

LICENSING ACT 2003

Report to Licensing Sub-Committee following receipt of Relevant Representations

***Tap and Tail
26 Sea View Street
Cleethorpes
DN35 8EZ***

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: Tap and Tail, 26 Sea View Street, Cleethorpes, DN35 8EZ

1.2 Applicant: Jooms Hospitality Co Limited

1.3 Date Application Received: 24th August 2025

1.4 The Proposed Operation:

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

Supply of Alcohol (On the Premises)

Monday to Wednesday 0900 to 2300

Thursday to Sunday 0900 to 0000

Provision of Recorded Music

Monday to Wednesday 0900 to 2300

Thursday to Sunday 0900 to 0000

Provision of Live Music

Sunday to Thursday 0900 to 2300

Friday to Saturday 0900 to 0000

Proposed conditions by Humberside Police:

- 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, 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 any staircases.
- Monitors should be placed in such a position so as to be viewed by staff working in both bar areas of the premises (Ground floor and first floor).
- 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, or other agreed medium, 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. A separate risk assessment will be conducted for events held at the premises or in the vicinity (i.e Armed Forces Weekend/Carnivals etc). Door supervision will be provided in accordance with that risk assessment. Such an assessment shall be written down or stored electronically 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.
- An incident log, which may be electronic, shall be kept at each bar in 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 visit by a relevant authority or emergency service
- A log, which may be electronic, shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, the reason for the refusal, action taken and the name of the member of staff who

refused the sale. The book will be available to be viewed on demand by either an officer of the Local Authority or an officer under the direction and control of the Chief Constable at all times whilst the premises are open.

- 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, or held in an electronic format. It will record the date and names of those trained and the person providing it. All present shall sign the book/electronically sign the record. 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/record 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.
- When events are held at the premises or in the vicinity of the premises, 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 the Local Authority.
- There must be a minimum of 40 seats downstairs and 30 seats upstairs inside the premises at all times for the use of customers.
- Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them after 2100hrs
- The premises shall adopt and operate a comprehensive drugs policy, including recording regular toilet checks, a copy of which (either written or electronic) 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.
- There will be signage requesting that customers respect the local residents and leave quietly.
- Substantial food shall be available at the premises until 2130hrs each day.

- Staff will conduct regular litter checks on the front of the premises and remove any litter/debris/glass to dispose of responsibly. The checks, either written or electronic, 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.

Proposed conditions by NELC Environmental Protection

- There will be no external amplified entertainment at any time.
- External doors and windows are to be closed during any amplified entertainment which is above background level, as determined by an authorised officer of the local authority, with the exception of entrance and egress.
- A noise limiting device to be installed with a level to be agreed by Environmental Protection. All recorded and live amplified entertainment must be connected to the limiter.
- There will be signage requesting that customers respect the local residents and leave quietly.

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

One representation has been submitted in relation to this application.

2.1 Representation 1:

2.1.1 Date representations received: 23rd September 2025

2.1.2 Persons making representation: Ronald Nutting

2.1.3 Licensing objectives affected: Prevention of Public Nuisance.

2.1.4 Summary of Recommendations: The representation recommends closing windows and doors while music is being played and food to be available up to 1 hour before closing time. It also covers concerns regarding the potential application for a pavement licence in the future, and recommends that should one be granted drinks and glass containers should not be allowed outside.

The representation also refers to breaches in planning permission which are not relevant to the Licensing Objectives.

2.2 Mediation

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

3. Statement of Licensing Policy

The following sections of North East Lincolnshire Council's Statement of Licensing Policy 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 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:

- 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

- The premises was previously licensed for the supply of alcohol, late night refreshment and recorded music - Monday to Sunday 1200 until 0000 hours. The licence was surrendered by the previous licence holder on 2nd April 2025 following noise complaints to Licensing.
- This is a new application for a new bar/restaurant with no connection to the previous licence holder.
- The premises has been operating using Temporary Event Notices since 11th September 2025. No complaints have been submitted during this period.
- Humberside Police conditions have been agreed.
- Noise conditions added to the licence by Environmental Protection to prevent Public Nuisance have been agreed.
- No application for a pavement licence has been received to date. Should an application be received and granted a variation to the licence would be required to allow for alcohol to be supplied for outside consumption. The variation would be subject to consultation.

- Under the Live Music Act 2012, live and recorded music are deregulated from 0800 until 2300 hours on a licensed premises. This leaves an additional hour of regulated entertainment from 2300 to 0000 Thursday to Sunday for consideration on this application.
- Concerns raised regarding Planning Permission are not relevant considerations for this hearing under the Licensing Act 2003. Ultimately the premises must operate in accordance with the permissions and conditions attached to the Premises Licence. However, if there are additional planning requirements or the permitted operating times are less than any permitted by the Premises Licence, the operator must ensure compliance to avoid enforcement action. The following sections from North East Lincolnshire Council's Statement of Licensing Policy are considered relevant in this respect:
- *6.3.2 Planning, building control and licencing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the development concerned. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the Planning Committee. The granting by the Licensing Committee of any variation of a licence would not relieve the applicant of the need to apply for other permissions. Applicants for licences should note that the existence and/or granting of one type of permission will not mean that they will automatically be granted another type of permission.*
- *6.3.3 Applicants are strongly recommended to make any necessary applications for planning permission before they make applications for a premises licence or club premises certificate.*
- The power of review exists for any licensed premises that does not operate in accordance with its licence conditions. This can ultimately result in revocation of the licence.

Report prepared by Linda Milner, Licensing Enforcement Officer

7th October 2025