



North Tyneside Council

Licensing Sub Committee

Wednesday 21 September 2022

Wednesday, 28 September 2022 0.01 Chamber - Quadrant, The Silverlink North,
Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00 am.**

Agenda Item	Page
1. Appointment of Chair	
The Sub-committee to appoint a Chair for the meeting.	
2. Declarations of Interest	
Members of the Sub-committee are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda and the nature of that interest.	
3. Procedure for Licensing Act Hearings	3 - 8
To note the procedure for hearing and determining an application for a variation of a Premises Licence.	
4. Heron Foods, 2 Churchill Street, Wallsend, NE28 7SZ	9 - 54
To give consideration to an application to vary the Premises Licence in respect of Heron Foods, 2 Churchill Street, Wallsend, NE28 7SZ.	

Circulation overleaf ...

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Members of the Licensing Sub Committee

Councillor Wendy Lott
Councillor Janet Hunter

Councillor Mrs Linda Arkley OBE

LICENSING ACT 2003

NORTH TYNESIDE COUNCIL

PROCEDURE FOR HEARING OF AN APPLICATION BEFORE THE LICENSING SUB-COMMITTEE (“the Committee”)

The four licensing objectives, as set out in the Licensing Act 2003, are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Each application that comes before this Committee will be treated on its own merits, and this Licensing Authority will take its decision based upon:

- The merits of the application
- The promotion of the four licensing objectives
- The Statement of Licensing Policy of North Tyneside Council
- The guidance issued under Section 182 of the Licensing Act 2003.

The Procedure of the Committee is as follows:

1. The Chair of the Committee will open the hearing and will ask all persons present at the hearing to identify themselves. The Chair will then explain the procedure to be followed at the hearing.
2. The Committee will then consider any request made by a party under regulation 8(2) of the Licensing Act 2003 (Hearings) Regulations 2005 for permission for a person to attend as a witness on his/her behalf.
3. The Licensing Officer will present a report to the Committee outlining the application, any relevant representations and the relevant sections of the Council’s Statement of Licensing Policy and the statutory guidance.
4. The Committee may ask any relevant questions they have of the Licensing Officer.
5. The Applicant or their representative will then be invited to address the Committee to clarify any information arising from the officer’s report, if necessary.
6. Each of the Responsible Authorities which have made representations will be invited to address the Committee about the application, to indicate why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If a Responsible Authority has obtained prior permission to call a particular witness, then they may call that witness.

7. The Committee may ask any relevant questions they have of the Responsible Authorities.
8. Other Persons may ask any relevant questions they have of the Responsible Authorities.
9. The Applicant or their representative may ask any relevant questions they have of the Responsible Authorities.
10. Each of the Other Persons who have made representations will be invited to address the Committee about the application, indicating why they consider the issues they have raised to be relevant to the licensing objectives and sufficient to object to the application or notice (as applicable).

If any Other Person has obtained prior permission to call a particular witness, then they may call that witness.

Note: In order to avoid repetition and to expedite proceedings at the hearing, objectors within the same group of Other Persons are encouraged to appoint an agreed spokesperson to address the Committee.

11. The Committee may ask any relevant questions they have of the Other Persons or their witness(es).
12. The Responsible Authorities may ask any relevant questions they have of the Other Persons or their witness(es).
13. The Applicant or their representative may ask any relevant questions of the Other Persons or their witness(es).
14. The Applicant or their representative will be invited to address the Committee, as to why they consider the issues raised by the Responsible Authorities and Other Persons to be irrelevant to the licensing objectives and why they consider the Committee should grant their application or notice (as applicable).

If the Applicant has obtained prior permission to call a particular witness, then they may call that witness.

15. The Committee may ask any relevant questions they have of the Applicant, their representative or their witness(es).
16. The Responsible Authorities may ask any relevant questions they have of the Applicant, their representatives or their witness(es).
17. Any of the Other Persons may ask any relevant questions they have of the Applicant, their representative or their witness(es).

18. The Chair of the Committee will invite each of the Responsible Authorities to make a brief closing statement. Each Responsible Authority should ideally take no longer than 10 minutes to make their closing statements
19. The Chair will invite each of the Other Persons to make a brief closing statement. Each of the Other Persons will be entitled to a maximum of 10 minutes in which to make their closing statements.
20. The Chair will invite the Applicant or their representative to make a brief closing statement. Each Applicant should ideally take no longer than 10 minutes to make their closing statements.
21. The Chair will ask all parties if they are satisfied that they have said all they wish to.
22. The Committee will retire in private to consider the application and make its determination. The Legal Adviser will be present to ensure that all matters of law, evidence and procedure are adhered to appropriately but will not take part in the decision.
23. In considering any representations or a notice made by any party, the Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as the case may be) either before the hearing or, with the consent of all the other parties, at the hearing.
24. The Committee shall disregard any information given by a party or by any person to whom permission to appear at the hearing is given by the Committee, which is not relevant to:
 - (i) their application, representations or a notice (as the case may be) or, in the case of another person, the application, representations or notice of the party requesting their attendance; and
 - (ii) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the prevention of crime and disorder licensing objective.

NB Parties are reminded that any documentary or other information or evidence they wish to produce in support of their application or representation must have been disclosed to all parties prior to the hearing taking place. **Late representations, documents or evidence will only be considered with the agreement of all parties present.**

25. The Committee will return to announce its decision. A written notice of the decision will be provided to all parties in accordance with statutory requirements. The decision letter will include the reasons for the decision, and any conditions placed upon the licence (if granted) and the licensing objective(s) they relate to. The notification of decision will include information on a party's right to appeal against the Committee's decision.

General Matters

1. Expectations on parties

The Licensing Authority expects all parties to a hearing to endeavour to address any issues openly and to work towards an amicable resolution, if at all possible, prior to the hearing taking place.

All parties will be expected to:

- (i) demonstrate which of the four licensing objectives are addressed in relation to each of the issues they wish to raise at the hearing; and
- (ii) draw to the Committee's attention any relevant aspects of the National Guidance or local Statement of Licensing Policy which they also consider are particularly relevant to the Committee's consideration of the issues the party(ies) has/have raised.

2. Agreement that a hearing is unnecessary

A Licensing Authority can dispense with holding a hearing if all persons concerned (applicants and parties raising a representation) give notice to the Licensing Authority prior to the hearing date that they consider it unnecessary.

Where all such persons have given such notice, and the Licensing Authority agrees that a hearing is unnecessary, the Licensing Authority will give notice to the parties that the hearing has been dispensed with.

3. Failure of parties to attend

The hearing may proceed in the absence of any party who has informed the Licensing Authority that they do not intend to attend or be represented at the hearing.

If a party fails to attend or be represented at a hearing without notifying the Licensing Authority, the Committee may adjourn the hearing to a specific date if it considers it to be in the public interest to do so, or alternatively may proceed with the hearing in the party's absence. In the interests of the other parties, costs and efficiency, hearings will generally proceed notwithstanding the absence of any party (including the Applicant).

Where it is decided to proceed in a party's absence, all notices and representations received from the absent party will be considered by the Committee.

If, in exceptional circumstances, a decision is made to adjourn a hearing all parties will be advised of the date, time and venue to which the hearing has been adjourned.

4. Questioning of parties

The Licensing Authority will generally allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited.

5. **Further clarification**
When addressing the Committee each party shall respond specifically to any points of which it received notice (with the Notice of Hearing) upon which the Committee was seeking clarification.
6. **Questioning by Legal Adviser**
The legal adviser to the Committee may ask questions on behalf of, or in addition to, the Committee members themselves.
7. **Hearsay evidence**
Hearsay evidence will be admissible provided that it is relevant. The weight to be attributed to hearsay evidence will be a matter for the Committee.
8. **Persons behaving in a disruptive manner**
The Committee has the right to exclude any person disrupting the hearing, at their discretion. The Committee can refuse to allow that person to return or, alternatively, may permit him/her to return on such conditions as the Committee may decide. Any person required to leave the hearing may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give orally had they not been required to leave.
9. **No decision-making by Ward Members**
A member of the Licensing Committee shall not be entitled to participate in any decision-making in relation to any licensing application concerning premises in the Ward for which he/she serves as Councillor.

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REPORT

**Meeting/
Decision
Maker(s)** Licensing Sub-Committee

Date: 28 September 2022

Report by: Gary Callum
Licensing Officer
☎ 643 6903

**Contact
Officer(s):** Gary Callum
Licensing Officer
☎ 643 6903

**Title of
Report:** Licensing Act 2003
Heron Foods
2 Churchill Street
Wallsend
Tyne and Wear
NE28 7SZ

1.0 Summary / Purpose of Report

Licensing Sub-Committee

- 1.1 The Licensing Act 2003 (“The Act”) provides that, where representations have been received from a Responsible Authority or Other Parties in respect on an application for the variation of a Premises Licence, a hearing must be held to consider such applications, unless the parties and the Authority agree that a hearing can be dispensed with. Licensing Sub-Committees have therefore been established in accordance with the provisions of the Act for the purpose of hearing applications such as this.
- 1.2 The Sub-Committee is asked to consider and determine an application from Heron Foods Limited, The Vault, Dakota Drive, Estuary Commerce Park, Speke, Liverpool, L24 8RJ.
- 1.3 Heron Foods Limited have been invited to attend the meeting in support of their application. All persons making relevant representations have also been invited to attend.

1.4 Representations from Responsible Authorities and Other Persons

The application has been forwarded to the Chief Officer of Police, Fire Authority, Local Planning Authority, Environmental Health Authority, Health and Safety Enforcement Agency, Licensing Authority, Director of Public Health, Weights and Measures Authority, Home Office Immigration Enforcement and the North Tyneside Safeguarding Children Partnership (formerly the Local Safeguarding Children Board), with a view to any of these Responsible Authorities inspecting the premises if deemed appropriate by them and to enable them to comment on the application.

The application has been advertised at the premises, in a local newspaper and also, on the Council Website as prescribed.

There have been no representations received from any of the Responsible Authorities.

Representations have been received from other parties and are appended to this report at **Appendix 4**

1.5 Authority to make decision

In relation to an Application for the Variation of a Premises Licence, the Licensing Sub-Committee can, in accordance with section 35(4) of the Licensing Act 2003:

- Modify the conditions of the licence; or,
- Reject the whole or part of the application.

Once the Sub-Committee has reached a decision, the decision and reasons for the decision must be given in accordance with the Licensing Act 2003 and the Licensing Act 2003 (Hearings) Regulations 2005.

2.0 Background

2.1 This report relates to an application for the Variation of an existing Premises Licence in respect of Heron Foods, 2 Churchill Street, Wallsend, Tyne & Wear, NE28 7SZ. A copy of the application form is attached at **Appendix 1**. A map of the area is attached at **Appendix 2**. The current Premises Licence permits the following licensing activities and times:

Supply of Alcohol (for consumption off the premises)

• Monday to Saturday	08.00 – 20.00
• Sunday	10.00 – 16.00

General Opening Times

• Monday to Saturday	08.00 – 20.00
• Sunday	10.00 – 16.00

2.2 The current licence is attached to the report at **Appendix 3**. The licence provides for the supply of alcohol for consumption **off** the premises only. The ‘premises’ is the area indicated at Annex 4 of the licence.

2.3 The Application for the variation of a Premises Licence is made under Section 34 of The Licensing Act 2003 and the Section of the Act dealing with the determination of such an application is Section 35.

2.4 Heron Foods Limited seek to vary the licence to permit the following licensing activities and times:

Supply of Alcohol (for consumption off the premises)

• Monday to Saturday	07.00 – 22.00
• Sunday	10.00 – 16.00 (No change)

General Opening Times

• Monday to Saturday	07.00 – 22.00
• Sunday	10.00 – 16.00 (No change)

3.0 A copy of the application for the variation of the Premises Licence is attached at **Appendix 1** and a map of the area is attached at **Appendix 2**.

3.1 A copy of the current Premises Licence is attached at **Appendix 3**.

4.0 Promotion of Licensable Activities

The applicant has set out the further steps that he proposes to take to promote the licensing objectives as outlines within the operating schedule, details of which can be found within **Appendix 1**.

5.0 The Parties

The parties to the hearing will be;

1. The Applicant – Heron Foods Limited
2. Those Other Parties making relevant representations.

6.0 For consideration

The area for consideration by the Licensing Sub-Committee are:

- The application for the variation of a Premises Licence in relation to Heron Foods, 2 Churchill Street, Wallsend, Tyne and Wear, NE28 7SZ.

7.0 The North Tyneside Council Statement of Licensing Policy

The Sub-Committee’s attention is drawn to the relevant part of the Policy – Section 10 Licensing Objectives and Section 6 – Premises Licences which includes reference to the variation of such licences.

8.0 The Relevant Guidance under Section 182 Licensing Act 2003

The Sub-Committee's attention is drawn to the relevant parts of the Statutory Guidance issued under Section 182 of The Licensing Act 2003 – Chapter 2 The Licensing Objectives; Paragraph 8.50 – 8.77 concerning variations and Chapter 9 – Determining Applications.

9.0 Decision

The Sub-Committee is asked to determine the application in whatever way it sees fit.

10.0 Associated Papers

Appendix 1 – The application for the variation of a Premises Licence

Appendix 2 – Map of the area in which the premises is situated

Appendix 3 – Current Premises Licence

Appendix 4 – Relevant representations

11.0 Background Information

The following background information has been considered in the compilation of this report and are available for inspection at the offices of the author of the report:

The Licensing Act 2003 and Regulations,
Guidance issued under Section 182 of The Licensing Act 2003,
North Tyneside Council's Statement of Licensing Policy,



North Tyneside Council

North Tyneside
Application to vary a premises licence
Licensing Act 2003

For help contact
liquor.licensing@northtyneside.gov.uk
Telephone: 0191 643217

* required information

Action 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="HER002-43-3"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes
- No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	<input type="text" value="Heron Foods Limited"/>
* Family name	<input type="text"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

As the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text" value="01392197"/>
Business name	<input type="text" value="Heron Foods Limited"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Private Limited Company"/>

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

3,500

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VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

Yes No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which
could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to
provide a place for consumption of these off-supplies, you must include a description of where the place will be and its
proximity to the premises.

The proposed variation is to extend the permitted hours for the sale of alcohol off the premises on Monday to Saturday
from the current hours of 08:00 to 20:00 to the proposed hours of 07:00 to 22:00.

The opening hours on Monday to Saturday will be 07:00 to 22:00.

The hours on a Sunday will not change.

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to
vary is successful?

Yes No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to
vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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Continued from previous page...

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the day of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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OURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the day of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

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WEDNESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="16:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

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I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The style and operation of the premises will not change. All policies, procedures and conditions of the Premises Licence will be complied with.

b) The prevention of crime and disorder

Please see a) above.

c) Public safety

Please see a) above.

d) The prevention of public nuisance

Please see a) above.

e) The protection of children from harm

Please see a) above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

in terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

continued from previous page...

Full name	<input type="text" value="Woods Whur"/>
Capacity	<input type="text" value="Solicitors for the Applicant"/>
Date	<input type="text" value="03"/> / <input type="text" value="08"/> / <input type="text" value="2022"/>
	dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/north-tyneside/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="HER002-43-3"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

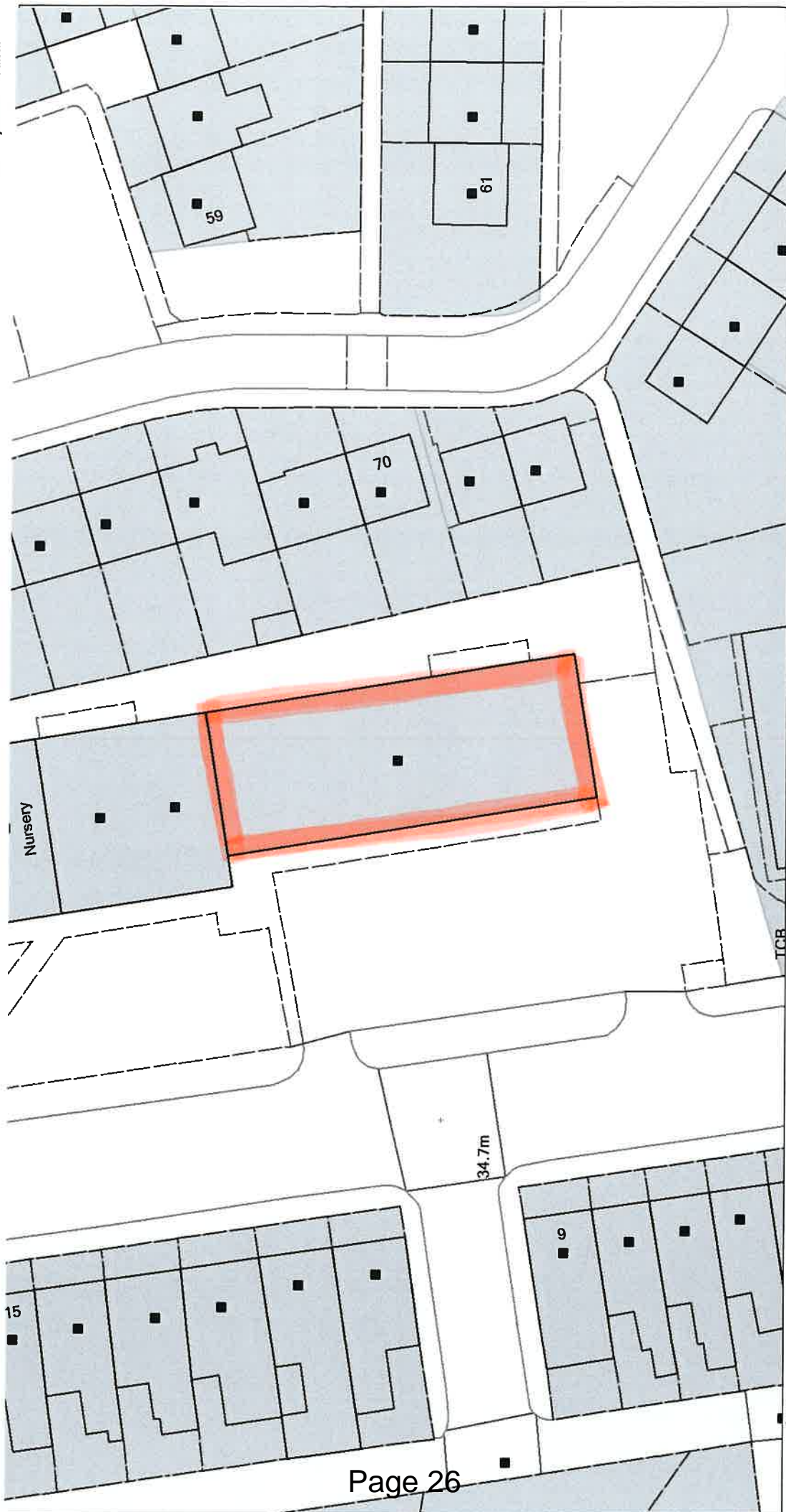
APPENDIX 2

Heron Foods, Churchill Street.

Not Set



North Tyneside Council



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Organisation	North Tyneside Council	Date	20 September 2022
Department	North Tyneside Council	SLA Number	100016801
Comments	Not Set	Scale :	1:490

APPENDIX 3



North Tyneside Council

PREMISES LICENCE

Schedule 12 – Part A

Premises Licence number:

00CK/19/0024

Part 1 - Premises details

Postal address of premises:

Heron Foods
2 Churchill Street
Wallsend
Tyne & Wear
NE28 7SZ

Licensable activities authorised by the licence:

Supply of alcohol

The times the licence authorises the carrying out of licensable activities:

Monday to Saturday **From:**08:00 **Until:**20:00, Sunday **From:**10:00 **Until:**16:00

The opening hours of the premises:

Monday to Saturday **From:**08:00 **Until:**20:00, Sunday **From:**10:00 **Until:**16:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

Off

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Heron Food Limited The Vault, Dakota Drive, Estuary Commerce Park, Speke, Liverpool L24 8RJ

Registered number of holder, for example company number, charity number (where applicable):

01392197

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mrs Julie McAndrew
4 Derby Gardens, Wallsend, Tyne And Wear, NE28 8EB

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

00CK19/0017 North Tyneside Council

Annex 1 - Mandatory conditions

1. **No supply of alcohol may be made under this premises licence:-**
 - (a) **at a time when there is no designated premises supervisor in respect of the premises licence or**
 - (b) **at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
2. **Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.**

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 with effect from 28th May 2014

1. **A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.**

2. **For the purposes of the condition set out in paragraph 1—**

(a) **"duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;**

(b) **"permitted price" is the price found by applying the formula—**

$$P = D + (D \times V)$$

where—

(i)

P is the permitted price,

(ii)

D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii)

V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c)

"relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i)

the holder of the premises licence,

(ii)

the designated premises supervisor (if any) in respect of such a licence, or

(iii)

the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d)

"relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)

"valued added tax" means value added tax charged in accordance with the Value Added Tax

Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - with effect from 1st October 2010 as amended on 1st October 2014

1.(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premise licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3)The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or**
- (b) an ultraviolet feature.**

Annex 2 - Conditions consistent with the operating schedule

Annex 3 - Conditions attached after a hearing by the licensing authority

- 1. CCTV system will be designed, installed and maintained in proper working order at the Premises. Such a system shall:-**
 - i) Provide continuous recording for each camera to a good standard of clarity with a minimum of four frames per second.**
 - ii) Ensure coverage of all entrances and exits to the Premises both internally and externally.**
 - iii) Ensure coverage of such other areas as may be required by the Licensing Authority.**
 - iv) Retain recordings on hard drive, disk or other storage device for a minimum period of 28 days.**
 - v) Be in operation at all times the Premises are open to the public.**
 - vi) Be fitted with security functions to prevent recordings being tampered with such as password protection.**
- 2. There will be at least one person at the Premises during operating hours that is trained to provide viewable copies of the CCTV images following a request from an authorised officer of the Licensing Authority or other Responsible Authority made in accordance with a Data Protection Act 2018 and the General Data Protection Regulation. The CCTV recordings will be supplied in a removable format.**
- 3. Signs will be displayed both internally and externally at the Premises indicating to customers that CCTV is in operation at the Premises. The Signs are to be a minimum of A5 in size.**
- 4. An incident report register will be maintained and kept at the premises at all times to record any incidents at the Premises such as anti social behaviour, refusal of admission to the Premises and ejection from the Premises.**
- 5. The incident report register will be produced for inspection immediately on request from an authorised officer of the Licensing Authority or other Responsible Authority.**
- 6. All staff at the Premises who are responsible for selling and supplying alcohol will seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking to purchase alcohol. Such credible evidence, which shall include a photograph of the customer, will either be current passport, photographic driving licence or proof of age card carrying a PASS logo and hologram. If no such evidence is provided then the sale must be refused.**
- 7. A Refusals Register (electronic or paper based) is to be kept at the Premises and kept up to date detailing all challenges made to customers as to their age and the reason for any refusal recorded in the register. The Register will be made available for inspection immediately on the request of an authorised officer of the Licensing Authority or other Responsible Authority.**

- 8. All persons responsible for the sale of alcohol from the Premises will be given training on their duties and responsibilities under the Licensing Act 2003 (or any replacement legislation) before they commence selling alcohol and refresher training will be given to such persons every 3 months. This training will be provided by the Designated Premises Supervisor.**
- 9. Training records for each person responsible for the sale of alcohol from the Premises will be maintained and kept at the premises at all times and will be made available for inspection and copying by authorised officers of the Licensing Authority or other Responsible Authority.**
- 10. There will be clear and legible notices displayed at exits and other circulatory areas of the Premises requesting customers to leave the Premises quietly having regards to the needs of local residents and in particular emphasising the need to refrain from shouting, slamming car doors and the sounding of car horns.**

Annex 4 - Plans

See attached

APPENDIX 4

Extended opening hours, Herons Churchill Street

Tue 23/08/2022 12:19

To: Liquor Licensing <liquor.licensing@northtyneside.gov.uk>

EXTRNL

Sir,

I wish to register my objection to the application for extended opening hours. There is already considerable disturbance for residents living to the rear of this shop during current hours.

The new hours would add another 3 hours (07:00 -08:00 and 20:00 to 22:00) where deliveries and other workings are carried out via the rear exit.

It would, in my opinion, add further to the anti-social behaviour in the area.

There are two other shops locally where alcohol can be bought without extending these hours.

Regards.

Sent from Yahoo Mail on Android

Re: Heron Licence Change

Sun 28/08/2022 17:06

To: Liquor Licensing <liquor.licensing@northtyneside.gov.uk>

EXTRNL

To whom it may concern

I am writing to contest both the the liquor licence and extension of hours request by Heron, Churchill Street, Howdon, NE28.

In our area, Heron clearly plays a role in supplying affordable food and beverages to the local demographic and the cost effectiveness of this food also supports many in the area who are deprived, in receipt of benefits and/or who may soon be classed as this due to rising fuel costs.

However, as a deprived area, we also have a higher rate of risk taking behaviour and antisocial behaviour. Both of which would be fueled by Heron's lower cost supply and make it much more accessible for residents in our area to access this.

Currently, those who would purchase alcohol can already do so from an off licence (literally across the road), several off licences dispersed by several streets and blocks and Aldi. This disperses residents who may be hoping to purchase alcohol either already under the influence, or those who wish to become intoxicated reducing the possible nuisance levels of those congregating. As opposed to heron being an additional one stop shop which would attract more patriots and potentially cause gathering in local connections to streets, such as gilsland avenue and cold stream, and Churchill Street which already have broke glass and packages left by shoppers of heron and from heron themselves as there is lots of rubbish and boxes left to fly around behind the store.

Increased opportunity to purchase alcohol could also cause an increase in harm to children and families as alcohol fueled domestic violence and child abuse are in close correlation.

The crime rate and antisocial behaviour of underage drinkers and adults is already high in our area and this would allow more risk of underage drinking. Heron, will of course have a challenge 21/ 25 order, yet already, energy drink policy and supply is not followed consistently and the staff that work there are local residents happy to turn a blind eye for local lads and lasses who are friends of friends or relations of people they know.

There were many promises made about heron in the original plan that the landlord is already refusing and local councillor have had to be involved to ensure they are addressed albeit slowly. I question what promises and rules they will agree to follow, only yo become lax due to low paid staff, and the focus on profits.

Finally, while heron supply low cost food and aim to provide greater provision of food and drinks to local families, the quality and health of the food supplied is dreadful, contributing to the inequalities of health of local families. By this I mean that the longer the hours, the more accessible food and drinks will be, meaning that heron may become more popular and more families might shop more often, selecting poor quality and unhealthy foods for adults and children. This can cause harm to the children of Howdon, their dental health, obesity levels and prevention of life long disease prevention caused by high fat, high salt high sugar foods. As opposed to now, where as parents and guardians would make the

short walk to Aldi for healthier cost effective food.

To pass this request would be to directly allow harm and poor behaviour in our local area. Please, for the good of our community and its population, please refuse this and protect us from public nuisance, antisocial behaviour and promote the health and well-being of our local population.

If you could please confirm receipt of this representation- I would greatly appreciate that.

Kind regards

Re: Heron License Change

Mon 29/08/2022 10:11

To: Liquor Licensing <liquor.licensing@northtyneside.gov.uk>

EXTRNL

Sent from my iPhone

> On 29 Aug 2022, at 12:31,

>

>

>

> To whom It may concern

>

> I am putting a letter of representation in as of today. 29/08/2022

>

> I am objecting to the change in the opening and the liquor license extension for Heron foods. We live directly behind the stores service doors and have had nothing but noise and mess since the fence coming down in February of this year.

> This has caused us stress. No privacy, rubbish flying into our garden as rubbish not put directly into bins and allows to blow off the cages at the bottom of our garden. The staff of Heron have no respect for the neighbouring homes behind.

> Swearing shouting and slamming the doors. This cannot be avoided as the doors are made from heavy metal but are opened constantly throughout the day. I have had a form from the environmental agency to say how much noise we put up with but it's hard to comment as we work and it's on and off as the day goes on . So there is no way I'm going to keep filling a form in each time the doors open and get a delivery of cages. We have never enjoyed our garden this year as the Landlord has failed to replace the fence. Also the fence did not block the noise out the way it said it would or should have. It seems like it's been overlooked because it has gone ahead. Obviously nobody keeps a check on the area after the plans have been passed. I have had to complain and email our local councillor on many occasions over the past year.

> The area at the moment is full of rubbish and youths hanging around. So it will go on later in the evening. I think this will encourage more anti social behaviour and increase rubbish. The area has become worse In the past few years. As always lived in Howdon we have seen an increase in this. Also with having public access cuts so near it will encourage youths to use them to be hidden from view. Please consider this as it will bring the area down even further. Also consider the effect on the neighbours that will be affected by this change.

> Both myself and my husband get up between 4.30 and 5.00 in a morning for work. So now you are telling us that the noise after Heron closes at 10 pm it will go on a half hour later till 10.30. We go to bed between 9.30 and 10 in the evening. They have never considered noise to ourselves. Not very fair to people. We sleep in the bedroom at the back of our house. While summing up your decision put yourself in the people who will affect shoes. I have lived in my home for 35 years and have to say Heron has affected things in the short time it has been open.

> The original plans were for a acoustic fence which never happened. So it did not keep the sound to a minimum. The fence was there for privacy this has not been the case for 6 months.

> I have not been able to let my grandkids play In the garden in the paddling pool as I do not know

> If the staff from Heron have been DBSd pro

> Also the staff at Heron choose who they serve drink to and who not regardless of 21/25 policies

being in place as I was refused an energy drink at 56 years of age because the supervisor on shift at the time chose to challenge me. The staff have no regard for people and their lives.

> Please to not extend this license as there are enough premises that people can buy alcohol later in the evening.

>

> Kind regards

>

>

> Sent from my iPhone

Licensing Sub Committee – 28 September 2022

Applicant's Bundle Public

1. Back Door Notice
2. Broken Fence
3. Fence Now
4. Delivery Schedule

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PLEASE SHOW
OUR
NEIGHBOURS
RESPECT.
OPEN & CLOSE
THIS DOOR
QUIETLY PLEASE.

THANK YOU.

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Beth Mortell

From: Andy Barratt 
Sent: 14 September 2022 10:05
To: Laura Baker
Subject: ETAs for High Howden

Laura

I hope this will help

Shop Name	Shop No	SUN	MON	TUES	WED	THURS	FRI	SAT
HIGH HOWDEN	299	10:00	16:30	16:00	16:00	17:00	16:00	16:00

Andy

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