

Borough Council of  
**King's Lynn &  
West Norfolk**



# **LICENSING COMMITTEE - SUB-COMMITTEE HEARING**

The Willow Tree  
15-19 Tower Street  
King's Lynn

## *Agenda*

Wednesday 25<sup>th</sup> April 2012  
10.30am

**VENUE:**  
Committee Suite  
King's Court  
Chapel Street  
King's Lynn  
Norfolk, PE30 1EX



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Borough Council of  
**King's Lynn &  
West Norfolk**



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12<sup>th</sup> April 2011

Dear Member

**Licensing Sub-Committee Hearing – Wednesday 25<sup>th</sup> April 2012**

You are invited to attend a meeting of a Licensing Sub-Committee to commence at **10.30am on Wednesday 25<sup>th</sup> April 2012** in the **Committee Suite, King's Court, Chapel Street, King's Lynn, Norfolk** to consider the business shown below.

Yours sincerely,  
Chief Executive

**AGENDA**

1. To consider a premises application in respect of The Willow Tree, 15 -19 Tower Street, King's Lynn

Papers attached as follows:-

- (a) Procedure that will be followed at the hearing – (pages 1-3)
- (b) Report of the Licensing Manager under the Licensing Act 2003 (pages 4 -14)
- (c) Appendix One – Copy of application form (pages 15 – 30)
- (d) Appendix Two – Copy of letter of objection from Community Safety & Neighbourhood Nuisance dated 15<sup>th</sup> March (pages 31 – 34)
- (e) Appendix Three Copy of letter of objection from Community Safety & Neighbourhood Nuisance dated 3<sup>rd</sup> April (pages 35 – 40)

(f) Appendix Four – Location Plan (page 41)

(g) Appendix Five – Premises Plan (pages 42 - 43)

To: Councillors R Groom, A Lovett and D Tyler

Appropriate Officers – Rachael Edwards and John Gilbraith

Legal Advisor

All relevant parties

# Procedure for Determining Licensing Appeals/Applications/Transfers/Variations

*The hearings will be held in public. The hearing is not adversarial but an examination of the facts by the Members of the Committee. All participants must be courteous at all times. All parties will be given equal maximum time i.e. normally 15 minutes each, in total. Any person may apply for longer time if they immediately notify the licensing authority upon receipt of the Notice of the Hearing and in exceptional circumstances, the licensing authority may extend the maximum time allowed to all parties if the complexity of the application demands. In the event that there are a large number of objections to a particular application, the licensing authority may ask an appropriate number of representatives or a single representative to put forward their views.*

## Introductions

1. The **Chairman** of the Committee should read out a statement declaring under which capacity the Committee is sitting.

### **This Committee is sitting to consider an application for a Premises Licence under the Licensing Act 2003**

2. The **Chairman** should introduce himself and the Members of the Committee.
3. The **Chairman** should introduce the Democratic Services Officer and explain her role.
4. The **Chairman** should introduce the Licensing Manager and explain his role.
5. The **Chairman** should introduce the Legal Advisor to the Committee and explain their impartial role.
6. The **Chairman** should invite all those present to introduce themselves and ask them to indicate if they wish to speak (Agreement on the length of time given for each speaker is at the discretion on the Chairman but normally 15 mins).

## The Application for a Premises License

7. The **Licensing Manager** explains the procedure that will be followed at the meeting.
8. The **Licensing Manager** outlines the application to the Committee by presenting the report referring to any relevant Statutory Guidance and the Council's Licensing Policy.
9. The **Licensing Manager** will invite questions in relation to the report from all parties.

## The Applicant's Case

10. The **Licensing Manager** will then invite the Applicant or his representative to make their case. Witnesses may be called but each will be subject to separate questioning (see below).

## Questions

11. Once the Applicant/representative has presented their case, the **Licensing Manager** invites questions to the Applicant or his Representative from the (1) responsible authorities or their representatives (2) other interested persons (or their representatives) (3) Members of the Sub-Committee. Questions should be relevant to the application and repetition will be discouraged.
12. The **Licensing Manager** will invite questions to the Witnesses from (1) responsible authorities or their representatives (2) other interested persons (or their representatives) (3) Members of the Committee. Questions should be relevant to the application and repetition will be discouraged.

## Representations

13. Each of the other parties or their representatives wishing to address the Committee may do so in an order determined by the **Licensing Manager**, which should allow the responsible authorities before any interested parties. They too must be willing to be questioned by other parties in the same order. Interested Parties may not however question each other. Questions should be relevant to the application and repetition will be discouraged.

## Summing Up

14. The **Licensing Manager** will then invite the responsible authorities (Police, Fire Authority, Community Safety and Neighbourhood Nuisance (Borough Council) etc) and interested persons (or their representatives) to sum up their case. They may comment on what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.
15. The **Licensing Manager** then invites the Applicant or his representative to sum up their case. They may comment on what has been said but no new evidence should be introduced. They will be allowed 5 minutes to sum up.

## Reaching a Decision

16. The **Chairman** will ask the Legal Advisor to address the Committee on any outstanding matters.
17. The **Chairman** will then thank all those who have spoken and invite the Committee to retire in private to consider the application.
18. The Committee will then debate the case presented to them at the hearing and will seek to reach a decision and reasons for their decision.
19. The Committee may ask the Legal Advisor for advice at any point to seek clarification on a particular issue but no one else should be invited until a decision is reached or the application is deferred.

## Making a Decision

20. When the Committee have reached a decision with reasons or have determined to defer a decision they shall call the Legal Advisor in to clarify the proposed decision.
22. Once clarification has been made, everyone will return back in to the room and the **Legal Advisor** will announce in public any legal advice he/she has given in private.
23. **The Chairman** will read out the Committee's preliminary decision and the reasons for the decision and invite the Licensing Manager (or any other specialist Officer of the Council) to make further comment.
24. The Sub-Committee may retire again in private to further consider their decision/reasons and seek further advice from the Legal Advisor.
25. Once a final decision has been reached, **The Chairman** will confirm the decision and explain that all parties will be notified as soon as maybe in writing of the decision and the reasons for the decision.
26. The Chairman will remind all parties that they have a right of appeal against the decision to the Magistrates Court but any appeal must be based on one or more of the four licensing objectives.

## **NOTE**

A decision may be deferred to:-

1. Receive further documentation referred to in the meeting
  2. Enable a site visit to take place
  3. Invite the Applicant or his representative to appear if they had not done so at the meeting (only once)
- No further debate may be heard on further documentation or at a site visit
  - Adjournments should generally be granted if to refuse would deny applicant a fair hearing.

# Borough Council of King's Lynn & West Norfolk

## Report to Licensing Sub-Committee under the Licensing Act 2003

### Application for Grant of a New Premises Licence

- The Willow Tree, 15-19 Tower Street, King's Lynn, PE30 1EJ

- Date of Hearing: 25<sup>th</sup> April 2012

### Introduction

1. A premises licence is required under the Licensing Act 2003 for the sale of alcohol, regulated entertainment or for the provision of late night refreshment (i.e. the supply of hot food and drink between 11pm and 5am). The four licensing objectives to be considered when determining the application, and relevant representations, are:

- a) the prevention of crime & disorder,
- b) public safety,
- c) the prevention of public nuisance, and
- d) the protection of children from harm

### The Application

2. Create & Style Limited has made an application for a premises licence for the licensable activities of 'regulated entertainment', 'sale of alcohol' and the 'provision of late night refreshment'. A copy of the application is attached at Appendix 1 and, if granted, would allow the premises to operate as follows:

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>
<b>Regulated Entertainment:</b> Films / Facilities for Dancing (Indoors only)	Monday to Sunday:	7am – 1am
<b>Regulated Entertainment:</b> Live Music / Recorded Music / Facilities for making music (both Indoors and outdoors)	Monday to Sunday: Outdoors: Indoors:	7am – 9pm 7am – 1am
<b>Late Night Refreshment</b> (indoors only)	Monday to Sunday:	11pm – 1am
<b>Sale of Alcohol:</b> (For consumption both 'on' and 'off' the premises)	Sunday to Monday:	7am - 1am

### Conditions

3. The premises licence would be subject to the following mandatory conditions:
- a) Under Section 19(2) of the Licensing Act 2003, no supply of alcohol may be made under this premises licence at a time when there is no



designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- b) Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- c) In relation to the sale of alcohol, the responsible person shall take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion means an activity carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.
- d) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- e) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- f) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This 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 a holographic mark.
- g) The responsible person shall ensure that-
  - (1) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
    - (i) beer or cider; ½ pint;
    - (ii) gin, rum, vodka or whisky; 25 ml or 35 ml; and
    - (iii) still wine in a glass; 125 ml;And that
  - (2) customers are made aware of the availability of these measures.
- (h) Under Section 20 of the Licensing Act 2003, the admission of children to film exhibitions is to be restricted in accordance with film classification recommendations.

4. The licence will be subject to the following condition which is consistent with the operating schedule:

- a) No children shall be permitted on the premises after 8pm unless accompanied by an adult.

### **Representation from Responsible Authorities**

*Section 13(4) of the Act defines the 'Responsible Authorities' as the statutory bodies that must be sent copies of an application. Representations made must relate to the licensing objectives.*

5. The following comments have been received from the Responsible Authorities:

- a) The Borough Council's Community Safety & Neighbourhood Nuisance (CS&NN) Team are objecting to the application under the 'Prevention of Public Nuisance' licensing objective. A copy of their letters dated the 15<sup>th</sup> March 2012 and 3<sup>rd</sup> April 2012 are attached to this report at Appendixes 2 and 3 respectively.
- b) Comments from the other responsible authorities are as follows:

<u>Responsible Authority</u>	<u>Comments Received</u>
Norfolk Constabulary	Not objecting
Norfolk Fire Service	None
Norfolk Trading Standards	None
Norfolk Children's Safeguarding Board	None
Planning (BCKLWN)	Not objecting
Health & Safety (BCKLWN)	None

### **Representations from Interested Parties**

*Section 13(2) of the Licensing Act 2003 describes Interested parties as local residents/business (or their representatives) who live/are involved in a business in the vicinity of the premises. Representations made must relate to the licensing objectives. Elected members of the licensing authority are also interested parties in their own right.*

6. There are no letters of objection from 'interested parties' to consider.

### **Notices**

7. The applicant is responsible for advertising the application by way of a notice in the specified form at the premises for not less than 28 consecutive days and in a local newspaper. The Public Notice appeared in the Lynn News on Tuesday the 6<sup>th</sup>

March 2012 and should have been displayed on the premises until the 28<sup>th</sup> March 2012.

## **Plans**

8. A location plan showing the general location of the premises is attached at Appendix 4 and a plan of the premises is attached at Appendix 5.

## **Borough Council of King's Lynn & West Norfolk's Licensing Policy**

9. The current Statement of Licensing Policy was approved by full Council on the 25<sup>th</sup> November 2010 and the following extracts may be relevant to this application:

### **3.0 Fundamental principles**

3.1 The 2003 Act requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

3.2 Nothing in this 'Statement of Policy' will:

- (a) undermine the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its own merits;
- (b) override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.

3.3 Every application will be dealt with impartially and on its individual merits. The Borough Council will not refuse to grant or vary an application unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation.

3.4 Licensing is about regulating licensable activities on licensed premises and any conditions that are attached to premises licences or club premises certificates will be focused on matters which are within the control of the individual licensee or club, i.e. the premises and its vicinity.

### **5.0 Licensing Hours**

5.1 With regard to licensing hours, due consideration which will be given to the individual merits of an application. The Borough Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the

friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.

- 5.2 The Borough Council wants to ensure that licensing hours do not inhibit the development of thriving and safe night-time local economies. This is important for investment, local employment and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

## **10.0 Prevention of Public Nuisance**

- 10.1 Licensed premises, especially those operating late at night and early in the morning can cause a range of nuisances which impact on people or businesses in the vicinity. The concerns will mainly relate to noise but could also include light pollution and noxious smells. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate.

- 10.2 Where relevant representations are received the Borough Council will consider attaching conditions to deter and prevent crime and disorder both inside and immediately outside the premises. These may include conditions drawn from the Model Pool of Conditions relating to Public Nuisance (see Annex D to the Guidance issued under Section 182 of the Licensing Act 2003).

## **18.0 Conditions**

- 18.1 The Borough Council will not impose conditions unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident or local business, which is a relevant representation, or is offered in the applicant's Operating Schedule. Any conditions will be proportional and necessary to achieve the Licensing Objectives.

- 18.2 The Borough Council cannot impose 'blanket' standard conditions on premises licences or club premises certificates. The Borough Council will, however draw on the pool of conditions (published at Annex D to the Guidance issued under Section 182 of the Act) when it is considered appropriate to suit the specific needs of an individual operation.

## **Guidance Issued Under Section 182 of the Licensing Act 2003**

*The current Guidance was issued by the Home Office in October 2010 and offers advice to Licensing authorities on the discharge of their functions under the Licensing Act 2003.*

10. The following extracts may be relevant to this application and assist the panel:

### **Each application on its own merits**

1.15 Each application must be considered on its own merits and any conditions attached to licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

### **Avoiding duplication of other legal requirements**

1.16 The licensing authority should only impose conditions on a premises licence which are necessary and proportionate for the promotion of the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder or club. It is only where additional and supplementary measures are necessary to promote the licensing objectives that necessary, proportionate conditions will need to be attached to a licence.

### **Public Nuisance**

2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

2.34 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music.

2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.

2.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.

2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

2.39 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

### **Determining Applications Where Representations Are Made**

9.3 Where a representation concerning the licensing objectives is lodged by a responsible authority about a proposed operating schedule it is relevant and the licensing authority's discretion will be engaged. It will also be engaged if an interested party makes relevant representations to the licensing authority, i.e. those which are not frivolous or vexatious and which relate to the licensing objectives. Representations can be made in opposition to, or in support of, an application.

9.24 As a matter of practice, licensing authorities should seek to focus the hearing on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or interested party may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.25 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- Guidance issued under Section 182 of the Licensing Act 2003;
- Its own statement of licensing policy.

9.26 The licensing authority should give its decision at once, unless the Act itself states otherwise and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be necessary for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition which is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

9.27 Alternatively, the licensing authority may refuse the application on the grounds that this is necessary for the promotion of the licensing objectives.

### **Conditions Attached to Premises Licences**

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions the holder of the premises licence or the club premises certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

10.3 All interests – licensing authorities, licence and certificate holders, authorised persons, the police, other responsible authorities and local residents and businesses – should be working together in partnership to ensure collectively that the licensing objectives are promoted.

10.4 Under former licensing regimes, the courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

10.5 Annex D provides pools of conditions (although not an exhaustive list) which relate to the four licensing objectives and could be used where necessary and appropriate to the particular circumstances of an individual licensed premises. It is important that they should not be applied universally and treated as standard conditions irrespective of circumstances.

### **Proposed Conditions**

10.7 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licensee's or certificate holder's risk assessment which applicants and clubs should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule which must also set out the proposed hours of opening.

10.8 In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before representations prove necessary.

### **Imposed Conditions**

10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

10.12 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

## **Annex D Pool of Conditions**

### **Part 4: Conditions Relating To the Prevention Of Public Nuisance**

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

### **Hours**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be



prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

### **Noise and vibration**

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:
  - a simple requirement to keep doors and windows at the premises closed;
  - limiting live music to a particular area of the building;
  - moving the location and direction of speakers away from external walls or walls that abut private premises;
  - installation of acoustic curtains;
  - fitting of rubber seals to doorways;
  - installation of rubber speaker mounts;
  - requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
  - require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
  - noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

## **Determination**

12. Having regard to the representation received, the Licensing Sub-Committee are requested to consider the application, this report and take such steps as it considers necessary for the promotion of the licensing objectives. These steps are:

- a) To grant the licence under the terms and conditions applied;
- b) To grant the licence with additional conditions that the Sub-Committee considers necessary for the promotion of the licensing objectives;
- c) To reject all or part of the application.

13. The Sub-Committee are reminded that reasons for its decision must be given as both the applicant and objector have a right of appeal against that decision to the Magistrates' Court.

### **John Gilbraith**

Licensing Manager  
Environmental Health & Housing  
12<sup>th</sup> April 2012

#### Appendixes:

1. Copy of Application
2. Letter of Objection from Community Safety & Neighbourhood Nuisance dated 15<sup>th</sup> March 2012.
3. Letter of Objection from Community Safety & Neighbourhood Nuisance dated 3<sup>rd</sup> April 2012.
4. Location Plan.
5. Premises Plan.

#### Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (25 November 2010)
3. Guidance issued under Section 182 of the Licensing Act 2003 (October 2010)

ENVIRONMENTAL REPORT  
REC'D 29 FEB 2012

Licensing  
Environmental Health & Housing  
Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn, PE30 1EX  
Tel: 01553 616600  
Email: [ehlicensing@west-norfolk.gov.uk](mailto:ehlicensing@west-norfolk.gov.uk)  
[www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)

Borough Council of  
**King's Lynn &  
West Norfolk**



## Licensing Act 2003

### Application for a Premises Licence

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Once completed, send your original applications back to us at:

- **The Licensing Team**, Environmental Health & Housing, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.
- and copies to the following:-

- **Norfolk Constabulary Licensing Team**, 4<sup>th</sup> Floor Vantage House, Fishers Lane, Norwich, Norfolk, NR2 1ET.
- **Fire Safety Office**, Norfolk Fire Service Western Area, Kilhams Way, King's Lynn, PE30 2HY
- **Norfolk Children's Safeguarding Board**, Suite B, Sapphire House, Roundtree Way, Norwich, NR4 8SS
- **Norfolk Trading Standards**, St Margaret's House, King's Lynn, Norfolk, PE30 5DW
- **Planning**, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
- **Health & Safety**, Environmental Health & Housing, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
- **Community Safety & Neighbourhood Nuisance**, Environmental Health & Housing, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX

I / We CREATE & STYLE LTD  
(insert name(s) of applicant(s))

apply for a premises licence under Section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making the application to you as the relevant licensing authority in accordance with Section 12 of the Licensing Act 2003.

#### Part 1 – Premises Details

Name, postal address of premises or, if none, ordnance survey map reference, or description	
15 - 19 TOWER STREET, THE WILLOW TREE	
Post town: <u>KING'S LYNN</u>	Postcode: <u>PE30 1EJ</u>

Telephone number at premises (if any)

01553 691414



Non-domestic rateable value of premises:

£ 33,000

## Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

- Please tick ✓ yes**
- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals*   | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual*  |                                     |                             |
| 1. as a limited company  | <input checked="" type="checkbox"/> | please complete section (B) |
| 2. as a partnership  | <input type="checkbox"/>            | please complete section (B) |
| 3. as an unincorporated association or   | <input type="checkbox"/>            | please complete section (B) |
| 4. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club   | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment  | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body   | <input type="checkbox"/>            | please complete section (B) |
| g) a person who is registered Under Part 2 of the Care Standards Act 2000(c14) in respect of an independent hospital | <input type="checkbox"/>            | please complete section (B) |
| h) the chief officer of a police force in England and Wales  | <input type="checkbox"/>            | please complete section (B) |

\*If you are applying as a person described in (a) or (b) please confirm:

- please tick ✓ yes**
- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
  - I am making the application pursuant to a
    - statutory function or
    - a function discharged by virtue of Her Majesty's prerogative



**(A) Individual Applicants** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(e.g. Rev)

Surname  First names

I am 18 years old or over please tick  yes

<b>Current postal address if different from premises address</b>	<input type="text"/>
--	----------------------

<b>Post Town:</b>	<input type="text"/>	<b>Post Code:</b>	<input type="text"/>
-------------------	----------------------	-------------------	----------------------

<b>Daytime telephone number:</b>	<input type="text"/>
----------------------------------	----------------------

<b>Email address (optional):</b>	<input type="text"/>
----------------------------------	----------------------

**Second Individual Applicant** (if applicable)

Mr  Mrs  Miss  Ms  Other title   
(e.g. Rev)

Surname  First names

I am 18 years old or over please tick  yes

<b>Current postal address if different from premises address</b>	<input type="text"/>
--	----------------------

<b>Post Town:</b>	<input type="text"/>	<b>Post Code:</b>	<input type="text"/>
-------------------	----------------------	-------------------	----------------------

<b>Daytime telephone number:</b>	<input type="text"/>
----------------------------------	----------------------

<b>Email address (optional):</b>	<input type="text"/>
----------------------------------	----------------------

**(B) Other Applicants**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	CREATE & STYLE LTD
Address	9, TOWER STREET KINGS LYNN PE30 1EJ.
Registered number (where applicable)	5405227
Description of applicant (for example, partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number (if any)	01553 762907
E-mail address (optional)	Lindapastimes @ ad.com.

**Part 3 – Operating Schedule**

When do you want the premises licence to start? ..... / ..... / .....

If you wish the licence to be valid only for a limited period, when do you want it to end? ..... / ..... / .....

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note 1)

2 Storey restaurant / coffee stop  
with outside gardens, serving  
general public with meals / snacks.



What licensable activities do you intend to carry on from the premises?

**Provision of regulated entertainment**

please tick ✓ yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment  
(if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling  
within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities for:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling  
within (i) or (j) (if ticking yes, fill in box k)

**Provision of late night refreshments**

(if ticking yes, fill in box L)



**Sale by retail of alcohol**

(if ticking yes, fill in box M)



**In all cases complete boxes N, O and P**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors		
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	✓	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Outdoors		
Mon	0700	0100	Please give further details here (please read guidance note 3)	Both		
Tue	0700	0100				
Wed	0700	0100		State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	0700	0100				
Fri	0700	0100	Non standard timings. Where you intend to use the premises for The exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	0700	0100				
Sun	0700	0100				





**C**

<b>Indoor sporting events</b> Standard timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			State any seasonal variation (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>A boxing or wrestling entertainment</b> Standard timings (please read guidance note 6)			Will the entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		Outdoors	
			Both		
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variation (please read guidance note 4)		
Wed					
Thur					
Fri			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Performance of live music</b> Standard timings (please read guidance note 6)			Will the performance of live music take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	
Day	Start	Finish	Indoors	Outdoors
Mon	0700	0100		
Tue	0700	0100		
Wed	0700	0100		
Thur	0700	0100		
Fri	0700	0100		
Sat	0700	0100		
Sun	0700	0100		
			Both	<input checked="" type="checkbox"/>
			Please give further details here (please read guidance note 3)	
			Music will cease at 9pm when played outdoors	
			State any seasonal variation (please read guidance note 4)	
			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)	

**F**

<b>Playing of recorded music</b> Standard timings (please read guidance note 6)			Will the playing of recorded music take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	
Day	Start	Finish	Indoors	Outdoors
Mon	0700	0100		
Tue	0700	0100		
Wed	0700	0100		
Thur	0700	0100		
Fri	0700	0100		
Sat	0700	0100		
Sun	0700	0100		
			Both	<input checked="" type="checkbox"/>
			Please give further details here (please read guidance note 3)	
			Music will cease at 9pm when played outdoors	
			State any seasonal variation (please read guidance note 4)	
			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)	



**G**

<b>Performance of dance</b> Standard timings (please read guidance note 6)			Will the performance of dance take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	0700	0100	Please give further details here (please read guidance note 3)	
Tue	0700	0100	State any seasonal variation (please read guidance note 4)	
Wed	0700	0100		
Thur	0700	0100		
Fri	0700	0100	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	0700	0100		
Sun	0700	0100		

**H**

<b>Entertainment of a similar description to that falling within (e), (f) or (g)</b> Standard timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will the entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	
			Indoor	<input type="checkbox"/>
			Outdoor	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Mon	0700	0100	Please give further details here (please read guidance note 3) Any outdoor entertainment will cease by 9pm.	
Tue	0700	0100	State any seasonal variation (please read guidance note 4)	
Wed	0700	0100		
Thur	0700	0100		
Fri	0700	0100	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	0700	0100		
Sun	0700	0100		

I

Provision of facilities for making music Standard timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will the entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoor	
Mon	0700	0100			Outdoor
				Both	✓
Tue	0700	0100	Please give further details here (please read guidance note 3)		
Wed	0700	0100	Any outdoor entertainment will cease by 9pm		
Thur	0700	0100	State any seasonal variation (please read guidance note 4)		
Fri	0700	0100			
Sat	0700	0100	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	0700	0100			

J

Provision of facilities for dancing Standard timings (please read guidance note 6)			Will the facilities for dancing be indoors, outdoors or both – please tick ✓ (please read guidance note 2)		
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing	Indoors	✓
Mon	0700	0100		DANCE FLOOR / AREA	Outdoors
Tue	0700	0100	Please give further details here (please read guidance note 3)		
Wed	0700	0100	State any seasonal variation (please read guidance note 4)		
Thur	0700	0100			
Fri	0700	0100	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0700	0100			
Sun	0700	0100			



**K**

<b>Provision of facilities for entertainment of a similar description to that falling within (j) or (k)</b> Standard timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing:		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Will the entertainment facility be indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoor	<input checked="" type="checkbox"/>
Mon	0700	0100		Outdoor	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue	0700	0100	Please give further details here (please read guidance note 3)		
Wed	0700	0100			
Thur	0700	0100	State any seasonal variation (please read guidance note 4)		
Fri	0700	0100			
Sat	0700	0100	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	0700	0100			

**L**


<b>Late night refreshment</b> Standard timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)			
Mon	2300	0100				
Tue	2300	0100				
Wed	2300	0100	State any seasonal variation (please read guidance note 4)			
Thur	2300	0100				
Fri	2300	0100	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	2300	0100				
Sun	2300	0100				

**M**

<b>Supply of alcohol</b> Standard timings (please read guidance note 6)			Will the sale of alcohol be for consumption – please tick ✓ (please read guidance note 6)	On the premises	
				Off the premises	
				Both	✓
<b>Day</b>	<b>Start</b>	<b>Finish</b>	State any seasonal variation (please read guidance note 4)		
Mon	0700	0100			
Tue	0700	0100			
Wed	0700	0100			
Thur	0700	0100			
Fri	0700	0100			
Sat	0700	0100			
Sun	0700	0100			
			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (DPS)**

Name: ... HAROLD WOLSTENHOLME ...



Issuing licensing authority (if known): ... WEST NORFOLK ...

**N**

Please highlight any services, activities, entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE



**O**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	0700	01:30	
Tue	0700	01:30	
Wed	0700	01:30	
Thur	0700	01:30	Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	0700	01:30	
Sat	0700	01:30	
Sun	0700	01:30	

**P**

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

a) **General** – all four licensing objectives (b, c, d, e) (please read guidance note 9)

Guidelines, already in place, for restaurant/coffee shop will apply. Staff will be trained and in attendance during opening times.

**b) The prevention of crime and disorder**

Staff will do their utmost to ensure responsible drinking practices <sup>and</sup> to comply with the Licensing Act 2003.

**c) Public safety**

Nothing to be done beyond existing Health and Safety / Fire safety etc requirements

**d) The prevention of public nuisance**

Notices will be posted requesting customers to leave the premises in a quiet & orderly way. Music / Noise levels will be adhered to.

**e) The protection of children from harm**

No children under 15 years of age will be allowed on the premises after 8pm unless accompanied by an adult.





**Part 4 – Signatures** (please read guidance note 10)

**Checklist**

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have enclosed two plans of the premises
- I have sent you the original application and copies including the plan to the 'responsible authorities' (details on front page)
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I will send/I enclose my Certificate of Service
- I understand that I must now advertise my application
- I will send/I enclose the Certificate of Display
- I will send a copy of the advert once it has appeared in the newspaper
- I understand that if I do not comply with the above requirements my application may be rejected

**It is an offence, liable to conviction to a fine up to level 5 on the standard scale (£5,000) under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this action.**

**The council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the council will be processed in compliance with the eight principles of the Act. Information you have provided may be shared with other public sector organisations for the prevention and detection of fraud. Further information relating to your rights under the Data Protection Act can be sent to you on request.**

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature: ...*h. Have*..... Date: ...*28.2.12*.....

Capacity: ...*Managing Director*.....

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (Please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature: ..... Date: .....

Capacity: .....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
<b>Name:</b>	<b>Address:</b>
If you prefer us to correspond with you by e-mail your email address (optional):	

**Notes for Guidance**

If you are completing this form by hand please write legibly in black ink and stay within the boxes.

1. Describe the premises. For example the type of premises, its general situation and the layout and other information which could be relevant to the licensing objectives. Where the 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.
2. Where taking place in a building or other structure tick indoors. Indoors may include a tent.
3. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively whether the or not music will be amplified or unamplified
4. For example (but not exclusively), where the activity will go on for an extra hour during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e. Christmas Eve, New Year's Eve etc.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick **on**, if you wish people to be able to purchase alcohol to consume away from the premises please tick **off**. If you wish people to be able to do both please tick **both**.
8. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gambling machines.
9. Please list here steps you will take to promote all four licensing objectives.
10. The application must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form
13. This is the address which we shall use to correspond with you about this application.



Our ref: JAG/BJP  
Please ask for: Joanne Garrod  
Direct dial: (01553) 616352  
Direct fax: (01553) 773026  
E-mail: jo.garrod@west-norfolk.gov.uk

Appendix 2 to  
Report to Licensing Sub-Committee  
The Willow Tree, Tower Street, King's Lynn  
Dated 12th April 2012

Head of Environmental Health and Housing  
**Andy Piper**

**Environmental Health and Housing**

Mrs Linda Howe  
Create and Style  
9 Tower Street  
King's Lynn  
PE30 1EJ

15<sup>th</sup> March 2012

Dear Mrs Howe,

**Application for a Premises Licence**

**Address of premises: Create and Style Ltd, 15-19 Tower Street, The Willow Tree, King's Lynn, PE30 1EJ**

I write in connection with your application under the Licensing Act 2003 for the above mentioned premises.

I refer to our discussion on the telephone on 13th March and would like to confirm that I will be recommending the licence for approval **subject to your acceptance of the following changes.**

**The prevention of public nuisance**

During our discussion I expressed my concern over the late timing of the regulated entertainment and time of opening. At such times background noise levels are lower than during the day and noise from music and from peoples behaviour are more noticeable. Whilst your premise is not located in a predominantly residential area there are residential premises that need must be considered.

Whilst I can fully appreciate that the timings you requested on your form were to prevent the need for another licence being submitted in the future if you wished to change the nature of your business, if the CSNN team were to recommend it be approved then there is potential for you to have indoor regulated entertainment until 01.00.

Your premise is not currently suited to provide this type of entertainment at the requested times.

For example;



INVESTOR IN PEOPLE

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX  
Tel: (01553) 616200; fax: (01553) 691663  
Minicom: (01553) 616705; DX 57825 KING'S LYNN

31  
Chief Executive – **Ray Harding** Deputy Chief Executive – **David Thomason**

- ❖ There are no double lobby doors preventing noise breakout at front or rear entrances.
- ❖ The frontage and rear of the property is predominantly glass and whilst it is double glazed it is not designed to provide a high level of attenuation for noise.
- ❖ Some of the windows to other rooms which may not be used for entertainment but will never the less allow noise break out from inside are single glazed, which provide minimal attenuation for noise.
- ❖ Amplified music events would need to be regulated by security staff trained in dealing with potentially intoxicated and disruptive individuals, who would need to be situated at both entrances. They would need to be able to communicate with other premises in the locality providing similar entertainment to ensure that individuals who are known to be intoxicated to an un-reasonable level are not permitted entry. This would involve joining the radio network of pubs and clubs in King's Lynn town centre.
- ❖ All staff would also need to ensure that noise from people's behaviour in the outdoor area was kept to a minimum and does not cause annoyance or nuisance.
- ❖ Staff serving alcohol will also need to be trained in dealing with individuals who are intoxicated and the fact that it is an offence to serve an intoxicated individual.

I noted from our conversation that it is not your intention to hold music events up to this time but you said yourself in this economic climate you need to diversify and currently the requested permission would allow you to do so.

As it stands, the premise would need to have significant structural modifications, if the CSNN team were to consider recommending that the premise be permitted to open until 01.00.

Therefore the CSNN team cannot recommend approval for the requested times due to the potential noise from amplified music and noise from people's behaviour entering and leaving the premise and using the outdoor seating area at the rear. My suggestion to you was therefore that you changed the requested opening times and times for regulated entertainment to a more reasonable time that is more suited to the activities that you actually intend to provide. As you verbally agreed to this suggestion I have documented this below and subject to your formal written agreement to this the new times can form your licence.

To prevent potential noise disturbance from amplified music and people noise I would like to suggest the following amendments to the timing of regulated entertainment and opening.

To prevent any potential noise disturbance to local residents:

- ❖ Regulated entertainment as applied for in section B, E, F, G, H, I, J, and K shall be permitted between 07.00 and 23.00.
- ❖ Late night refreshment shall be permitted between 23.00 and 23.30.
- ❖ Supply of alcohol shall be permitted between 07.00 and 23.00.
- ❖ The premises shall be open to the public between the hours of 07.00 to 23.30.

As noted on your application, there is no objection to amplified music in the outdoor area between 07.00 and 21.00. There is also no objection on any other matter. However also listed below are some suggestions of good practice to prevent public nuisance and annoyance which you may wish to use. These are not to be recommended as conditions on your licence but are intended as guidance notes.

- ❖ Notices may be displayed at all entrances and exits asking customers to leave quietly and respectfully.
- ❖ Local residents may be notified of any exceptional events listing the times that it will be in operation and contact numbers if there is a problem.
- ❖ Windows and doors may be kept closed where possible to prevent noise breakout from any building.
- ❖ Regular checks at the boundary of local residents may be completed to ensure that the noise cannot be heard or is not at an un-reasonable level.

If you feel that you are unable to agree with the amendment, please consider this as an objection to the application. If you feel that you can agree to the amendment please sign the attached form and return it at your earliest convenience.

Yours sincerely

Mrs Joanne Garrod  
Community Safety & Neighbourhood Nuisance Officer

**THIS LETTER CAN BE MADE AVAILABLE IN LARGE PRINT AND OTHER LANGUAGES UPON REQUEST.**

Mrs Linda Howe  
Create and Style  
9 Tower Street  
King's Lynn  
PE30 1EJ

**To applicant/s: please sign below as confirmation that you agree with the proposed changes to the Premises Licence Application.**

**Name: Mrs Linda Howe, The Willow Tree.  
Address of premises: 15 – 19 Tower Street King's Lynn.**

I acknowledge receipt of the Environmental Health representations dated 15<sup>th</sup> march 2012 in connection with the application for the premises shown above. **I agree with the amendments suggested in the accompanying letter.**

Signed.....

Name.....

Signed.....

Name.....

Date.....

Our ref: JAG/BJP  
Please ask for: Joanne Garrod  
Direct dial: (01553) 616352  
Direct fax: (01553) 773026  
E-mail: jo.garrod@west-norfolk.gov.uk

Appendix 3 to  
Report to Licensing Sub-Committee  
The Willow Tree, Tower Street, King's Lynn  
Dated 12th April 2012

Head of Environmental Health and Housing  
**Andy Piper**

**Environmental Health and Housing**

Mrs Linda Howe  
Create and Style  
9 Tower Street  
King's Lynn  
PE30 1EJ

3<sup>rd</sup> April 2012

Dear Mrs Howe,

**Application for a Premises Licence**

**Address of premises: Create and Style Ltd, 15-19 Tower Street, The Willow Tree, King's Lynn, PE30 1EJ**

I write in connection with your application under the Licensing Act 2003 for the above mentioned premises.

I have now met with you on two separate occasions relating to your license application. On the first occasion on 15<sup>th</sup> March we discussed my recommendations and at the time you were minded not to agree. At the meeting I attempted to discuss a compromise in order for you to run your business, with less potential for causing annoyance or disturbance but you chose **not** to negotiate on my recommendations. The main reason for you not agreeing appeared to be that it would prevent you from marketing the venue as suitable for private functions, as finishing at 23.00 would be un-suitable for many potential customers.

As you did not agree with the recommendations, as stated in the letter, they now stand as a formal objection and as a result your hearing date has been set for 25<sup>th</sup> April.

I believe that the initial recommendations are best suited to the circumstances for your venue. However, with the intention of providing another chance to negotiate the terms of the licence, myself and John Gilbraith met with you on 29<sup>th</sup> March and I offered a compromise between what I believe is suitable for the venue and what you have applied for.

Despite the suggested compromise, which I believe allows you to market the venue more easily, you were still minded not to agree.



INVESTOR IN PEOPLE

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King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX  
Tel: (01553) 616200; fax: (01553) 691663  
Minicom: (01553) 616705; DX 57825 KING'S LYNN

35  
Chief Executive – Ray Harding Deputy Chief Executive – David Thomason

However, to formalise my new recommendations I have set them out below. As John Gilbraith stated you have the right to negotiate up to 24 hours before the date of the hearing.

### **The prevention of public nuisance**

My concerns still relate to the use of amplified music for functions as the venue is mainly glazed at the front and rear. Many of the rooms also only have single glazing including part of the room that may be used for functions and the toilets and kitchen. It will be extremely difficult to prevent noise from breaking out, especially from the single glazed windows, as glazing does not provide a high level of attenuation for noise. I am also still concerned about noise from people exiting the premises late at night as people noise is the most difficult to control. As I stated before there are residential properties in close proximity and their amenity must be protected from these potential sources of disturbance.

Whilst I can fully appreciate that the timings you requested on your form were to prevent the need for another licence being submitted in the future if you wished to change the nature of your business, if the CSNN team were to recommend it be approved then there is potential for you to have indoor regulated entertainment until 01.00.

Your premise is not currently suited to provide this type of entertainment at the requested times.

For example;

- ❖ The frontage and rear of the property is predominantly glass and whilst it is double glazed it is not designed to provide a high level of attenuation for noise.
- ❖ Some of the windows to other rooms which may not be used for entertainment but will never the less allow noise break out from inside are single glazed, which provide minimal attenuation for noise.

As it stands, the premise would need to have significant structural modifications, if the CSNN team were to consider recommending that the premise be permitted to provide regulated entertainment until 01.00.

Therefore the CSNN team cannot recommend approval for the requested times due to the potential noise from amplified music and noise from people's behaviour entering and leaving the premise and using the outdoor seating area at the rear. My suggestion to you is therefore that you change the requested opening times and times for regulated entertainment to a more reasonable time that is more suited to the activities that you actually intend to provide.

To prevent potential noise disturbance from amplified music and people noise I would like to suggest the following amendments to the timing of regulated entertainment and opening.

To prevent any potential noise disturbance to local residents:

Proposed changes to timings;

- ❖ Regulated entertainment as applied for in section B, E, F, G, H, I, J, and K shall be permitted between 07.00 and 24.00.
- ❖ Late night refreshment shall be permitted between 23.00 and 24.00.



- ❖ Supply of alcohol shall be permitted between 07.00 and 24.00.
- ❖ The premises shall be open to the public between the hours of 07.00 to 00.30.

Proposed conditions to be attached to the license;

- ❖ Within 28 days from the start date of the licence, a noise level shall be set by a member of the CSNN team from the Borough Council of King's Lynn and West Norfolk (BCKLWN). The noise level shall be measured between the hours of 23.00 and 24.00 on a Friday or Saturday night and shall be expressed as an LAeq 5min. It will be measured at point A on the attached plan, titled 'CSNN location plan'. The resulting noise level will be held on record by the CSNN team and a copy will be attached to the license.
- ❖ The noise level, set by a member of the CSNN team from the BCKLWN attached to the license, measured at point A marked on the attached plan titled 'CSNN location plan', must not be exceeded during any regulated entertainment event.
- ❖ For any events where regulated entertainment is to take place no entry or exit shall take place through the doors marked B on the attached plan titled 'CSNN location plan' after 24.00. From 24.00 entry and exit shall only be permitted from the rear doors marked C on the attached plan titled 'CSNN location plan'.
- ❖ For any events where regulated entertainment is to take place, one member of staff must be provided to monitor entry and exit at the doors marked B and C on the attached plan titled 'CSNN location plan' to ensure that the doors remain closed except to permit entry and exit.

As noted on your application, there is no objection to amplified music in the outdoor area between 07.00 and 21.00. There is also no objection on any other matter. However also listed below are some suggestions of good practice to prevent public nuisance and annoyance which you may wish to use. These are not to be recommended as conditions on your licence but are intended as guidance notes.

- ❖ Notices may be displayed at all entrances and exits asking customers to leave quietly and respectfully.
- ❖ Local residents may be notified of any exceptional events listing the times that it will be in operation and contact numbers if there is a problem.
- ❖ Windows and doors may be kept closed where possible to prevent noise breakout from any building. This includes toilets and kitchen areas.
- ❖ Regular checks at the boundary of local residents may be completed to ensure that the noise cannot be heard or is not at an un-reasonable level. This may also involve the use of a noise level meter to check compliance with the recommended conditions.

If you feel that you are unable to agree with the amendment, please consider this as an objection to the application. If you feel that you can agree to the amendment please sign the attached form and return it at your earliest convenience.

Yours sincerely



Mrs Joanne Garrod  
Community Safety & Neighbourhood Nuisance Officer

**THIS LETTER CAN BE MADE AVAILABLE IN LARGE PRINT AND OTHER LANGUAGES UPON REQUEST.**

Mrs Linda Howe  
Create and Style  
9 Tower Street  
King's Lynn  
PE30 1EJ

**To applicant/s: please sign below as confirmation that you agree with the proposed changes to the Premises Licence Application.**

**Name: Mrs Linda Howe, The Willow Tree.  
Address of premises: 15 – 19 Tower Street King's Lynn.**

I acknowledge receipt of the Environmental Health representations dated 3<sup>rd</sup> April 2012 in connection with the application for the premises shown above. **I agree with the amendments suggested in the accompanying letter.**

Signed.....

Name.....

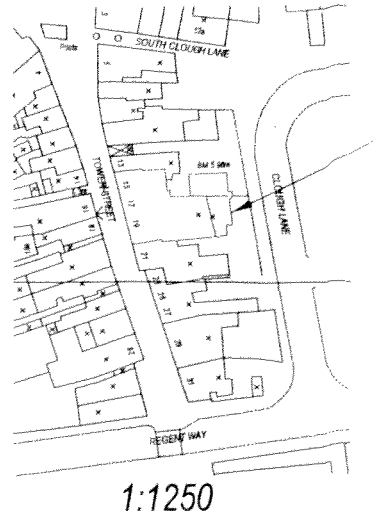
Signed.....

Name.....

Date.....

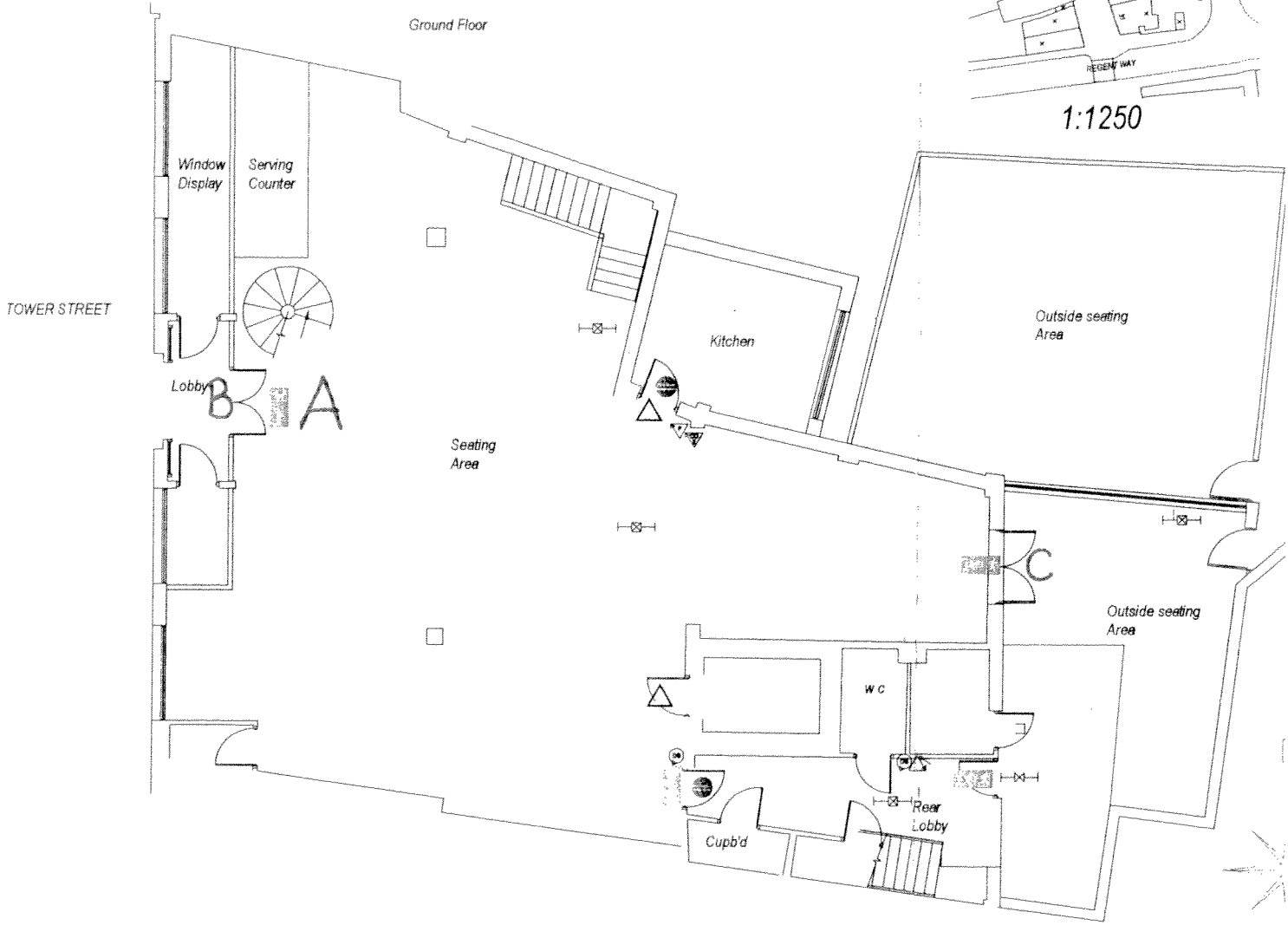
# CSNN Location plan

## Location Plan

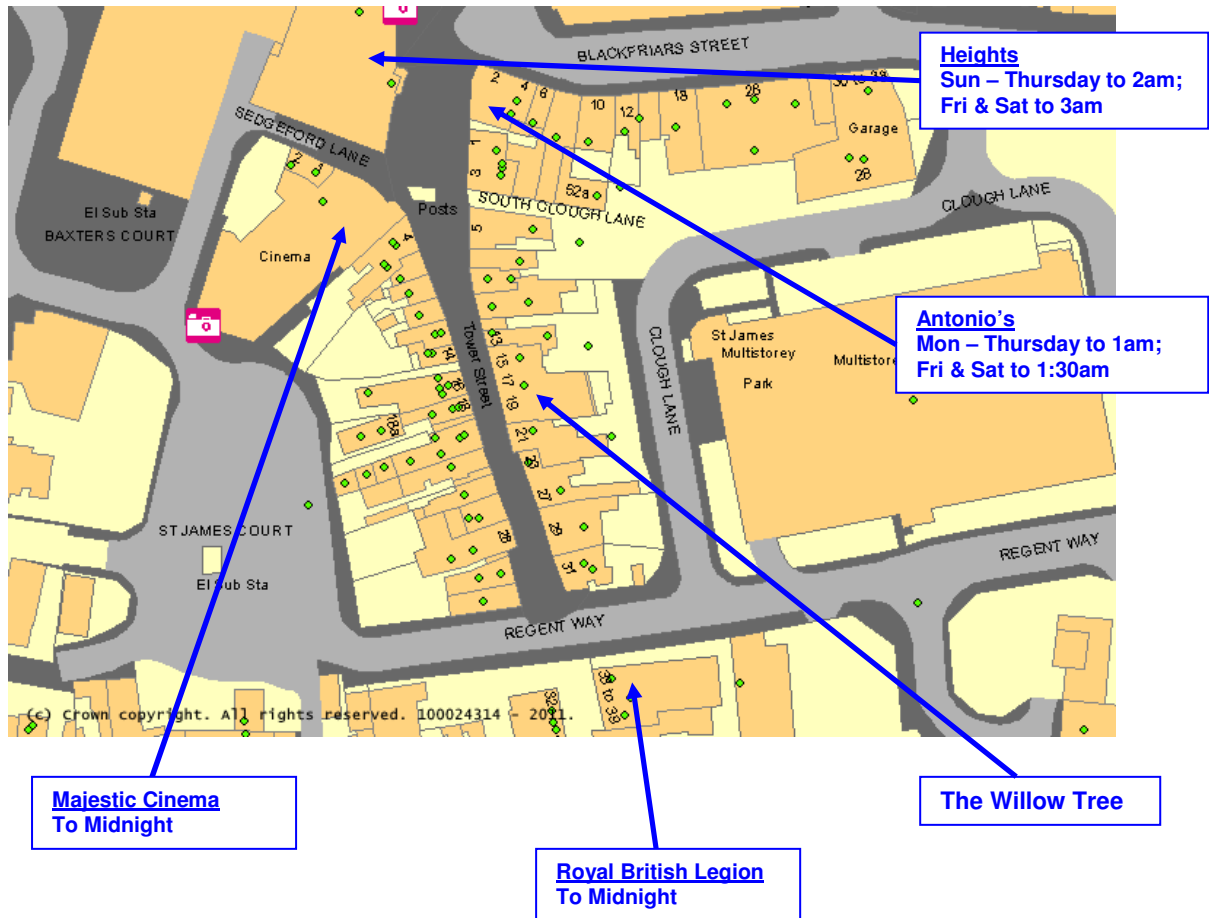


1:100

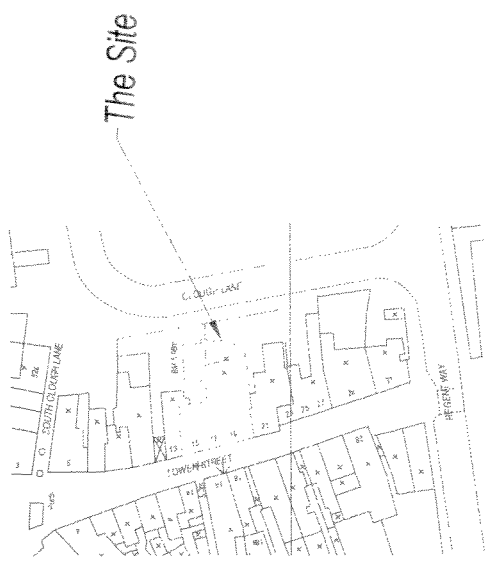
1:1250



**The Willow Tree, Tower Street, King's Lynn**  
**Location Map**

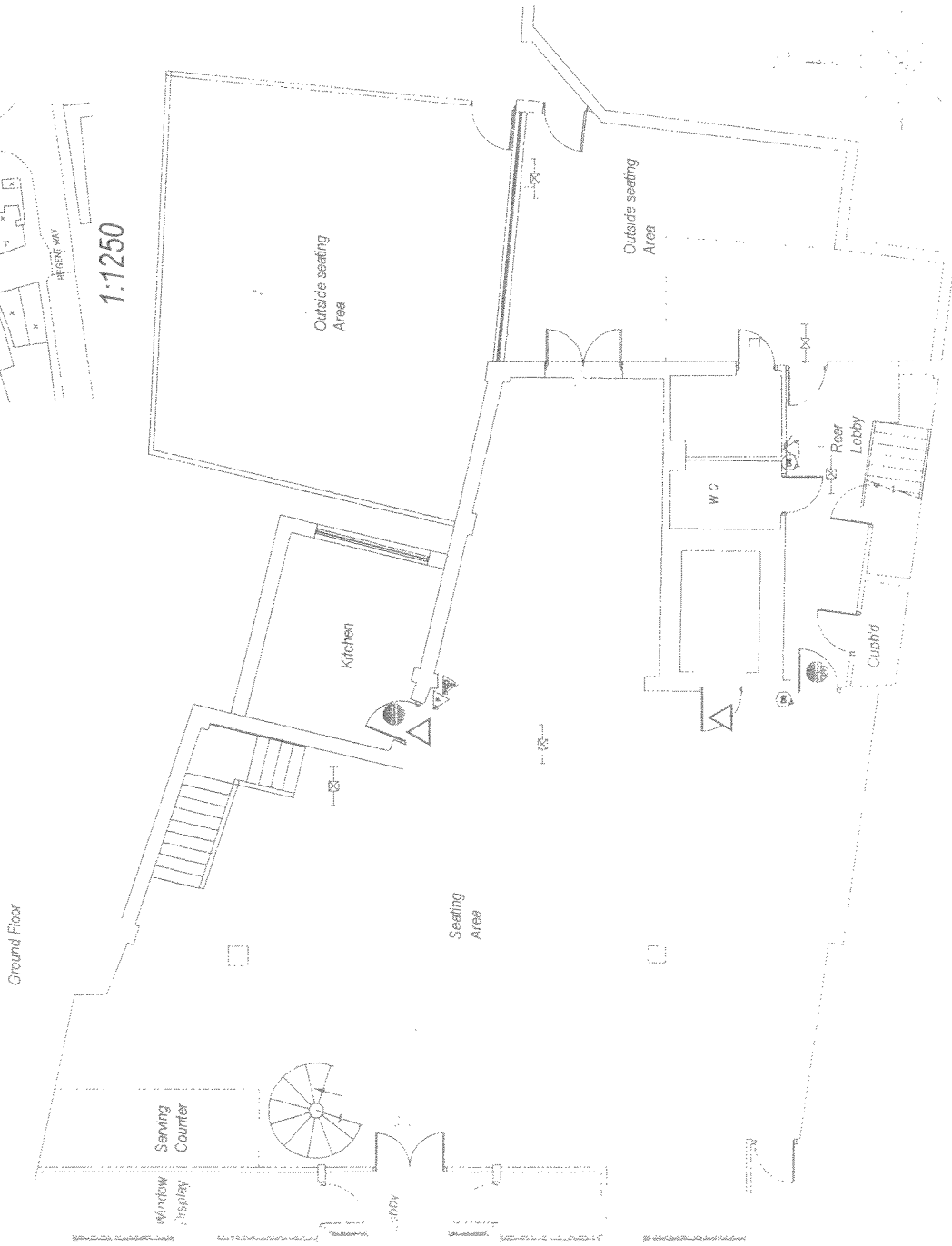


**Appendix 5 to  
Report to Licensing Sub-Committee  
The Willow Tree, Tower Street, King's Lynn  
Dated 12th April 2012**



Location Plan

1:100



Ground Floor

This drawing should not be scaled. It is the contractor's and the sub-contractors responsibility to check all dimensions and information on this before starting work.  
All work to be carried out in accordance with current building regulations and all work to be carried out to the satisfaction of the local authority.  
This drawing is copyright and must not be copied without consent.



First Floor Office 1-17 Tower Street, King's Lynn PE30 1EJ  
Telephone 01553 692025

Project	Application for premises: At The Willow Tree 15-19 Tower Street King's Lynn PE30 1EJ
Client	Create & Style Ltd
Title	1, 2, 3 seats (ground floor)
Plans	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
Date	14th 2012
Drawn	12/04/12

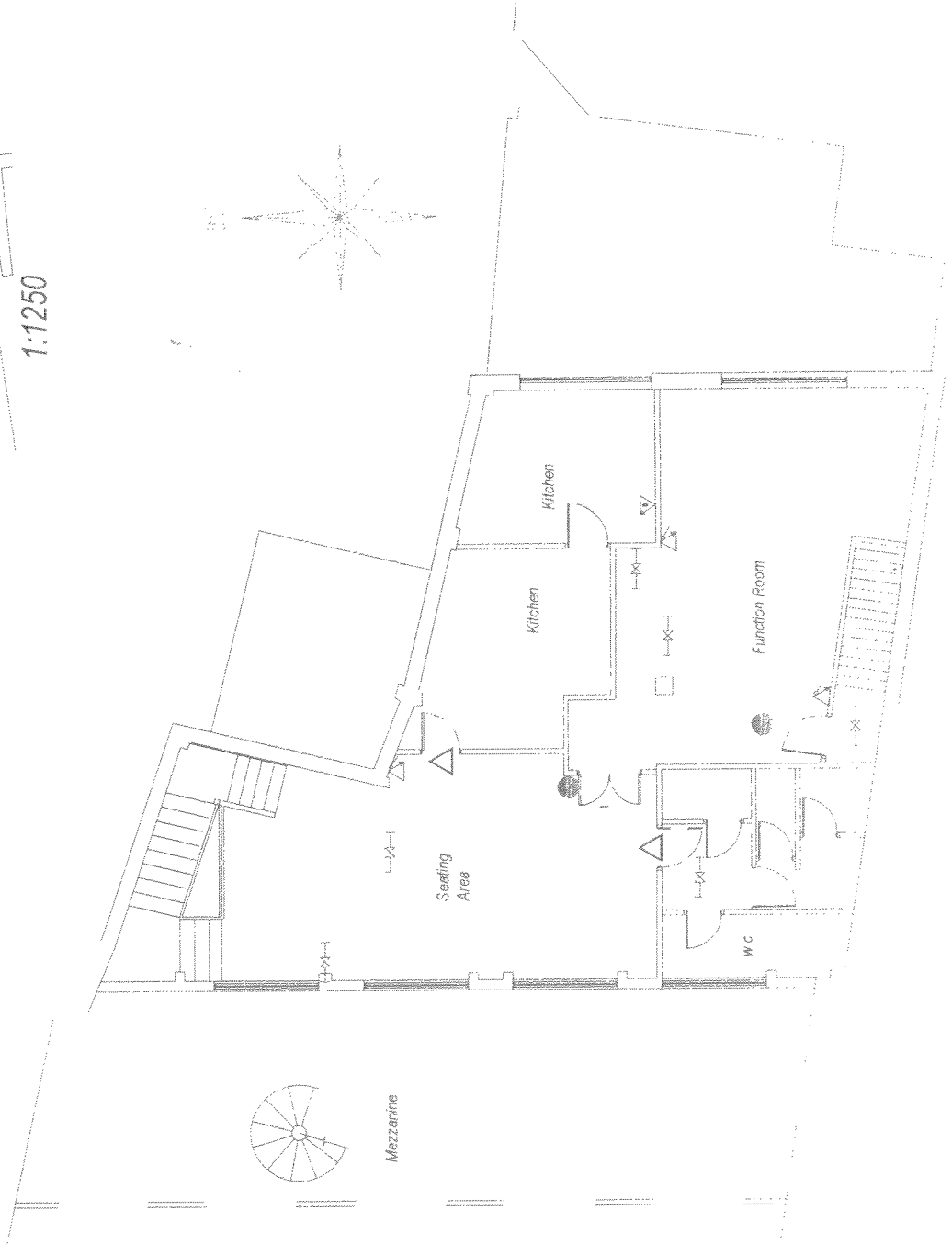
# Location Plan



The Site

1:1250

First Floor



Mezzanine

Seating Area

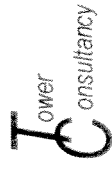
Kitchen

Kitchen

Function Room

W.C.

This drawing should not be used in the construction and the contractor and his subcontractors responsibility to check all dimensions and information on site before construction.  
All work to be carried out in accordance with current building regulations. The drawing is for information only and does not constitute a contract. The contractor shall verify all dimensions and levels on site before construction.



First Floor Office 7-19 Tower Street Temple Lane, FE30 1EJ  
Telephone 01853 832905 Fax 01853 771951

Project	Application for premises licence At The Willow Tree 15-19 Tower Street Kings Lynn PE30 1EJ
Client	Create & Style Ltd
Title	Layouts (first floor)
Scale	1/1250 Drawn By: M.A. 08/06
Date	Feb 2012 Issued for Licensing
Doc No	1205-02-24