

**FOR THE CHAIR AND MEMBERS OF  
THE LICENSING SUB-COMMITTEE  
FOR 22 APRIL 2025**

## **APPLICATION FOR A PREMISES LICENCE**

**Applicant:** Heron Foods Limited

**Ref.No.** 106098

**Premises:** Unit 3, 9 High Street, Ormesby, TS7 9PD

**Application received:** 29 January 2025

### **Licensable Activities applied for:**

The Sale of Alcohol for consumption off the premises: -

Monday to Saturday - 07.00 until 21.00

Sunday – 08.00 until 20.00

**Full details of the application and accompanying operating schedule have been reproduced at Appendix 1.**

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### **1. Notification to Responsible Authorities:**

The following Responsible Authorities have all received notification of the application:

Chief Constable	Planning Manager
Chief Fire Officer	Trading Standards Manager
Area Child Protection Group	Director of Public Health
Environmental Health Manager	Home Office (Immigration Enforcement)
(Public Safety and Public Nuisance)	Licensing Manager

**2. Application advertised by the applicant:** Teesside Gazette – 31 January 2025

### **3. Legislation**

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety

Public Health and Public Protection

Middlesbrough Council, PO Box 505, Civic Centre, Middlesbrough, TS1 9FZ

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- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

#### **4. Background**

Under Regulation 11 of the Licensing Act (Hearings) Regulations 2005 the time limit for this hearing to take place has been extended due to the availability of the applicant's legal representative who requested the hearing to be held beyond the normal specified period. The Council's Licensing Service considered it to be in the public interest to agree to such request and all parties have been notified accordingly.

The applicant has described the premises – "Heron Foods is convenience store selling frozen and convenience store goods."

During the consultation on the application, officers from Cleveland Police and the Council's Public Health Service held some discussions with the applicant's legal representative regarding the proposed times for the sale of alcohol and the offered conditions contained within the operating schedule.

Following the above discussions, the applicant agreed to amend the proposed times for the sale of alcohol to 08.00 until 21.00 on Mondays to Saturdays, whilst no amendment was sought for proposed operating times for alcohol sales on Sundays, those being 08.00 until 20.00. The applicant also agreed to implement a schedule of revised conditions requested by the Police and the Public Health Service. Accordingly, Cleveland Police and the Council's Public Health Officer have confirmed that they have no objections to the grant of a licence based on these agreed revised terms and conditions.

A copy of the above agreed terms and conditions is attached at **Appendix 2**.

#### **5. The Representations**

Initially, representations were received from 4 residents objecting to the grant of a licence. However, following receipt of these representations the Principal Licensing Officer contacted the 4 residents and requested whether they may wish to re-consider their position on the application in light of the applicant's agreement with Cleveland Police and the Council Public Health Officer to the proposed revised terms and conditions as outlined above.

Following the above communications, 2 residents confirmed the withdrawal of their objections to the grant of a licence, whilst the other 2 residents stated that they still wished to proceed with their objections.

However, following the recent issue of the 'Notice of Hearing' to the relevant parties regarding the arrangements for the hearing of the application on 22 April 2025, one of the remaining objectors confirmed the withdrawal of their objection to the grant of a licence.

The details of the one remaining objection are set out below.

On 8 February 2025 a representation was received from Ms Stephenson, a local resident, objecting to the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance. A copy of this representation is attached at **Appendix 3**.

Members will note that within their representation the objector has also referred to there already being enough 'off' licensed premises within the area of the Heron Foods Store. However, the objector has been advised that need concerning the commercial demand for licensed premises is not a consideration under the Licensing Act.

On 9 April 2025, the applicant's legal representative submitted a witness statement of the proposed premises supervisor along with a Store Operations Policy in support of their application. Copies of these documents are attached at **Appendix 4**.

## **6. The Licensing Policy**

Members are referred to the following relevant sections of the Council's Licensing Policy.

Prevention of Crime and Disorder	Page 18
Prevention of Public Nuisance	Page 33

and any other sections of the Policy which Members consider to be relevant.

## **7. Revised Guidance to the Licensing Act 2003** (published February 2025)

Members are referred to the following relevant sections of the Guidance.

Prevention of Crime and Disorder	Starting at paragraph 2.1
Prevention of Public Nuisance	Starting at paragraph 2.21
Determining applications	Starting at para 9.1

and any other sections of the Guidance which Members consider to be relevant.

## **8. Members' Options**

Under the provisions of Section 18(4) the Licensing Act 2003 Members may consider the following options:

1. Grant the licence subject to conditions consistent with the operating schedule modified to such extent as considered appropriate for the promotion of the licensing objectives.
2. To refuse to specify a person in the licence as the premises supervisor.
3. To reject the application.

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Sub-Committee to the Magistrates' Court.

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