

LICENSING ACT 2003

Report to Licensing Sub-Committee following receipt of Relevant Representations

***Folk
30 Cambridge Street
Cleethorpes
DN35 8HB***

NORTH EAST LINCOLSHIRE COUNCIL
LICENSING AUTHORITY

LICENSING ACT 2003

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

1.1 Premises: Folk, 30 Cambridge Street, Cleethorpes, DN35 8HB

1.2 Applicant: Brett Smith

1.3 Date Application Received: 20th January 2025

1.4 The Proposed Operation:

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

Supply of Alcohol

Sunday to Wednesday 1000 to 0000

Thursday to Saturday 0900 to 0000

Late Night Refreshment

Monday to Sunday 2300 to 0000

Proposed conditions:

- A CCTV system will be installed and operated at the premises. The CCTV system will need to be registered in accordance with the Data Protection Act, with warning signs displayed in public areas of the premises.
- There shall be sufficient cameras to cover those areas that are not easily supervised from the bar, including outside areas where it is intended to conduct licensable activities. The police licensing officer can be consulted as to location of cameras.
- A monitor should be placed in such a position so as to be viewed by staff working in the sales area of the premises.
- 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.
- Any system installed should be capable of producing copies of recordings on site.

- 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.
- The designated premises supervisor will be responsible for the operation of the system and shall ensure that it is maintained in accordance with these codes of practice. 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.
- 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.
- 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.
- Recordings must be made of each trading period conducted at the premises and must be correctly time and date marked.
- CCTV camera views are not to be obstructed.
- The premise licence holder shall ensure that there is an adequate risk assessment of the need for 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 officer of North East Lincolnshire Council.
- SIA Door supervision will also be used upon the request of Humberside Police or an officer of North East Lincolnshire Council
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or a Police Licensing Officer, 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
- 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.

- 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 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.
- There will be signage requesting that customers respect the local residents and leave quietly.
- At all times the premises are open for business there must be a minimum of 24 seats available for the use of customers (indoors).
- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- When events are held at the premises, or in the vicinity of the premises (e.g. Armed Forces Weekend, Carnival etc) a thorough risk assessment will be completed for the use of Polycarbonate or crushable glassware and decanting of all bottles. Polycarbonate or crushable glassware will also be used upon the request of Humberside Police or an officer of North East Lincolnshire Council
- There will be no external amplified entertainment at any time.
- All doors and windows to be closed after 2200 hours. Self-closing devices must be fitted to all external doors and used to close external doors after 2200 hours.
- The rear courtyard will only be used by patrons until 10pm; after this time access will only be allowed for the use of the toilets and staff access.
- Patrons may not take open containers from the premises, all containers taken from the premises must be sealed
- Whilst the premises are open for business, Substantial food shall be available until at least one hour before the end of alcohol sales.

- 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.

2. Summary of Representations – (Full details in report)

Five representations have been submitted in relation to this application. All representations have been made by 'Interested Parties', i.e. people living in the vicinity of the premises.

2.1 Representation 1:

2.1.1 Date representations received: 28th January 2025

2.1.2 Persons making representation: Bethanie Alcock

2.1.3 Licensing objectives affected: Prevention of Public Nuisance
Prevention of Crime and Disorder

2.1.4 Summary of Recommendations: Reduced volume of music, SIA door staff

2.2 Representation 2:

2.2.1 Date representations received: 3rd February 2025

2.2.2 Persons making representation: Lorna Valentine

2.2.3 Licensing objectives affected: Prevention of Public Nuisance
Prevention of Crime and Disorder

2.2.4 Summary of Recommendations: No live music

2.3 Representation 3:

2.3.1 Date representations received: 7th February 2025

2.3.2 Persons making representation: Sue Jolly

2.3.3 Licensing objectives affected: Prevention of Public Nuisance

2.3.4 Summary of Recommendations: N/A

2.4 Representation 4:

2.4.1 Date representations received: 16th February 2025

2.4.2 Persons making representation: Ronald Nutting

2.4.3 Licensing objectives affected: Prevention of Public Nuisance

2.4.4 Summary of Recommendations: N/A

2.5 Representation 5:

2.5.1 Date representations received: 17th February

2.5.2 Persons making representation: Cllr Malcolm Morland

2.5.3 Licensing objectives affected: Prevention of Public Nuisance

2.5.4 Summary of Recommendations: Noise Management Plan

2.6 Mediation

Mediation by the Licensing Section was not possible prior to this hearing.

3. Statement of Licensing Policy

The following sections of North East Lincolnshire Council's Statement of Licensing Policy 2015 – 2020 are considered relevant to these representations:

- Licensing Objectives: 2.1 – 2.4, 9.1 – 9.1.9
- Extent of Control: 6.2.1
- Duplication of other Legislation: 6.3.2
- Licensing Decisions: 7.1 - 7.9
- Applications: 8.1.4
- Premises Licence: 8.2.1 – 8.2.9
- Representations: 8.7.1 - 8.7.4
- Prevention of Crime and Disorder: 9.2.1 – 9.2.8
- Prevention of Public Nuisance: 9.4.1 – 9.4.7

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:

- Crime and Disorder: 2.1 – 2.7
- Public Nuisance: 2.21 – 2.27
- Determining Applications 9.1, 9.3 – 9.4
- Hearings 9.31, 9.38 - 9.44
- Proposed Conditions 10.4
- Imposed Conditions 10.8 – 10.9

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

- This application has been submitted as the previous licence lapsed. This was due to the dissolution of the limited company which held the premises licence.
- The premises applied for multiple TENs to allow them to trade while awaiting the hearing.
- The premises currently has approved planning permission to use their external area until 10pm. This application amends the conditions that were previously held on the licence to be in line with their new planning permission from 9pm to 10pm.
- All licensable activities and conditions applied for are identical to the previous licence held, with the exception of the extension from 9pm to 10pm for the external area and change of the word 'covers' to 'seats'.
- Humberside Police added 2 additional conditions regarding a drugs policy, and food availability which were agreed with the applicant during consultation.
- In the last 24 months, there have been 3 reported incidents of crime/antisocial behaviour at Folk and there have been no active noise complaints where noise diaries have been completed and returned for investigation.
- Under the Live Music Act 2012, live and recorded music are deregulated from 0800 until 2300 hours on a licensed premises and are therefore not required on the application.
- Concerns raised regarding rubbish/bins, how the premises operates (such as a bar/restaurant), Planning Permission, and consumption of food and alcohol are not considerable under the Licensing Act 2003. Ultimately the premises must operate in accordance with the permissions and conditions attached to the Premises Licence.
- The power of review exists for any licensed premises that does not operate in a way that promotes the licensing objectives. This can ultimately result in revocation of the licence.

Report prepared by Kate Brooks, Licensing Enforcement Officer

3rd March 2025