

# **LICENSING ACT 2003**

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

**Hvide Sande Danish Restaurant,  
Railway Carriage (Unit 12),  
Waltham Windmill,  
Barnoldby Road,  
Waltham,  
North East Lincolnshire,  
DN37 0JZ**

**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 at Appendix A)

**1.1 Premises:** Hvide Sande Danish Restaurant, Railway Carriage (Unit 12),  
Waltham Windmill, Barnoldby Road, Waltham, North East Lincolnshire,  
DN37 0JZ

**1.2 Applicant:** Jens Christian Fredrichsen

**1.3 Date Application Received:** 16<sup>th</sup> June 2025

**1.4 The Proposed Operation:**

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

**Supply of Alcohol for consumption On the premises only**

Monday to Sunday                      11:00 to 22:00

**Hours Premises Open to the Public**

Monday to Sunday                      11:00 to 22:00

**Proposed conditions:**

**The following condition have been proposed by Humberside Police and agreed with the applicant.**

1. 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.
2. There shall be sufficient cameras to cover those areas that are not easily supervised from the sales counter including outside areas where it is intended to conduct licensable activities.
3. 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.

4. Any system installed should be capable of producing copies of recordings on site.
5. 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.
6. The designated premises supervisor will be responsible for the operation of the system and 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.
7. 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.
8. 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.
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. The premise licence holder/DPS/Duty Manager shall ensure that there is an adequate risk assessment of the need for SIA door supervision at the premises during events at or on the area surrounding 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.
12. 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 for the outdoor area of the premises. Polycarbonate or crushable glassware will also be used upon the request of Humberside Police or the Local Authority.
13. An incident log 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
- all seizures of drugs or offensive weapons
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service

14. 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.

15. 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.

16. There will be signage requesting that customers respect the local residents and leave quietly.

17. There must be a minimum of 10 covers inside the premises at all times for the use of customers.

18. There must be a minimum of 12 covers outside the premises at all times for the use of customers, with the exception of when there is a large scale event in the vicinity (such as Bonfire night) where outdoor tables can be removed to assist with the safety of customers attending for food/soft drinks.

19. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

20. The premises will have a written Safeguarding policy in place at the venue which will ensure the safety of any children at the premises.

## **2. Summary of Representations –**

The Licensing Section have received four representations regarding this application. Full representations at Appendix B. All four licensing objectives have been sighted, however the details below are the only concerns relevant the licensing objectives. Concerns not relevant to the licensing objectives have been omitted. It is also noted that no representations have been received by any Responsible Authorities.

### **2.1 Representation 1:**

**2.1.1 Date representations received:** 10/07/2025

**2.1.2 Persons making representation:** Waltham Parish Council

**2.1.3 Licensing objectives affected:** The Prevention of Crime and Disorder; Public Safety

**2.1.4 Summary of Recommendations:** No recommendation.

### **2.2 Representation 2:**

**2.2.1 Date representations received:** 13/07/2025

**2.2.2 Persons making representation:** Margeret Cracknell

**2.2.3 Licensing objectives affected:** The Prevention of Public Nuisance

**2.2.4 Summary of Recommendations:** To refuse the application for a new premises licence.

### **2.3 Representation 3:**

**2.3.1 Date representations received:** 14/07/2025

**2.3.2 Persons making representation:** Chairman of Waltham Windmill Trust

**2.3.3 Licensing objectives affected:** The Prevention of Public Nuisance

**2.3.4 Summary of Recommendations:** No recommendation.

### **2.3 Representation 4:**

**2.4.1 Date representations received:** 14/07/2025

**2.4.2 Persons making representation:** Cllr Philip Jackson

**2.4.3 Licensing objectives affected:** The Prevention of Public Nuisance, Public Safety

#### **2.4.4 Summary of Recommendations:** No recommendation

### **2.5 Representation 5:**

**2.5.1** The applicant has submitted a response to the representations received. It can be found at Appendix D.

**3. Mediation** – No mediation has been undertaken.

### **4. Statement of Licensing Policy**

The following sections of North East Lincolnshire Council's Statement of Licensing Policy (Interim Version) 2022 are considered relevant to these representations:

- Licensing Objectives: 2.1 – 2.4, 9.1 – 9.1.9
- Licensing Decisions: 7.1 - 7.9
- Applications: 8.1.4
- Premises Licence: 8.2.1 – 8.2.9
- Representations: 8.7.1 - 8.7.4
- Prevention of Crime and Disorder: 9.2.1 – 9.2.7
- Public Safety: 9.3.1 – 9.3.14
- Prevention of Public Nuisance: 9.4.1 – 9.4.7

### **5. 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 - 2.6,
- Public Safety 2.8, 2.9, 2.10, 2.16, 2.18
- Public Nuisance 2.21, 2.22, 2.27
- Responsible Authorities 8.7,
- Determining Applications 9.1, 9.3, 9.12,
- Hearings 9.31, 9.38 - 9.44,

### **6. General Advice on Determination of the Application –**

**6.1** The sub-committee are advised that findings on any issues of fact should be on the balance of probability.

- 6.2** 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.
- 6.3 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.**
- 6.4** 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.
- 6.5** Conditions should be proportionate to the size, style and characteristics of the premises and the activities proposed or taking place and must be appropriate
- 6.6** 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.
- 6.7** 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

## **7. Observations**

- 7.1** With regards to concerns raised about such as the applicants lease or right to occupy, safe storage of alcohol, availability of toilets, historic nature of the site, or proximity of the premises to the car park are not relevant to the licensing objectives.
- 7.2** Several representations mention that the site is alcohol free. However Millers Indian restaurant which is located on the Waltham Windmill Site

holds a premises licence which authorises the sale of alcohol for consumption on the premises only from 10am to midnight seven days a week. A copy of which is attached to this report at Appendix C.

- 7.3** It is also observed that 10 representations were received objecting to the premises licence application to Millers Restaurant (then Tuscany Villa) were received by North East Lincolnshire Council when it was originally applied for in October 2005. 7 were withdrawn when a condition around no outdoor music was agreed. 3 representations remained so it was granted at a subcommittee hearing in December 2005. Since it was granted only a single issue has ever been reported.

**Report prepared by**  
**Iain Peck**  
**Senior Licensing Enforcement Officer**

**Date: 28/07/2025**