

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



LICENSING COMMITTEE - SUB-COMMITTEE HEARING

Heacham Halt Café
South Beach
Heacham
King's Lynn
PE31 7LH

Agenda

Thursday 4th April 2013

10am

(Please note change of date)

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**



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX.
Telephone: 01553 616275
Fax: 01553 691663

My Ref: RAE/LC
Please ask for: Rachael Edwards
Direct Dial: (01553) 616275
Email: rachael.edwards@west-norfolk.gov.uk

27th February 2013

Dear Member

Licensing Sub-Committee Hearing –Thursday 4th April 2013 (new date)

You are invited to attend a meeting of a Licensing Sub-Committee to commence at **10am on Thursday 4th April 2013** 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 an application for the grant of Premises Licences in respect Heacham Halt Café, South Beach, Heacham, King's Lynn. PE31 7LH

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 -13)
- (c) Appendix One – Copy of the Application Form (pages 14 - 29)
- (d) Appendix Two – Letter of Police Objection dated 15 February 2013 (pages 30 - 46)
- (e) Appendix Three – Community Safety & Neighbourhood Nuisance Letter of Objection dated 19 February 2013 (pages 47 – 50)

(f) Appendix Four – Letters of objection from ‘other persons’ (pages 51 – 53)

(g) Appendix Five – Premises Plan (pages 54 - 55)

(h) Appendix Four – Location Plan (page 56)

To: Panel Members – Councillor G Sandell, C Crofts and D Tyler

Appropriate Officers – Rachael Edwards and John Gilbraith

Legal Advisor

All relevant parties

Procedure for Determining Licensing Act 2003 Cases

The hearing will be held in public. However, the Borough Council may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place 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 which is normally 15 minutes each, in total. Any person may apply for longer time if they immediately notify the Borough Council upon receipt of the Notice of the Hearing and in exceptional circumstances, the Borough Council 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 Borough Council 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 matters under the Licensing Act 2003.

2. The **Chairman** will introduce himself and the Members of the Committee.
3. The **Chairman** will then introduce and explain the respective roles of
 - (i) the Democratic Services Officer
 - (ii) the Officer representing the Licensing Authority (i.e. Licensing Manager)
 - (iii) the Legal Advisor to the Committee
4. **The Chairman** should invite all those present to introduce themselves and ask them to indicate if they wish to speak during the hearing.
5. Each party will be asked by the **Chairman** whether 15 minutes is sufficient for the presentation of his/her/body's case. (Agreement on the length of time given for each speaker is at the discretion on the Chairman).

The Application for a Premises License

6. The **Licensing Manager** explains the procedure that will be followed at the meeting.
7. The **Licensing Manager** outlines the premises application to the Committee by presenting the report referring to any relevancy to Licensing Policy and Statutory Guidance.
8. The **Licensing Manager** will invite questions from all parties to clarify the content of the Licensing Officer's report.

The Applicant's Case

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

Questions

10. Once the Applicant has presented their case, the **Licensing Manager** invites questions to the Applicant or his representative from
 - (i) the Responsible Authorities (or their representative)
 - (ii) other persons (or their representatives)
 - (iii) Members of the Committee.

11. The **Licensing Manager** will invite questions to the witnesses from the

- (i) the Responsible Authorities (or their representative)
- (ii) other persons (or their representatives)
- (iii) Members of the Committee.

Questions should be relevant to the application and repetition will be discouraged.

The Responsible Authorities Case

12. The **Licensing Manager** then invites the Responsible Authorities (or their representative) to make their case. Witnesses may be called but each will be subject to separate questioning (see below).

Questions

13. Once the Responsible Authorities has presented their case, the **Licensing Manager** invites questions to the Responsible Authorities (or their representative) from the

- (i) the applicant (or their representative)
- (ii) other persons (or their representatives)
- (iii) Members of the Committee.

14. The **Licensing Manager** will invite questions to the witnesses from the

- (i) the applicant (or their representative)
- (ii) other persons (or their representatives)
- (iii) Members of the Committee.

Other Persons

15. Each of the other persons or their representatives wishing to address the Committee may do so in an order determined by the **Licensing Manager**. They too must be willing to be questioned by other parties in the same order. Local Objectors may not however question each other. Questions should be relevant to the application and repetition will be discouraged.

This will operate as follows:

- each party will present his/her/body's case
- each party's witnesses (if any) will give evidence in support of the party's case
- firstly, each party and, secondly, their witnesses may be questioned by other parties, prior to questioning by Members of the Committee.

16. The applicant (or their representative) and the Responsible Authorities will be invited to ask relevant questions of those parties (or the parties' representatives).

Summing Up

17. The **Licensing Manager** then invites the Responsible Authorities and other parties (or their representative) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. Each party will be allowed 5 minutes to sum up.

18. The **Licensing Manager** then invites the applicant (or their representative) to sum up their case. They may comment upon what has been said but no new evidence should be introduced. They also will be allowed 5 minutes to sum up.

Reaching and Making a Decision

19. **The Chairman** will ask the Council's Legal Advisor to address the Committee on any outstanding matters.
20. The **Chairman** will then thank all those who have spoken and invite the Committee to retire to consider the application, accompanied by the Legal Advisor and Democratic Services Officer (who will take no part in the decision).
21. 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.
22. Once a decision has been made, the Committee (and relevant officer/Legal Advisor) will return back in to the room and **the Chairman** will invite the **Legal Advisor** to announce in public any legal advice he/she has given in private.
23. **The Chairman** will read out the decision of the application and the reasons for the decision (unless the Committee is unable to reach a determination at the conclusion of the hearing). Where appropriate, **the Chairman** will ask the Licensing Manager/Officer for any comments on their decision prior to any final determination.
24. **The Chairman** will explain that all parties will be notified of the outcome of the decision and reasons for the decision in writing.
25. If the Committee is unable to reach a decision, the **Chairman** will explain that all parties will be notified as soon as possible (but within 5 working days) of the decision and the reasons for such.

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

Date of Hearing: 4th April 2013

Application for Grant of a Premises Licence

- Heacham Halt Café, South Beach, Heacham, King's Lynn, PE31 7LH

Introduction

1. A premises licence is required under the Licensing Act 2003 (the 'Act') 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:

- the prevention of crime & disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm

The Application

2. Mrs Julia Marion Moore has made an application under Section 17 of the Act for the licensable activities of 'regulated entertainment and 'sale of alcohol'. 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>
Regulated Entertainment: (indoors and outdoors) 'Live Music', 'Recorded Music' and 'entertainment of a similar description'	Monday to Thursday:	3pm – 10pm
	Friday & Saturday:	3pm – 11pm
	Sunday:	3pm – 9pm
Sale of Alcohol by Retail: (For consumption both on and off the premises)	Monday to Thursday:	10am – 10pm
	Friday & Saturday:	10am – 11pm
	Sunday:	10am – 9pm

Mandatory Conditions

3. The premises licence, if granted would be subject to the following mandatory conditions:

- (a) Under Section 19(2) of the Act, no supply of alcohol shall 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 Act 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 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 customers are made aware of the availability of these measures.

Conditions Consistent with the Operating Schedule

4. No conditions have been identified from the operating schedule (the application).

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 Norfolk Constabulary are objecting to the application on the grounds that the Crime & Disorder licensing objective could be undermined. A copy of their letter of objection dated the 15th February 2013 is attached to this report at Appendix 2.

6. The Borough Council's Community Safety & Neighbourhood Nuisance Team is objecting to the application under the prevention of public nuisance licensing objective. A copy of their letter of representation dated the 19th February 2013 is attached to this report at Appendix 3.

7. There are no representations from the other 'responsible authorities' to consider.

Representations from 'Other Persons'

As well as responsible authorities, any other person can play a role in a number of licensing processes under the Act. This includes any individual, body or business that are entitled to make representations to applications. Representations made must relate to the licensing objectives.

8. There are two representations from 'other persons' to consider. Copies of these letters are attached to this report at Appendix 4.

Notices

9. 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 Friday the 1st February 2013 and should have been displayed on the premises until the 20th February 2013.

Plans

10. A plan of the premises is attached at Appendix 5 and a location plan is attached at Appendix 6.

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

11. The current Statement of Licensing Policy was approved by full Council on the 25th 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.
- 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.

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.

Guidance Issued Under Section 182 of the Licensing Act 2003

Under Section 4 of the Act, Licensing Authorities must have regard to guidance issued under Section 182. The current Guidance was issued by the Home Office in October 2012 and offers advice to Licensing authorities on the discharge of their functions under the Act.

12. The following extracts may be relevant to this application and assist the Licensing Sub-Committee:

Licence Conditions – General Principles

- 1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will", is encouraged. Licence conditions:
- must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation;
 - should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);

- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location 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 appropriate for the promotion of the licensing objectives in an individual case.

Public Nuisance

2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.19 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 other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.20 Conditions relating to noise nuisance will usually concern steps appropriate 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, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be

aware of the need to avoid inappropriate or disproportionate measures that could deter 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.

- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area 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 appropriate.
- 2.22 Where applications have given rise to representations, any 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 immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.24 Beyond the immediate area surrounding the premises, these are matters for the 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.

Other Persons

- 8.12 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not

be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous, vexatious and repetitious representations.

Determining Applications

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where no Representations are Made

9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions.

Where Representations Are Made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, (see paragraphs 9.4 to 9.10 below) the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Representations from the Police

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority

should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Hearings

- 9.33 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person 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.
- 9.34 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 appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - it's own statement of licensing policy.
- 9.35 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) 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 appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.
- 9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities in the interests of transparency the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

Determining Actions that are Appropriate for the Promotion of the Licensing Objectives

- 9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case by case basis. They should take into account any representations or objections

that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Consistency with Steps Described in the Operating Schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed Conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to

impose conditions to promote one or more of the four licensing objectives.

- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Determination

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

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

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

John Gilbraith

Licensing Manager
Environmental Health & Housing
22nd February 2013

Appendixes:

1. Copy of Application.
2. Letter of Police Objection dated 15 February 2013.
3. CS&NN Letter of Objection dated 19 February 2013
4. Letters of Objection from 'other persons'.
5. Premises Plan.
6. Location 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 2012)

ENVIRONMENTAL SERVICES
LICENSING
RECD 21 JAN 2013

Appendix 1 to
Report to Licensing Sub-Committee
Re: Heacham Halt Cafe
Dated 22nd February 2013

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
www.west-norfolk.gov.uk

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



Licensing Act 2003
Application for a Premises Licence

19 JUN 2011

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 applications to the following:-

- **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.
- **Norfolk Constabulary Licensing Team**, 4th 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 JULIA MARION MOORE
(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 <u>HEACHAM HALT CAFE</u> <u>SOUTH BOACH</u> <u>HEACHAM, KING'S LYNN</u> <u>NORFOLK</u>	
Post town: <u>HEACHAM</u>	Postcode: <u>PE31 7LH</u>

Telephone number at premises (if any):

01485 572797

Non-domestic rateable value of premises:

£ 3950.00

Part 2 – Applicant Details

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

- Please tick yes
- a) an individual or individuals* please complete section (A)
 - b) a person other than an individual*
 - 1. as a limited company please complete section (B)
 - 2. as a partnership please complete section (B)
 - 3. as an unincorporated association or please complete section (B)
 - 4. other (for example a statutory corporation) please complete section (B)
 - c) a recognised club please complete section (B)
 - d) a charity please complete section (B)
 - e) the proprietor of an educational establishment please complete section (B)
 - f) a health service body 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 please complete section (B)
 - h) the chief officer of a police force in England and Wales 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

MOORE

First names

JULIA MARION

I am 18 years old or over

please tick yes

Current postal address If different from premises address	
--	--

Post Town: HEDDHAM		Post Code: PE31 7EA
---------------------------	--	----------------------------

Daytime telephone number:	
----------------------------------	--

Email address (optional):	
----------------------------------	--

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

Current postal address If different from premises address	
--	--

Post Town:		Post Code:	
-------------------	--	-------------------	--

Daytime telephone number:	
----------------------------------	--

Email address (optional):	
----------------------------------	--

(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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

A.S.A.P.
...../...../.....

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)

THE CAFE IS SITUATED ON SOUTH BEACH MEACHAM WITH 30 COVERS INSIDE AND OUTSIDE SEATING. CURRENTLY IT SERVES HOT + COLD FOOD + DRINKS + BEACH GOODS. IT IS MAINLY SEASONAL I.E. MARCH TO OCTOBER BUT DOES OPEN MAINLY AT WEEKENDS DURING THE WINTER. ON + OFF SALES WILL BE FOR CONSUMPTION ON THE PREMISES BUT ALSO FOR CARAVAN OWNERS, VISITORS TO THE BEACH ETC. PLASTIC CUPS WILL BE PROVIDED.

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

Plays 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	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3).		
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed			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)		
Thur					
Fri					
Sat					
Sun					

B

Films 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	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed			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)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
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

A boxing or wrestling entertainment Standard timings (please read guidance note 6)			Will the entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		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

Performance of live music 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)	Indoors
Day	Start	Finish		Outdoors
Mon	3-00	22-00	Please give further details here (please read guidance note 3)	Both <input checked="" type="checkbox"/>
Tue	"			
Wed	"			State any seasonal variation (please read guidance note 4)
Thur	"			
Fri	3-00	23-00		
Sat	3-00	23-00		Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (p read guidance note 5)
Sun	3-00	21-00		

F

Playing of recorded music 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)	Indoors
Day	Start	Finish		Outdoors
Mon	3-00	22-00	Please give further details here (please read guidance note 3)	Both <input checked="" type="checkbox"/>
Tue	"			
Wed	"			State any seasonal variation (please read guidance note 4)
Thur	"			
Fri	3-00	23-00		
Sat	"			Non standard timings. Where you intend to use the premises at different times to those listed in the column on the left, please list (p read guidance note 5)
Sun	3-00	21-00		

G

Performance of dance 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)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variation (please read guidance note 4)	
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 (p read guidance note 5)	
Sat					
Sun					

H

Entertainment of a similar description to that falling within (e), (f) or (g) 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	15.00	22.00		MUSIC, EITHER LIVE OR RECORDED WILL NOT BE REGULAR BUT WILL BE FOR FUNDRAISING + SPECIAL OCCASIONS	Outdoor	
Tue	"	"	Both		✓	
Wed	"	"	Please give further details here (please read guidance note 3)			
Thur	"	"	State any seasonal variation (please read guidance note 4)			
Fri	15.00	20.00	FACILITIES WILL BE USED MAINLY DURING THE SUMMER MONTHS			
Sat	"	"	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	15.00	21.00				

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				Outdoor	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variation (please read guidance note 4)		
Fri					
Sat			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					

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)	Indoors	
				Outdoors	
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon					
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variation (please read guidance note 4)		
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					

K

Provision of facilities for entertainment of a similar description to that falling within (j) or (k) Standard timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing:		
Day	Start	Finish	Will the entertainment facility be indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Indoor	
Mon				Outdoor	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur					
Fri			State any seasonal variation (please read guidance note 4)		
Sat					
Sun					
			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)		

L

Late night refreshment 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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	17-00	22-00	<p style="text-align: center;">CAFE ALREADY PROVIDES FOOD + DRINK THIS WOULD BE PROVIDED IF AN EVENT IS</p>		
Tue	"	"			
Wed	"	"			
Thur	"	"			
Fri	"	"			
Sat	"	"			
Sun	"	"			
			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)		

Not required - only licensable between 11pm & 5am

M

Supply of alcohol 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	
Day	Start	Finish	State any seasonal variation (please read guidance note 4)		
Mon	10-00	22-00			
Tue	"				
Wed	"				
Thur	"				
Fri	10-00	23-00			
Sat	"				
Sun	10-00	22-00			
			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: JULIA M. MOORE

Address:

..... t

Postcode:

Personal Licence number (if known):

Issuing licensing authority (if known): KINGSTON + BOSWORTH

BOROUGH COUNCIL

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)

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	9-00	22-00	PREMISES ARE ONLY OPEN FOR 3-4 DAYS PER WEEK DURING WINTER MONTHS.
Tue	"		
Wed	"		
Thur	"		
Fri	9-00	23-00	
Sat	"		
Sun	9-00	22-00	
			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)

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)

STAFF TRAINING.
BURGLAR ALARM + CCTV IN THE FUTURE.
FIRE EQUIPMENT ON SITE
SECURE PREMISES.
NO UNDERAGE DRINKING
VOLUME RESTRICTIONS ON ANY LIVE OR RECORDED MUSIC.

b) The prevention of crime and disorder

HAVING ALREADY BEEN A TENANT IN A PUBLIC HOUSE FOR 12 YEARS I FEEL I AM AWARE OF PROBLEMS WHICH COULD ARISE BUT FEEL THAT I CAN DEAL WITH ANY SITUATION. I HAVE BURGLAR ALARMS AND I AM CONSCIOUS OF THE NEED TO PREVENT ANY DISORDER.

c) Public safety

HAVING RUN A PUBLIC HOUSE AND NOW THE CAFE I AM AWARE OF THE NEED TO PROTECT THE PUBLIC FROM HARM INSIDE + OUTSIDE THE PREMISES, WITH RISK ASSESSMENTS + EVERY EFFORT TO PREVENT ACCIDENTS. THIS WILL INCLUDE THE USE OF RUBBER CURBS + CLOSE SUPERVISION.

d) The prevention of public nuisance

I AM ALSO AWARE OF THE NEED TO BE VIGILANT FOR UNDERAGE DRINKERS AND ALSO ANYONE CAUSING ANY PROBLEMS. APPARENTLY THE CAFE WAS LICENSED SOME YEARS AGO BUT I DO NOT KNOW WHICH YEAR NO-ONE WANTS ANY PROBLEMS + THEREFORE I HAVE ALWAYS ENDEAVOURED TO CONTROL + PREVENT ANY TROUBLEMAKERS.

e) The protection of children from harm

WITH THE PROPERTY BEING ON THE BEACH OBVIOUSLY A HIGH PERCENTAGE OF CUSTOMERS ARE CHILDREN. I ALREADY PROVIDE CHILDREN'S MEALS + BEACH TOYS + BECAUSE I RELY ON THE FAMILY TRADE I TRY TO PROVIDE EVERYTHING

I CAN FOR THE CHILDREN WITH THE FACILITIES I HAVE + THEREFORE WILL NOT JEOPARDISE THE SAFETY + WELLBEING OF THE CHILDREN

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 copies of this application and 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: Julia M. Moore Date: 20/01/13

Capacity: PERSONAL LICENCE HOLDER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd 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)	
Name:	Address:
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.



**Appendix 2 to
Report to Licensing Sub-Committee
Re: Heacham Halt Cafe
Dated 22nd February 2013**

**NORFOLK
CONSTABULARY**
Our Priority is You

The Licensing Dept
Borough Council of King's Lynn & West Norfolk
King's Court,
Chapel Street
King's Lynn.
PE30 1EX.

Date: 15 February 2013

Ref: TG/Lic:

Norfolk Constabulary Licensing Team
4th Floor, Vantage House
Fishers Lane
Norwich
Norfolk
NR2 1ET
Tel: 01603 276020
Fax: 01603 276025
Email: grovera@norfolk.pnn.police.uk
www.norfolk.police.uk
Non-Emergency Tel: 0845 456 4567

Dear Licensing Team,

Application under the Licensing Act 2003

Premises: Heacham Halt Cafe, South Beach, Heacham. PE31 7LH

Name of applicant: Julia Marion MOORE

Type of application: New Premises Licence

The Police wish to make a representation regarding this application on the grounds that the Crime Prevention and Disorder Objective could be undermined.

The reason(s) for this representation are:

The premises of Heacham Halt Cafe are situated on the sea front at the South Beach in Heacham. It is at the end of the main route to the south beach. There are public toilet facilities adjacent to the cafe car park. The cafe building on the site is of a single storey brick construction with a tiled roof. The site has the benefit of a car park and seating area. The area is isolated from any other residential premises and not overlooked.

This application seeks to allow permission for alcohol to be sold from the cafe in response to requests from customers who use the beach, and to service her vision for the future of her business. The applicant has said that she wishes to provide a small range of beers wines and spirits at her cafe so that people visiting the beach can either have alcohol with food purchased there, or take alcohol as "off sales" onto the beach or back to their nearby holiday accommodation. Regulated entertainment also forms part of the application and suggests that live or recorded music may be offered and therefore could attract significant numbers of persons if provided. There is no room for large numbers inside the cafe but functions spilling over to the outside area could cater for a lot more.

From my discussion with her today the applicant gives the impression that she wishes to run what would amount to a 'highbred' venue somewhere between a pub and a cafe which would attract families using the beach and cater for other drinkers. Her vision is still evolving. She is considering extending the premises on the north wall to build a small bar which will have the capability of acting as a bar servery to the inside of the cafe and an external 'off sales' hatch for making sales to those

who just wasn't to buy a drink. This part of her vision is not included on this application and may require planning permission. Certainly if this afterthought were to form part of the licensed premises a variation application would be required if a licence were to be granted as a result of this application.

The concern for the Police is that this rather 'rose tinted' vision is likely to cause unnecessary crime and disorder problems if it were to attract persons who just wanted to drink and get drunk in what is an isolated occasion. Excessive alcohol consumption in an area close to the dangers of a beach and in the close proximity of a single track vehicular / pedestrian highway is a real personal safety consideration which is not to be taken lightly.

The applicant does not afford the impression that she has given sufficient thought to this application. She says that she is making it to enhance her business and the catering services she offers. This is to be applauded if the circumstances are right. She suggests that she is still considering various options for the business but that cost implications are still to be finalised and decided upon depending what decision she makes.

The installation of appropriate security measures form part of that decision making process because the Police consider that the premises are not suitable for the safe storage and display of alcohol products at this time. The Police Crime Prevention Officer has attended the premises and issued a report listing a range of measures that need to be installed to satisfy the Crime & Disorder Licensing Objective. A copy of his report is attached to this representation.

The applicant has run a public house in Heacham before with her son (Bushel & Strike PH) which she gave up at the end of 2008. This venue was not without problems under their tenure. Noise complaints and disturbances attracted complaints from neighbours and the intervention of the Police and the Licensing Authority. Whilst the Police would hope that lessons have been learned by the applicant regarding how quickly the reputation of a licensed premises can fall into disrepute if not managed properly, it is easy to see how Crime & Disorder problems could occur at her cafe if the applicant's vision were to be realised and then not managed robustly.

The applicant could not produce her Personal Licence card for examination as she did not know where it was. She also gave the impression that her knowledge of the current licensing laws was not necessarily up to date as it had been a long time since she had run a licensed venue.

All in all the Police are not satisfied that the applicant has given sufficient thought to this application. If a licence were to be granted the Police belief is that there is a real risk that the premises and persons likely to use them would not be effectively managed within the Licensing Laws.

The Police object to this application in its current form for the reasons highlighted.

The Police believe that it would be right for the Licensing Committee to make their own decision concerning this application.

If a licence were to be granted the Police would request that the Licensing Committee gives serious consideration to placing strict conditions on the licence that would:

1. Ensure the security of the premises and the alcohol stock (based upon the recommendations of the Crime Prevention Officer) and
2. The robust management of the operation likely to take place at the premises.

Yours faithfully,

Tony Grover.
Licensing Officer.

Copy to:

Julia Marion MOORE

Our ref: MAU 20643
Please ask for: Katherine Jones
Direct dial: (01553) 616654
Direct fax: (01553) 773026
E-mail:Katherine.jones@west-norfolk.gov.uk

Head of Environmental Health and Housing
Andy Piper

Environmental Health and Housing

Mrs J Moore
Heacham Halt Café
South Beach
Heacham
Kings Lynn
Norfolk
PE31 7LH

19th February 2013

Dear Mrs Moore

Premises Licence Application: Heacham Halt Cafe
Address of Premises: South Beach, Heacham, Kings Lynn, Norfolk,
PE31 7LH

I am writing to you with regards to the above mentioned premises in connection with your application under the Licensing Act 2003.

It is the role of the CSNN team as a statutory consultee, to ensure that the licensed activities permitted at your establishment do not cause dis-amenity or annoyance to neighbouring residents in accordance with the licensing objective for the prevention of public nuisance.

I have discussed the application on the telephone with you today and I suggested some conditions that may prevent the potential nuisance to the public from being dis-proportionate to the benefit the grant of the license will have to the public and to your business.

As discussed my main concern was for the noise that would be created from regulated entertainment particularly live and recorded music as the license relates to the outdoor area of the property.

Therefore, I wish to make the following representations:

The prevention of public nuisance

In light of the above concerns in order to prevent any public nuisance from noise disturbance to local residents, **I will be recommending that the following conditions should be attached to your licence:**

- ❖ Regulated entertainment shall only take place indoors only unless a Temporary Event Notice for an outdoor event is submitted to and approved by the Licensing team at the Borough Council.

I would also draw your attention to the following informative;

The CSNN team recommended restriction of regulated entertainment outdoors to 12 days per annum in line with the limit of TEN's that can be submitted per annum. Please note that the CSNN team will be consulted on all TEN's that are submitted in relation to this premises, and in the interests of the prevention of public nuisance they have the right to object.

General Guidance

Our role in Community Safety and Neighbourhood Nuisance is to prevent dis-amenity and nuisance. With good management there is no reason that the activities you are permitted to provide under the terms of the license, (if permitted) should cause dis-amenity or nuisance. However, noise from people and the playing of amplified music can be difficult to control and we would ask you to read and consider the following suggestions. These are not to be attached to your license but are simply to provide you with information on how to manage the premises effectively without causing dis-amenity. You could consider the points listed below as part of your management plan.

- ❖ Recorded music outdoors should normally be played as background music only.
- ❖ If an irregular event such as entertainment with amplified music is to take place outdoors, residents should be advised and given contact details for the relevant person in charge of that event, eg Parish Council website and leaflet drop to residents that may be affected.
- ❖ Signs may be displayed requiring that customers respect the neighbours and do not cause unreasonable disturbance to residents.
- ❖ Regular checks of any outdoor area and the property boundaries to ensure that excessive noise or anti social behaviour are not occurring.
- ❖ Ensure window and doors are kept closed to reduce the level of noise outbreak.
- ❖ Liaising with the Police or other relevant authority if anti social behaviour or noisy activity is occurring that requires their assistance.

By ensuring the above practices are adhered to there is no reason that dis-amenity will be experienced by any neighbouring property.

However, it must be made clear that the Local Authority do have legislation under the Environmental Protection Act 1990 to prevent any person from causing a nuisance. The Local Authority has powers to serve legal notices, which if breached may result in prosecution and a fine. We also have the power to seize any noise making equipment. I would hope that none of this action would ever be necessary.

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

Miss Katherine Jones
Environmental Health Officer
Community Safety & Neighbourhood Nuisance Team

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

Our ref: MAU 20643
Please ask for: Katherine Jones
Direct dial: (01553) 616654
Direct fax: (01553) 773026
E-mail: Katherine.Jones@west-norfolk.gov.uk

Head of Environmental Health and Housing
Andy Piper

Mrs J Moore
Heacham Halt Café
South Beach
Heacham
Kings Lynn
Norfolk
PE31 7LH

Environmental Health and Housing

19th February 2013

Premises Licence Application: Heacham Halt Cafe
Address of Premises: South Beach, Heacham, Kings Lynn, Norfolk,
PE31 7LH

Recommended conditions;

- ❖ Regulated entertainment shall only take place indoors only unless a Temporary Event Notice for an outdoor event is submitted to and approved by the Licensing team at the Borough Council.

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

I acknowledge receipt of the Environmental Health representations dated 219th February 2013, in connection with the application for the premises shown above. **I agree with the recommended conditions in the accompanying letter.**

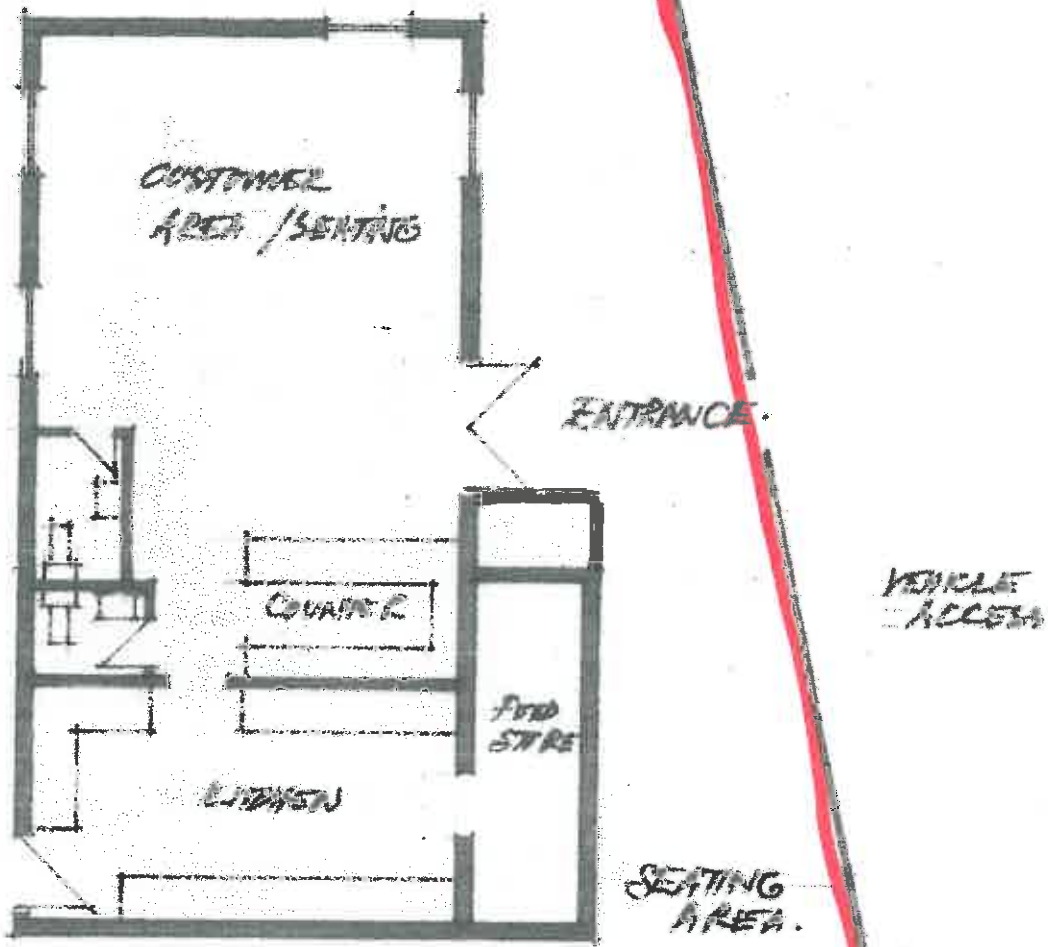
Signed.....

Name.....

Date.....

Heacham Halt Cafe
Objectors – Other Persons

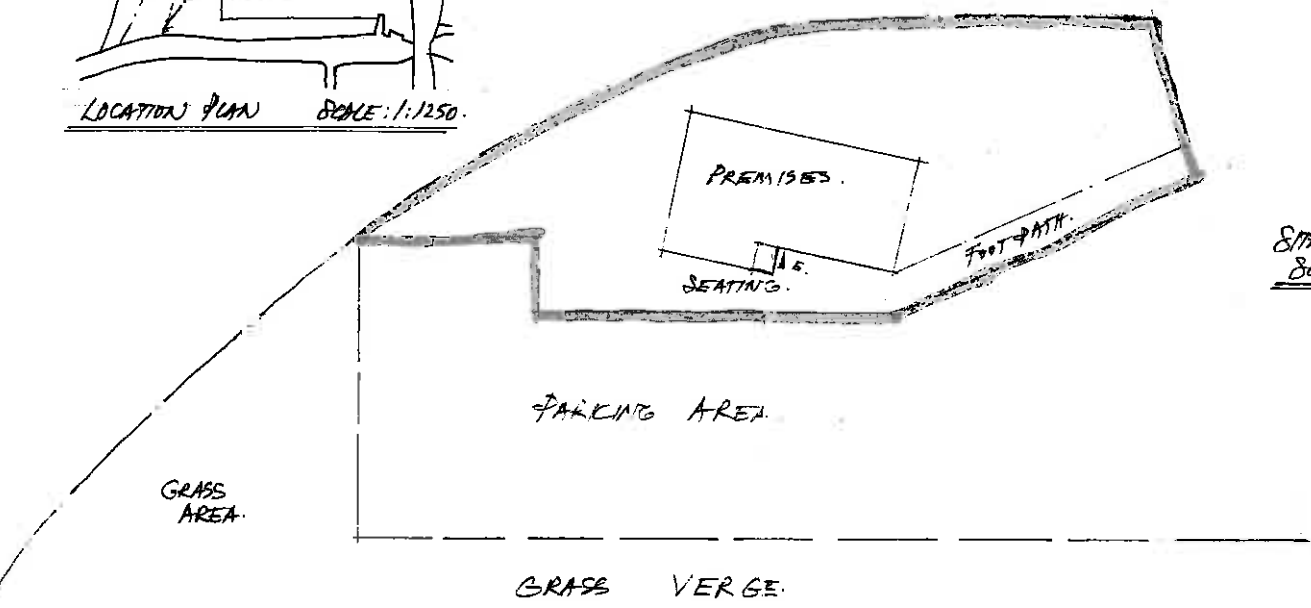
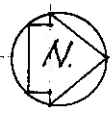
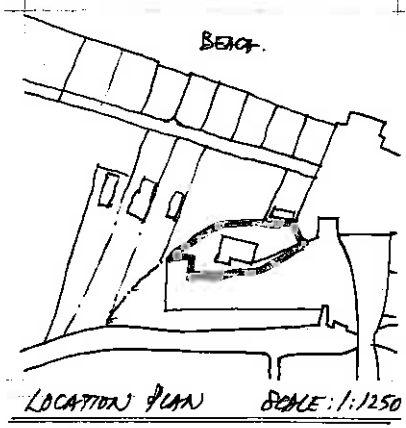
Exempt



LAYOUT PLAN SCALE 1:100

JOB LAYOUT FOR LICENSE	
CLIENT	Ms. JULIE MOORE
DRG	PLAN
SCALE	AS NOTED
DATE	FEB 08.

HEACHAM HOLT CAFE	
SOUTH BEACH	
HEACHAM	
NORFOLK	
AE31744	
0779	02



SITE LAYOUT.
SCALE: 1:200.

HEACHAM RIVER.

JOB. LAYOUT FOR LICENCE	
CLIENT. Ms. JULIE MOORE.	
DRG. PLANS.	
SCALE AS NOTED	DATE FEB 08.

HEACHAM HOOT CAPE	
SOUTH BEACH.	
HEACHAM	
NORFOLK. PE31 7L	
0779	01

Location Plan – Heacham Halt Café

