

LICENSING ACT 2003

Report to Licensing Sub-Committee following receipt of Relevant Representations

Today's,
93 Alexandra Road
Grimsby
DN31 1RF

NORTH EAST LINCOLNSHIRE COUNCIL
LICENSING AUTHORITY

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

1.1 Premises: Today's, 93 Alexandra Road, Grimsby, DN31 1RF

1.2 Applicant: Sutharshini Ltd

1.3 Date Application Received: 10 July 2025

1.4 The Proposed Operation:

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

Late Night Refreshment

Monday to Sunday – 23:00 to 00:00 hours

Supply of Alcohol

Monday to Sunday – 06:00 to 00:00 hours

Proposed conditions:

Prevention of crime and disorder

- A CCTV camera system, capable of providing good quality images in all lighting conditions, shall be used covering the interior and the immediate exterior (entrance) of the premise. Images will be retained for a period of at least 28 days and be made available to the Police and Authorised Officers upon reasonable written request for evidential purposes, in accordance with the relevant data protection legislation (currently GDPR 2018).
- The CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.
- The DPS and staff will be vigilant and monitor the area immediately outside the shop to check that youths are not causing annoyance by congregating.
- Spirits will be kept behind the counter
- Any incidents of crime and disorder at or immediately outside the premises, witnessed by staff, will be recorded in an incident book kept at the shop. This book will be made available for inspection by the Police and the other responsible authorities.
- The shop shall operate an alcohol refusals policy as follows - alcohol will not be sold to; any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);
 - Any person found to be drinking alcohol in the street;
 - Any person who is drunk or appears to be drunk;

- Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;
- Any person unable to provide valid ID when requested by staff;
- Any person who is verbally or physically abusive towards staff or customers.
- To any person suspected of trying to buy alcohol for another person(s) who may be under age.
- A notice advising customers of the refusals policy shall be on display.

Public safety

- No specific risks have been identified under the Licensing Act 2003
- (note – the applicant is aware of the need to comply with other legislative requirements to ensure that the shop is safe for customers and staff).

Prevention of public nuisance

- Deliveries to the shop will be arranged during hours which will not lead to any public nuisance.
- A notice(s) will be on display in the shop asking customers to leave the shop quietly
- A notice(s) shall be on display asking customers not to drop any litter on the floor.
- Staff will monitor the area immediately outside the shop on a regular basis to check for, and to dispose of, any litter.

Protection of children from harm

- The Challenge 25 scheme shall be adopted and appropriate signage will be on display.
- Alcohol will only be sold to people who can satisfy or prove to the seller that they are 18 years old or over. The only acceptable form of ID will be a passport, photo driving licence, a PASS accredited proof of age card, or other form of photo ID as recommended by Trading Standards.
- A refusals register (for the sale of alcohol) will be used and be made available for inspection by responsible authorities.
- A notice(s) shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.
- All staff selling alcohol will be trained on the prevention of underage sales. Training will be delivered on a regular basis (every 12 months) and records will be made available for inspection by Authorised Officers.

2. Summary of Representations –

Humberside Police have objected to the application as they have been unable to reach an agreement with regards to the conditions that are to be placed on the premises licence. The two local residents have objected to the licence due to concerns raised around current anti-social behaviour on the street and the perceived increase in anti-social behaviour this application may bring.

2.1 Representation 1:

2.1.1 Date representations received: 19 July 2025

2.1.2 Persons making representation: John McCurdy

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

2.1.4 Summary of Recommendations: None given.

2.2 Representation 2:

2.2.1 Date representations received: 18 July 2025

2.2.2 Persons making representation: Steven Donovan

2.2.3 Licensing objectives affected: The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance, The Protection of Children from Harm

2.2.4 Summary of Recommendations: No Alcohol Licence to be granted and hours of the shop overall to be reduced to 9.00 am to 5.00 p.m.

2.3 Representation 3:

2.3.1 Date representations received: 7 August 2025

2.3.2 Persons making representation: Humberside Police

2.3.3 Licensing objectives affected: The Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance, The Protection of Children from Harm

2.1.4 Summary of Recommendations: That the licence be granted with the 3 disputed conditions or, if that cannot be achieved, the application to be refused.

2.16 Mediation – Mediation between the two parties has taken place.

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
- Licensing Decisions: 7.1 - 7.9
- Applications: 8.1.1 – 8.1.7
- Premises Licence: 8.2.1 – 8.2.9
- Representations: 8.7.1 - 8.7.4
- Prevention of Crime and Disorder: 9.2.1 – 9.2.7
- Prevention of Public Nuisance: 9.4 .1 – 9.4.6

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, 2.3, 2.5
- Public Nuisance: 2.21 – 2.23, 2.27
- Responsible Authorities 8.7,
- Determining Applications 9.1, 9.3, 9.12,
- Hearings 9.31, 9.38 - 9.44,

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 On submitting the application, the applicant also submitted an operating schedule (see appendix 3) which included proposed conditions. Humberside Police and the Applicant have then worked to agree further conditions. They have agreed all but 3 of the conditions, the 3 conditions not agreed are as follows: -

- Spirits with an ABV above 20% will be kept behind the counter or other Police approved secure display. Spirits will only be displayed, offered or sold in bottles no less than 35cl
- The premise will not display, offer, or sell any beers, lagers, ciders or pre-mixed spirit drinks with an ABV in excess of 6.5 %.
- 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.

6.2 This premises is in West Marsh Ward where there are several initiatives from Humberside Police that have been put in place in response to the Government's Safer Streets initiative to reduce crime and anti-social behaviour and increase public confidence in the Police and the Criminal Justice System.

6.3 Humberside Police have provided statements from Public Health and the Ward Councillor in support of their representation

6.4 The applicant has provided documentation (see appendices 7-8) evidencing how they will ensure that all licensing objectives are adhered to along with correspondence sent to the representees from the community explaining the proposals for the new shop.

6.5 The representees from the community have stated that there are enough shops in the area selling these types of goods/alcohol. However, under the Licensing Act 2003, this issue is irrelevant and cannot be considered.

6.6 Humberside Police have provided a statement (see appendix 5) to evidence underage sales at another shop in the area. This is to show

there is an issue with underage sales in the area, not with this specific shop. The premises was previously a takeaway.

- 6.7** Once a decision is made, all parties should keep in mind that, should any relevant issues occur, the power of review is available.

7. Supporting Information

The following information is also included: -

- Appendix 01 – New Application for a Premises Licence
- Appendix 02 – Premises Floor Plan
- Appendix 03 – Proposed Conditions (Operating Schedule) on Application
- Appendix 04 – Representations Received
- Appendix 05 - Statement of Humberside Police Licensing Officer Alison Saxby
- Appendix 06 – Exhibits 1–7 from Humberside Police
- Appendix 07 – Letters Sent to Resident Representees by Licence Applicant
Exhibits from Licence Applicant
- Appendix 08 – Exhibits 1-5 from Applicant

Report prepared by

**Jo Bennett,
Licensing Enforcement Officer**

Date: 26/8/2025