

RESPONSES TO OBJECTIONS

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1. Crime and Disorder / Security / Storage of Alcohol

(Objections by the Parish Council, Trust Members & Trustees)

Response:

There is **no objection from Humberside Police**, the statutory authority responsible for assessing risk of crime and disorder. As per Section 182 Guidance (para 9.12), representations should be given less weight where the **relevant responsible authority raises no concern**. The assertion that the structure's historical nature increases the likelihood of theft is **unsubstantiated** and speculative.

Alcohol Storage & Safety: The Licensing Act 2003 does not specify minimum size requirements for premises. Storage will comply with Health & Safety Executive (HSE) and Food Standards Agency (FSA) regulations. Alcohol is stored securely within the premises in compliance with **Home Office alcohol retail guidance** and monitored by CCTV, reducing risk of crime or disorder.

Secure, purpose-built storage is in place and meets all requirements set out by local Environmental Health and Trading Standards. Claims regarding the sufficiency or purpose of the new structure built at the rear are speculative and unrelated to licensing objectives. They reflect estate management concerns rather than licensing risks. Importantly, there is no evidence that storage of alcohol poses any risk to crime or safety.

2. Public Safety / Lack of Toilets / Minimal Seating and Queuing Concerns

(Objections from the Trust and Parish Council)

Response:

The Licensing Act 2003 **does not impose a statutory requirement for toilet provision** for the sale of alcohol. This is a **planning or lease matter**, not a licensing one.

On-site public conveniences exist and are accessible during core trading hours. Many cafes, kiosks, or food trucks operate legally without internal toilets, provided suitable arrangements are available nearby, as is the case here. Also, several other premises use the toilets after 6pm on site including back to basics with their quiz nights after 9pm. Again discrimination against us.

Where public conveniences are on-site (albeit external), and the premises serves primarily as a café with seated service, this does not constitute a public safety risk. Additionally, there is no evidence submitted to support a public safety threat due to lack of toilet access.

Minimal Seating and Queuing Concerns: The premises has 14 indoor and 6 outdoor seats with clear boundaries. Customers queue in an orderly fashion, as is standard for cafés, and no alcohol will be served or consumed beyond the licensed area. Staff supervision, signage, and site layout are designed to mitigate risk. Public highways and footpaths near hospitality venues are normal and not inherently dangerous when well-managed.

3. Child Safety, Family-Friendly Site Concerns and Vehicle / Pedestrian Safety

(Objections from Parish Council, Trustees, and Cllr Jackson)

Response:

Alcohol will be served **only with food**, and **only on the premises**—which includes a modest number of indoor and immediately adjacent outdoor seats. This **cafe model** is explicitly recognised by law (Section 182 Guidance, para 10.20) as less likely to generate public nuisance or child protection issues. Patrons will be seated, supervised, and alcohol consumption will not occur in public thoroughfares or shared green spaces.

The concern that children may “witness” alcohol consumption is **not a licensing objective** under the 2003 Act. Protection of children refers to **direct harm**, not visual proximity to legal, licensed activity.

There is no evidence that the proposed premises will attract criminal activity or antisocial behaviour. No police objections have been made. Children are commonly present at licensed premises (e.g. pubs with beer gardens), and safeguarding measures—such as refusing service to intoxicated patrons and avoiding service to under-18s—are industry standard and will be strictly applied.

Vehicle/Pedestrian Safety: The site has operated for years with cafés and kiosks adjacent to the car park, with no recorded incidents. The presence of alcohol (limited and food-accompanied) does not increase this risk in any measurable way. Health and safety compliance is monitored, and staff presence will actively supervise customers.

4. Public Nuisance / Noise / Antisocial Behaviour / Control of Onsite Consumption

(Objections by Ward Councillor and Trustees)

Response:

Again, no objection was raised by Environmental Health or Humberside Police. The premises will close at 10pm and will not host loud entertainment. There have been no public complaints regarding nuisance from existing operations. Licensing authorities have discretion to apply conditions regarding facilities if needed—but absence of private toilets is not a legal bar to a licence.

Concerns regarding "turning into a public house" are **not evidenced**. The premises operates as a café, not a bar or public house. Alcohol is sold with food and not as a primary product. The application clearly defines on-premises consumption only and within trading hours (11am–10pm). It is unfounded to suggest it would become a "pub in all but name". Staff will be trained in responsible service of alcohol, and refusals logs and Challenge 25 policies will be in place.

Use as a Restaurant: The term "restaurant" here describes a café offering prepared meals and seating. Whether it is legally designated as a "restaurant" under the 1976 Act has no bearing on a premises licence under the Licensing Act 2003. This is a **licensed café model**, and the operation will be in line with numerous other small food-led licensed premises across the UK.

Control of Onsite Consumption: The premises licence application is for on-site consumption only and, if granted, will include enforceable conditions restricting where alcohol may be consumed. The sale of alcohol is incidental to food service and will be managed responsibly. Suggesting that customers will spill onto the site without any oversight is both unfounded and contrary to the licensing model, which allows review and enforcement if actual problems arise. No such problems have occurred to date.

5. Trust Policy Against Alcohol Onsite / Conflict with Trust Policy on Alcohol-Free Events

(Objections from Trust Chair and Trustees)

Response:

Internal policy of the Trust is **not a material consideration** for the Licensing Sub-Committee unless it relates to a licensing objective. Moreover, the site already includes at least **one other alcohol-licensed unit**, undermining the argument that the presence of alcohol is inherently at odds with the character of the location.

Conflict with Trust Policy on Alcohol-Free Events

Claim: Alcohol sales would undermine events like the November fireworks.

Response: Private site policies cannot override statutory licensing provisions. The November event is one evening per year and may require temporary restrictions—handled via Temporary Event Notices or custom licence conditions. Licensing decisions must not be made on hypothetical conflicts but on actual evidence. Furthermore, the Trust may establish site-wide alcohol boundaries during events, independent of the licence.

6. Lack of Lease / Tenancy at Will Status / Lack of Engagement

(Objections from Trust and Trustees)

Response:

Licence applications **do not require a lease**. Section 16 of the Licensing Act 2003 permits **any person with a lawful interest in the premises** to apply, including a tenant-at-will. Furthermore, the applicant was advised via his letting agent that the lease was forthcoming, and the Trust encouraged progression of the licensing application. To now reverse this, while citing that very lack of lease as grounds for objection, raises questions of **bad faith** and inconsistency.

Tenancy at Will vs Lease: Under licensing law, the form of occupancy (lease vs tenancy at will) is not determinative of whether an individual can hold a premises licence. The Licensing Act 2003 requires that the applicant have sufficient control over the premises. At the time of application, I was operating lawfully under a Tenancy at Will and had been advised by the Trust's appointed letting agent to proceed with the licensing process in anticipation of the lease being finalised. It is inappropriate for the Trust to now object based on occupancy when they themselves gave assurances to the contrary.

Lack of Engagement: It is factually incorrect to state that I did not approach the Trust to explain my intentions. Dialogue has taken place via the Trust's letting agent, and no objection to the premises operating as a café serving Danish food with occasional alcohol was raised until this late stage—after commercial success was demonstrated. At no point has the Trust sought constructive engagement regarding licensing terms or proposed conditions, this is due to their constant discrimination against me.

7. Storage Extension / Structure Alterations

(Objections from Trust)

Response:

Planning or lease permissions for structural alterations fall outside the scope of licensing. Objections about rear storage relate to **property management**, not any of the four licensing objectives. Storage will comply with all relevant **health and safety and food standards regulations**.

8. Governance, Impartiality & Due Process

It is important to reiterate the overarching issue in this matter: the decision-making process has been influenced by individuals who hold dual roles—as trustees of Waltham Windmill Trust and as public officials. Their objections, while presented under different names, are overlapping and interlinked. This raises concerns about:

Conflict of Interest:

- Councillors and Trustees involved in the decision have personal or organisational stakes in the outcome. This undermines the requirement for impartiality under **Section 5.3 of the Northeast Lincolnshire Councillors' Code of Conduct and public law principles of fairness**.

Bias and Discriminatory Conduct:

- I have been treated differently than other tenants, with a change of position only occurring after the Trust was made aware of the café's commercial viability. No equivalent opposition was raised to another site tenant (a full-scale restaurant) obtaining an alcohol licence—demonstrating inconsistency and possible discriminatory treatment.

Breach of Assurances:

- The Trust's appointed agent gave clear assurances to proceed with licensing while a lease was being finalised. The sudden reversal and use of lease status as an objection constitutes bad faith, if not a breach of legitimate expectation.

Misuse of Licensing Process:

- Objections appear aimed at controlling or restricting tenancy matters rather than addressing genuine concerns about the four licensing objectives. This is contrary to the intent of the Licensing Act 2003, which is to balance business needs and community protections, not to act as a proxy for estate management disputes.

9. Final Summary and Request

The Hvide Sande Café has demonstrated compliance with all applicable licensing principles. The objections raised are either speculative, not grounded in evidence, or are matters outside the scope of licensing law (e.g. lease status, private site policy).

We respectfully request:

1. **The appeal be upheld**, and the licence granted with appropriate, reasonable conditions.
2. **That any future review be evidence-based**, as permitted by the Licensing Act 2003, rather than anticipatory objections.
3. **That the Licensing Authority investigate potential misconduct or conflict of interest** among objecting parties who hold public office and have acted in dual capacities.

I remain committed to working constructively with the Licensing Authority and local community to ensure responsible operation of the premises, in line with all UK laws and licensing regulations.

Yours faithfully,

Jens Christian Fredrichsen