

# REPORT

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

**Date:** 28 September 2022

**Report by:** Gary Callum  
Licensing Officer  
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**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,