

# **LICENSING ACT 2003**

## **Report to Licensing Sub-Committee following receipt of Relevant Representations**

**Heron Frozen Foods  
52-54 Second Ave, Grimsby,  
North East Lincolnshire, DN33 1NN.**

**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:** Heron Frozen Foods

**1.2 Applicant:** Heron Foods Ltd

**1.3 Date Application Received:** 16<sup>th</sup> October 2024

**1.4 The Proposed Operation:**

Mixed use entertainment venue.

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

**Sale of Alcohol (Off the Premises)**

**Monday to Saturday 07:00 – 21:00**

**Sunday 07:00 – 20:00**

**Proposed conditions:**

Details from Operating Schedule on the application:

**a) General – All four licensing objectives.**

Please see b), d) and e) below.

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

1. Suitable close circuit television system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.

2. The CCTV system will be of satisfactory resolution quality which will enable the identification of persons and activities.

3. The CCTV system will have sufficient storage, retention and capacity for a minimum of 28 days continuous footage which will be of good quality.

4. A designated member of staff will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the licensing authority or a responsible authority, any CCTV footage as requested will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied on request to an authorised officer of the licensing authority or a responsible authority.

5. An incident report register will be maintained on the premises to record incidents such as antisocial behaviour admissions, refusal and ejections from the premises.

6. The incident report register will be produced for inspection immediately on the request of an authorised officer.

7. All staff will receive training on the Licensing Act 2003 and training will be refreshed at regular intervals.

**c) Public safety**

Please see b), d) and e) above and below.

**d) The prevention of public nuisance**

8. Notices shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

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

9. Challenge 25 will be in operation at the premises.

10. Signage will be displayed in the premises informing both staff and customers of the Challenge 25 policy.

**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.

**1.4.2** - The applicant's solicitor has also provided further documents to support their position. These can be found at Appendix C.

**1.5 The following conditions have been proposed by Humberside Police's Licensing Department and agreed with the applicant:**

1. A Suitable close circuit television system will be installed and operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises, with warning signs displayed in public areas of the premises.

2. The CCTV system will be of satisfactory resolution quality which will enable the identification of persons and activities.
3. The CCTV system will have sufficient storage, retention and capacity for a minimum of 28 days continuous footage which will be recording in colour, providing real time pictures of evidential quality in all lighting conditions
4. There will be sufficient cameras to cover those areas that are not easily supervised from the sales counter.
5. 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.
6. Any system installed should be capable of producing copies of recordings on site.
7. A designated member of staff will be authorised to access the CCTV footage and be conversant with operating the CCTV system at all times the premises is operating. At the request of an authorised officer of the licensing authority or a responsible authority, any CCTV footage as requested will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied on request to an authorised officer of the licensing authority or a responsible authority.
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/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. Recordings must be made of each trading period conducted at the premises, and must be correctly time and date marked.
10. CCTV camera views are not to be obstructed.
11. An incident report register/log book 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/ASB
  - all seizures of drugs or offensive weapons
  - any visit by a relevant authority or emergency service

The incident report register will be produced for inspection immediately on the request of an authorised officer.

12. A refusal register will be placed on each till area, and staff trained how to use this. It will record:

- The time and date of the refusal
- Details/description of the person attempting to purchase
- Identity of the staff member refusing the sale

The registers will be made available for inspection by a person under the direction and control of the Chief Constable or an officer of North East Lincolnshire Council.

13. 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 six months. The training shall cover all aspects of the responsible sale of alcohol (Premises 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.

14. Notices shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

15. 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.

16. The premises shall ensure there is a minimum of 1 SIA registered door supervision at all times the premises is operating.

17. The premise licence holder/DPS/Duty Manager shall ensure that there a risk assessment for the need for extra SIA door supervision 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 Authorised Officer of North East Lincolnshire Council.

18. The premise will not display, offer, or sell any beers, lagers, ciders or pre-mixed spirit drink with an ABV in excess of 5.6%.

All beer, lager and cider displayed for sale in cans will only be sold in minimum packs of 4 cans, there will be no sales of individual cans of beer, lager or cider.

19. Alcohol spirits with an ABV (Alcohol by volume) above 20% will only be displayed, offered or sold in bottles no less than 70cl. These spirits will only be displayed for sale behind the sales counter or other Police approved secure display.

## **2 Summary of Representations –**

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

- 2.1** One relevant representation was received by Humberside Police due to two further conditions not being agreed with the applicant.

Those conditions are:

- The premises shall ensure there is a minimum of 1 SIA registered door supervision at all times the premises is operating.
- The premise licence holder/DPS/Duty Manager shall ensure that there a risk assessment for the need for extra SIA door supervision 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 Authorised Officer of North East Lincolnshire Council.

- 2.2** Humberside Police believe these conditions are required to ensure the crime and disorder licensing objective is promoted due to increased shop lifting reported at the premises.

- 2.3** Humberside have provided further statements and evidence supporting their representation. This can be found at Appendix D.

## **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** 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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**Senior Licensing Enforcement Officer**