345 305 8383



Yours sincerely,

A handwritten signature in black ink, appearing to read "D. Welsh", enclosed within a thin black rectangular border.

David Welsh  
Fire Safety Section



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

## Fire Safety Schedule

-oo0oo-

<b>File Reference Number</b>	2E80402025
<b>Premises Details</b>	172 Yarm Road Darlington
<b>Date of Fire Safety Audit</b>	22 <sup>nd</sup> November 2023
<b>Name of Auditor</b>	David Welsh
<b>Legislation Applying</b>	Regulatory Reform (Fire Safety) Order 2005
<b>Reason for the Audit</b>	Application for Premise License.

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 13 - FIRE-FIGHTING AND FIRE DETECTION

- 2. There is insufficient provision of portable firefighting equipment.** The portable fire-fighting equipment arrangements are to be improved to provide an adequate provision in case of fire, having regard to the dimensions and use of the premises, the equipment contained on the premises, the physical and chemical properties of the substances likely to be present and the maximum number of persons who may be present at any one time.

Portable fire extinguishers conforming to the current British or European test standard should be provided and sited in accordance with the findings of the fire safety risk assessment. Guidance on the number of extinguishers required is available at <http://www.ddfire.gov.uk/business-safety/number-of-fire-extinguishers>.

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

3. **Emergency exit doors were obstructed.** In order to safeguard the safety of relevant persons, the responsible person must ensure that emergency doors are maintained clear and available for use at all material times. The door concerned is the one in the corridor.

**Corridors and stairways that form part of escape routes should be always kept clear and hazard free. Items that may be a source of fuel or pose an ignition risk should never be located on any corridor or stairway that will be used as an escape route.**

4. **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 door concerned is the door in the corridor.
5. **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 areas of concern are the emergency exits.

Signed



David Welsh  
Fire Safety Section

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.