

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