

LICENSING ACT 2003

Report to Licensing Sub-Committee following receipt of Relevant Representations

**The Warehouse
219 North Promenade, Cleethorpes,
North East Lincolnshire, DN35 8SJ.**

NORTH EAST LINCOLSHIRE COUNCIL
LICENSING AUTHORITY

LICENSING ACT 2003

Report to Licensing Sub-Committee
following receipt of Relevant Representations

1. Summary of Application - (Full details in Application Form)

1.1 Premises: The Warehouse

1.2 Applicant: Roadside Attractions Ltd

1.3 Date Application Received: 26th February 2024

1.4 The Proposed Operation:

Mixed use entertainment venue.

The applicant applied for a Premises Licence to allow the following:

Sale of Alcohol (On and Off the Premises)

Recorded Music #

Plays #

Films #

Live Music #

Recorded Music #

Performance of Dance #

Boxing or Wrestling Entertainment

7 days a week from 12:00 – 01:30

It should be noted that these activities are deregulated between 0800 and 2300 for premises authorised to serve alcohol on the premises.

Proposed conditions:

Details from Operating Schedule on the application:

a) General – All four licensing objectives.

The management will take their duties under the Licensing Act 2003 seriously and intend to fulfil their duties by meeting the four key objectives. Full details will be within the Venue Safety Management Plan and Risk Assessment.

b) The prevention of crime and disorder

The management will consult with the local police for local knowledge and practices.

c) Public safety

Security and stewarding staff will manage all audience movements within the venue and outside. CCTV will be installed.

Risk assessments will take account for foreseeable hazards with control measures being implemented. First aid provision will be on site. The venue will operate within safe capacities when confirmed.

d) The prevention of public nuisance

The management accept certain events can impact upon the locality therefore, the nature of events and activities being offered will be chosen as an event that would not cause public nuisance issues. The suitability, location and operation times of the venue will not impact upon the local area. Noise monitoring will be carried out in accordance with the sound levels set by the Local Authority.

e) The protection of children from harm

The management of the venue acknowledge the importance of protecting children from harm and considerations have been taken with appropriate measures to protect children at the venue should the event be suitable. The management will consult with the relevant authorities. If the event is suitable then under 18's will have to be accompanied by an adult. The venue will have the appropriate stewarding to manage children with adults.

1.4.1 - Full details of the application available in the form found at Appendix A, the plan of the premises including the licensable area is attached at Appendix B, a premises licence management plan was included with the application and is available at Appendix C.

1.4.2 - The application has been amended via the applicant's written submission (full document at Appendix D) in response to the representations that have been received. Below are the main changes.

Change of timings for all licensable activities to:

Sunday to Thursday 12.00 – 23.30

Friday to Saturday 12.00 to Midnight

A condition will be added specifying the premises may extend to 01.30 three times per year by written request to North East Lincolnshire Council and Humberside Police.

1.5 The following conditions have also been agreed with Humberside Police's Licensing Department:

1. A CCTV system will be installed and operated at the premises. The system will need to be registered in accordance with the Data Protection Act, and warning signs displayed in public areas of the premises.

2. There shall be sufficient cameras to cover all areas of the premises, including "green rooms"/Backstage areas and areas that are not easily supervised from the bar including any corridors/areas leading to toilets/cloakrooms.
 3. A monitor should be placed in such a position that is accessible to a manager when events are taking place. When there is an event where more than 500 people are at the premises, the monitor must be continuously monitored whilst the event is taking place.
 4. The system must be capable of continuously recording in colour, providing real time pictures of evidential quality in all lighting conditions, and copies of such recordings shall be retained for a period of not less than 28 days.
 5. Any system installed should be capable of producing copies of recordings on site.
 6. Copies of recordings shall be provided on request to a person under the direction and control of the Chief Constable or an officer of North East Lincolnshire Council on DVD/USB at no cost.
 7. The Designated Premises Supervisor will be responsible for the operation of the system and shall ensure that it is maintained. They must ensure an appointed member of staff is capable of downloading CCTV footage in a recordable format at all times the premises are operating.
 8. Records of maintenance of the CCTV system shall be kept by the person responsible and the system shall be maintained in working order and checked weekly. Records of any maintenance and weekly checks shall be endorsed by signature by the DPS or other responsible named individual, and actions taken must be recorded. The record shall be produced on request to a person under the direction and control of the Chief Constable or an officer of the local authority on production of their identification.
 9. Cameras must be positioned to view all access to and egress from the premises (including fire exits), and all areas where the sale of alcohol occurs.
 10. Recordings must be made of each trading period conducted at the premises and must be correctly time and date marked.
 11. CCTV camera views are not to be obstructed.
- The premises will ensure there is a minimum of 1 SIA door staff per 100 people present at the premises.

- The premise licence holder/DPS/Duty Manager shall ensure that there is an adequate risk assessment of the need for extra SIA door supervision at the premises for each event held at the premises and shall provide door supervision in accordance with that risk assessment. Such an assessment shall be written down and kept at the premises and be available for production on demand by a person under the direction and control of the Chief Constable or an officer of North East Lincolnshire Council.
- A record/log book shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor. The record shall be retained for a minimum period of 12 months from date of completion and contain the following details: -
 - a. The door supervisor's name;
 - b. Their Security Industry Authority licence number
 - c. The time and date they commenced and concluded their duty;
 - d. The door supervisors shall sign each entry; and
 - e. The Designated Premises Supervisor or other authorised person shall also endorse each entry as having checked the authenticity of the individual door supervisor
- Incident logs shall be kept at the premises, and made available on request to a person under the direction and control of the Chief Constable or an officer of North East Lincolnshire Council, which will record the following:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received
 - any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service

There will be one situated at each bar and at the main entry point.

- Challenge 25 shall be implemented and a proof of age policy is to be applied with the accepted means of proof of age being:
 - Passport
 - Photo Driving Licence
 - A recognised valid photo-id card bearing the PASS hologram
 - any future accredited and accepted proof of age, as defined by Humberside Police
 Signs shall be displayed stating that the premises operates a Challenge 25 Policy.
- The premises will operate a comprehensive search policy, including bag searches. When there is an event with over 500 people, the search policy will include using knife wands, with an assessment for the use of

a knife arch. Any searches will take place where there is a CCTV camera present.

- No alcohol will be allowed to be brought on site. All alcohol for consumption will need to be purchased from the designated areas.
- Staff training will be given to all staff working at the premises by the DPS. Such training shall be documented and recorded in a book/folder kept solely for that purpose. It will record the date and names of those trained and the person providing it. All present shall sign the book. The frequency of the training shall be upon commencement of employment, with refresher training once every year. The training shall cover all aspects of the responsible sale of alcohol (Premise licence conditions, Licensing objectives, age verification, how to detect proxy sales, consequences of underage sales, serving to a person who is drunk and street drinkers etc) and conflict management. The book will be available to be viewed on demand by a person under the direction and control of the Chief Constable or an officer of North East Lincolnshire Council.
- A dispersal policy shall be written by the premises licence holder explaining the policies and procedures that will be adopted by the operator to enable patrons to leave in an orderly and quiet way, such a document must be kept on the premises and be available for inspection on demand by a police licensing officer or local authority officer on demand.
- There will be signage requesting that customers respect the local residents and businesses and leave quietly.
- The sale of alcohol shall cease 30 minutes prior to the premises closing to enable the gradual dispersal of customers.
- During the last thirty minutes of any trading period the music will be played at a decreased volume.
- The DPS shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol and there are more than 500 people in attendance at the premises.
- All alcoholic or soft drinks will be served either in a plastic bottle with the caps retained at the bar or in polycarbonate/plastic crushable/non-glass drinkware or cans. Any glass bottles will be decanted into polycarbonate/plastic crushable/non-glass drinkware.

- Staff will conduct regular litter checks on the front of the premises and remove any litter/debris/glass to dispose of responsibly. The checks shall be recorded and signed by the person completing them. The record shall be made available on request by an officer of the Local Authority or an officer under the direction and control of the Chief Constable.
- The premises shall adopt and operate a comprehensive drugs policy, including recording regular toilet checks, a copy of which shall be retained at the premises and made available for inspection if requested by officers under the direction and control of the Chief Constable of Humberside Police and employees of the Licensing Authority.
- All areas serving alcohol will be monitored by SIA badged staff.
- Entrances to the event space to be staffed with SIA badged staff.
- Mobile concession units serving food items will be placed accordingly to ensure a safe queuing system can be in place.
- All event staff will be wearing high visibility clothing to make them easily identifiable to all customers.
- The Premises Licence Holder must supply a list of all bookings at the premises (Events Calendar) at least every quarter to North East Lincolnshire Council Licensing Team and Humberside Police Licensing Team, providing:
 - Name of the event
 - Description of the event
 - Opening time
 - Closing time
 - Anticipated numbers
 - Current assessed Risk Level
 - Any other information deemed relevant

Any late bookings must also be advised as soon as practicable after booking.

- Any event assessed as High Risk must be advised to North East Lincolnshire Council Licensing Team and Humberside Police Licensing Team, and acknowledged by both before being publicised to the public.
- The premises will be allowed no more than 3 events a year where they can operate (Licensable activity) until 01:30hrs, with the premises closing 30 minutes after. These must be advised to North East Lincolnshire Council Licensing Team and Humberside Police Licensing Team by email no less than 90 days before the event.

- The premises must cease all licensable activity at all other times by 23:30hrs on a Sunday to Thursday, and 00:00hrs on a Friday and Saturday, with the premises closing 30 minutes after.
- 1.6** One representation is in place from a Responsible Authority, Environmental Protection Team on grounds of Public Nuisance (potential noise disturbance) due to not seeing a full noise assessment report with noise mitigation measures.

2 Summary of Representations –

(Copies of all the relevant representations are available with the hearing documents)

- 2.1** Five relevant representations were received in opposition to this application.
- 2.2** One person did not wish to be party to the Hearing.
- 2.5** Whilst all of the Licensing Objectives are cited, the main concern is the Prevention of Public Nuisance in terms of potential music noise from the venue.

3. Statement of Licensing Policy

The following sections of North East Lincolnshire Council's Statement of Licensing Policy are considered relevant to these representations:

2.1 - 2.4, 9.1.1 - 9.1.12 Licensing Objectives

6.2.1: Extent of Control

6.4.1: Need

6.6.1 - 6.6.2 Licensing Hours

8.2.1 – 8.2.2 Premises Licences

8.3.1 - 8.3.6 Operating Schedules

8.7.2 – 8.7.4 Representations

9.2.1 – 9.2.7 Prevention of Crime and Disorder

9.4.1 – 9.4.3, 9.4.5 – 9.4.7 Prevention of Public Nuisance

4. Guidance issued under Section 182 of the Licensing Act 2003 –

This guidance is provided for Licensing Authorities carrying out their functions. It is regarded by the Government as a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality. It does not however replace any statutory provisions of the 2003 Act and it is for the Licensing Authority to take their own professional and legal advice about its implementation.

The following sections of the Guidance are considered relevant to these representations:

1.2 – 1.5 Licensing Objectives and Aims

2.1 – 2.6 Crime and Disorder

2.15 – 2.21 Public Nuisance

8.41 - 8.49: Steps to Promote the Licensing Objectives

1.13, 3.1 – 3.2 Licensable Activities

1.14 Authorisation or Permissions

1.16 Licence Conditions – general principles

1.17 Each Application on its own merits

9.3 – 9.10: Relevant Representations

9.31 – 9.40: Hearings

10.1 – 10.9 Conditions attached to premises licenses

10.10: Proportionality

10.13, 10.14: Hours of Opening

5. General Advice on Determination of the Application –

- 5.1** The sub-committee are advised that findings on any issues of fact should be on the balance of probability.
- 5.2** The sub-committee are advised that in arriving at any decision, it must have regard to relevant provisions of national guidance and North East Lincolnshire Council's Statement of Licensing Policy. Reasons must be given for any departure.
- 5.3** The sub-committee are advised that the final decision should be based on the individual merits of the application and the factual findings made at the hearing.
- 5.4** Section 18 of the Licensing Act 2003 states that where relevant representations have been made and a hearing is held to consider them, the sub-committee can take such of the steps set out below as it considers **appropriate** for the promotion of the licensing objectives – in this case if it is considered the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance or the Protection of Children from Harm are likely to be affected.
 - Grant the licence with modified conditions. This means the proposed conditions could be altered or omitted or new conditions added.
 - Exclude any licensable activity to which the application relates.
 - Reject the application

If none of these steps are considered appropriate the application should be granted in the form it was made.

- 5.5** Conditions should be proportionate to the size, style and characteristics of the premises and the activities proposed or taking place and must be appropriate
- 5.6** The sub-committee are advised that they must take into account the following Human Rights provisions:
- Everyone affected by a decision has a right to a fair hearing.
 - Everyone has the right to his private and family life, his home and his correspondence.
- 5.7** The sub-committee, in its decision making, must have due regard to its public sector equality duty under section 149 of the Equality Act 2010

6. Observations

- 6.1** This is an application for a New Premises Licence and not a review of any existing licence.
- 6.2** With reference to item 1.4 above, while this is the case from a deregulation perspective, the operator must still promote all licensing objectives and therefore if public nuisance is witnessed, action can still be taken designed to alleviate the matter. This could be in the form of a review of the Premises Licence by a Responsible Authority or any "Interested Party" with relevant evidence.
- 6.3** With reference to the December 2021 "Tribe of Pirates" music event held at the premises the local authority acknowledges this caused significant noise issues to local residents, however NELC also acknowledges the applicant had nothing to do with said event.
- 6.4** It is worth noting that the premises does not have planning permission for the proposed operation, and while there is no legal requirement to obtain planning permission before apply for a premises licence a planning and building control applications will need to be submitted and granted before any granted premises licences can be used.
- 6.6** The power of review exists for any licensed premises that do not operate in a way that promotes the licensing objectives. This can ultimately result in revocation of the licence.

**Report prepared by:
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