

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