

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



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

## *Agenda*

Application:  
The Spinney  
St Edmunds Terrace  
Hunstanton  
PE36 5EH

Monday 24<sup>th</sup> February 2014  
10am

VENUE:  
Council Chamber  
Town Hall  
The Green  
Hunstanton  
PE36 6BQ



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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  
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My Ref: RAE/LC  
Please ask for: Rachael Edwards  
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14<sup>th</sup> February 2014

Dear Member

**Licensing Sub-Committee Hearing – 24<sup>th</sup> February 2014**

You are invited to attend a meeting of a Licensing Sub-Committee to commence at **10am on Monday 24<sup>th</sup> February 2014** in the **Council Chamber, Town Hall, The Green, Hunstanton** to consider the business shown below.

Yours sincerely,  
Chief Executive

**AGENDA**

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. ITEMS OF URGENT BUSINESS**

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

**3. DECLARATION OF INTERESTS**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

**4. TO CONSIDER AN APPLICATION FOR A PREMISES LICENCE IN RESPECT OF THE SPINNEY, ST EDMUNDS TERRACE, HUNSTANTON**

- (a) Procedure that will be followed at the hearing (pages 1 – 3)
- (b) Report of the Licensing Manager (pages 4 - 15)
- (c) Copy of Application – Appendix One (pages 16 – 29)
- (d) Letter of Police Objection dated 30 December 2013 – Appendix Two (pages 30 – 58)
- (e) Letter of objection from ‘other person’ – Appendix Three (pages 59 – 60)
- (f) Premises Plan – Appendix Four (page 61)
- (g) Location Plan – Appendix Five (page 62)

**Copies to:**

**Panel Members:**                    **Councillor C Crofts (Chairman)**  
   **Councillor C Manning**  
   **Councillor C Sampson**

**Officers:**                            **Rachael Edwards (Senior Democratic Services Officer)**  
   **John Gilbraith (Licensing Manager)**

**Legal Advisor:**                    **Cara Jordan**

**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 Sub-Committee should read out a statement declaring under which capacity the Committee is sitting.

**This Sub-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 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. (Only those persons who have made representations may address the Sub-Committee)
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).
6. Please note at any time during the hearing the Legal Advisor or the Licensing Manager may be asked or may offer advice to the Sub-Committee/other parties or ask questions of any party.

## The Application for a Premises License

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

## The Applicant's Case

10. The **Chairman** 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

11. Once the Applicant has presented their case, the **Chairman** invites questions to the Applicant or his representative from
  - (i) The Licensing Manager
  - (ii) The Responsible Authorities (or their representative)
  - (iii) Other persons (or their representatives)
  - (iv) Members of the Committee.
12. The **Chairman** will invite questions to the witnesses (if present) from the
  - (i) The Licensing Manager
  - (ii) The Responsible Authorities (or their representative)
  - (iii) Other persons (or their representative)
  - (iv) Members of the Committee

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

## The Responsible Authorities Case

13. The Chairman 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

14. Once the Responsible Authorities has presented their case, the **Chairman** invites questions to the Responsible Authorities (or their representative) from the
  - (i) The Licensing Manager
  - (ii) The applicant (or their representative)
  - (iii) Other persons (or their representatives)
  - (iv) Members of the Committee.
15. The **Chairman** will invite questions to the witnesses from the
  - (i) The Licensing Manager
  - (ii) The application (or their representative)
  - (iii) Other persons (or their representative)
  - (iv) Members of the Committee

## Other Persons Case(s)

16. Each of the other persons or their representatives wishing to address the Committee may do so in an order determined by the **Chairman**. 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.

17. The Licensing Manager, Applicant (or their representative) and the Responsible Authorities will be invited to ask relevant questions of those parties (or the parties' representatives).

### **Summing Up**

Each party will be allowed 5 minutes to sum up their case. They may comment upon what has been said but no new evidence should be introduced.

18. The **Chairman** then invites the Licensing Manager to sum up his case.
19. The **Chairman** then invites the Responsible Authorities and other parties (or their representative) to sum up their case.
20. The **Chairman** then invites the applicant (or their representative) to sum up their case.

### **Reaching and Making a Decision**

21. **The Chairman** will ask the Council's Legal Advisor to address the Committee on any outstanding matters.
22. 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).
23. 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.
24. Once a decision has been made, **the Chairman** will invite the **Legal Advisor** to announce in public any legal advice he/she has given in private.
25. **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.
26. **The Chairman** will explain that all parties will be notified of the outcome of the decision and reasons for the decision in writing.
27. 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: 24<sup>th</sup> February 2014

### Application for Grant of a Premises Licence

- The Spinney, St Edmund's Terrace, Hunstanton, PE36 5EH

### Introduction

1. A premises licence is required under the Licensing Act 2003 (the 'Act') for the sale of alcohol by retail, 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. Mr Chris Bamfield has made an application under Section 17 of the Act on behalf of the Borough Council of King's Lynn & West Norfolk for the licensable activity of 'regulated entertainment'. 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> (outdoors only): 'Plays', 'Films', 'Live Music', 'Recorded Music', 'Performance of Dance' and entertainment of a similar description to 'live music', 'recorded music', or 'performance of dance'.	Monday to Sunday:	10am – 11pm

### Mandatory Conditions

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

- (a) The admission of children to film exhibitions is to be restricted in accordance with the recommendations of the British Board of Film Classification (BBFC) or the Borough Council of King's Lynn & West Norfolk.

### Conditions Consistent with the Operating Schedule

4. The Spinney would be subject, if granted to the following condition which is consistent with the operating schedule (the application):



- (a) A risk assessment for each event or performance shall be prepared prior to the commencement of each event. This risk assessment must be made available upon request for examination by representatives of the Licensing Authority, the Police or the Public Safety Advisory Group.

### **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 'Public Safety' licensing objective could be undermined. A copy of their letter of objection dated the 30<sup>th</sup> December 2013 is attached to this report at Appendix 2.

6. There are no representations from any of 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.*

7. There is one representation from 'other persons' to consider. A copy of this letter is attached to this report at Appendix 3.

### **Notices**

8. 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 6<sup>th</sup> December 2013 and should have been displayed on the premises until the 31<sup>st</sup> December 2013.

### **Plans**

9. 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**

10. 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.
- 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.

### **13.0 Cultural Activities**

- 13.1 The Borough Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. All reasonable care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events. Where there are indications that such events are being deterred by licensing requirements, the statement of policy will be re-visited with a view to investigating how the situation might be reversed.
- 13.2 The Borough Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider cultural benefit of communities. A natural concern to prevent disturbance in neighbourhoods will always be carefully balanced with these wider cultural benefits, particularly the cultural benefits for young people. In determining what conditions should be attached to licence and certificates as a matter of necessity for the promotion of the licensing objectives, the Borough Council is aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature.

### **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 June 2013 and offers advice to Licensing authorities on the discharge of their functions under the Act.*

11. 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 safety**

2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety

includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.13-2.15, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.34-8.42), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

### **Ensuring safe departure of those using the premises**

2.11 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

## **Maintenance and repair**

2.12 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## **Safe capacities**

2.13 **“Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises.** For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.15 Where an authorisation is required under the 2003 Act for a performance of dance (see paragraphs 15.10 and 15.15 below), section 177 of that Act provides that any licence condition which relates to a performance of dance has no effect if certain conditions are met. In particular, the suspension of licence conditions can only occur if the permitted capacity of premises is not more than 200 persons. The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

- 2.17 Public safety includes the safety of performers appearing at any premises.

### **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.

### **Relevant, vexatious and frivolous representations**

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

### **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.

### **Exhibition of films**

10.54 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification – BBFC) or by the licensing authority itself.

10.55 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

### **Spontaneous music, singing and dancing**

15.45 The spontaneous performance of music, singing or dancing does not amount to the provision of regulated entertainment and is not a licensable activity because the premises at which these spontaneous activities occur would not have been made available to those taking part for that purpose.

## **Determination**

12. 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.

13. 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  
7<sup>th</sup> February 2014

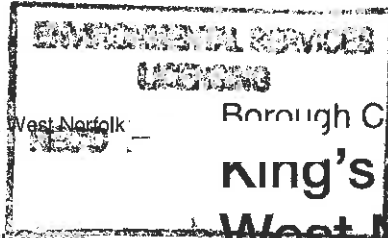
#### Appendix:

1. Copy of Application.
2. Letter of Police Objection dated 30 December 2013.
3. Letter of Objection from 'other person'.
4. Premises Plan.
5. 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 (June 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](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**, Room 60, Lower Ground, County Hall, Martineau Lane, Norwich, NR1 2DH
  - **Norfolk Trading Standards**, Consumer Operations Manager, Norfolk County Council Trading Standards, County Hall, Martineau Lane, Norwich, NR1 2UD
  - **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
  - **Public Health Director**, Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2DH

I/..... **CHRIS BAMFIELD** .....

(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	
THE SPINNEY ST EDMUNDS TERRACE HUNSTANTON	
Post town: KING'S LYNN	Postcode: PE36 5BH

Telephone number at premises (if any):

N/A

Non-domestic rateable value of premises:

£

## Part 2 – Applicant Details

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

- Please tick ✓ yes**
- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals*   | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual*  |                                     |                             |
| 1. as a limited company  | <input 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 checked="" 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

BAMFIELD

First names

CHRIS

I am 18 years old or over

please tick  yes

Current postal address If different from premises address	KINGS COULT CHAPEL STREET
---	------------------------------

Post Town:	KINGS LYNN	Post Code:	PE30 1EX
------------	------------	------------	----------

Daytime telephone number:	01553 616200
---------------------------	--------------

Email address (optional):	CHRIS.BAMFIELD@WEST-NORFOLK.CO.UK
---------------------------	-----------------------------------

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?

01 / 01 / 2014

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)

PUBLIC OPEN SPACE, WITH PERFORMANCE AREA, ELECTRICITY SUPPLY AVAILABLE ON PERFORMANCE AREA.  
TREES & GREEN AREAS FOR PUBLIC TO SEE & ENJOY HUNSTANTON.  
HERITAGE WALL IN PLACE WITH TILES OBSACURING HUNSTANTON  
PAST OR OUTLINE FOR VIEWING BY ALL.  
CLEARLY DEFINED PERFORMANCE AREA, WHOSE FLOORING TO BE LICENSED TO ALLOW FOR MOBILE SCENE & OTHER POTENTIAL PERFORMERS & PERFORMANCES.

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 late night refreshments**

(if ticking yes, fill in box I)

**Sale by retail of alcohol**

(if ticking yes, fill in box J)

**In all cases complete boxes 'K', 'L' & 'M'**



**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	✓
				Both	
Mon	10:00	23:00	Please give further details here (please read guidance note 3) TIMINGS TO MATCH LICENCE FOR THE GARDEN. POTENTIAL FOR MUSIC TO BE AMPLIFIED FOR CERTAIN PERFORMANCES.		
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	10:00	23:00			
			State any seasonal variations for performing plays (please read guidance note 4) NO SEASONAL VARIATION.		
			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) N/A		

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			Will the exhibition of film 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	✓
				Both	
Mon	10:00	23:00	Please give further details here (please read guidance note 3) TIMINGS TO MATCH LICENCE FOR THE GARDEN. POTENTIAL FOR MUSIC TO BE AMPLIFIED FOR CERTAIN PERFORMANCES.		
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	10:00	23:00			
			State any seasonal variations for the exhibition of films (please read guidance note 4) NO SEASONAL VARIATION.		
			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) N/A		

**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 boxing or wrestling 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	10:00	23:00		<input checked="" type="checkbox"/>
Tue	10:00	23:00		
Wed	10:00	23:00		
Thur	10:00	23:00		
Fri	10:00	23:00		
Sat	10:00	23:00		
Sun	10:00	23:00		

Please give further details here (please read guidance note 3)  
 TIMINGS TO MUSIC LICENCE FOR THE CLUB.  
 POTENTIAL FOR MUSIC TO BE AMPLIFIED FOR CERTAIN PERFORMANCES.

State any seasonal variation (please read guidance note 4)  
 NO SEASONAL VARIATION.

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)  
 N/A

**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	10:00	23:00		<input checked="" type="checkbox"/>
Tue	10:00	23:00		
Wed	10:00	23:00		
Thur	10:00	23:00		
Fri	10:00	23:00		
Sat	10:00	23:00		
Sun	10:00	23:00		

Please give further details here (please read guidance note 3)  
 TIMINGS TO MUSIC LICENCE FOR THE CLUB.  
 POTENTIAL FOR MUSIC TO BE AMPLIFIED FOR CERTAIN PERFORMANCES.

State any seasonal variation (please read guidance note 4)  
 NO SEASONAL VARIATION.

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)  
 N/A

**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)	Indoors	
Day	Start	Finish		Outdoors	✓
Mon	10:00	23:00	Please give further details here (please read guidance note 3) TIMINGS TO MERED LICENCE FOR THE CLUB, POTENTIAL FOR MUSIC TO BE AMPLIFIED FOR CERTAIN PERFORMANCES	Both	
Tue	10:00	23:00			
Wed	10:00	23:00		State any seasonal variation (please read guidance note 4) NO SEASONAL VARIATIONS	
Thur	10:00	23:00			
Fri	10:00	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 (please read guidance note 5)	
Sat	10:00	23:00		N/A	
Sun	10:00	23:00			

**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:	Indoor	
Day	Start	Finish		Outdoor	✓
Mon	10:00	23:00	Will the entertainment take place indoors, outdoors or both – please tick ✓ (please read guidance note 2)	Both	
Tue	10:00	23:00	Please give further details here (please read guidance note 3) TIMINGS TO MERED LICENCE FOR THE CLUB. POTENTIAL FOR MUSIC TO BE AMPLIFIED FOR CERTAIN PERFORMANCES		
Wed	10:00	23:00			
Thur	10:00	23:00		State any seasonal variation (please read guidance note 4) NO SEASONAL VARIATIONS	
Fri	10:00	23:00			
Sat	10:00	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 (please read guidance note 5)	
Sun	10:00	23:00		N/A	

**I**

<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	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variation (please read guidance note 4)		
Thur					
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					

\*Note: 'Late Night Refreshment' is only licensable between the hours of 11pm & 5am.

**J**

<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					
Tue					
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					

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

Name: .....

Address: .....

.....

Postcode: .....

Personal Licence number (if known): .....

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

**K**

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)

ACTIVITIES TO BE STRICTLY CONTROLLED BY BCU/LWN, DETAILS OF EVENTS/  
 PERFORMANCES TO ALWAYS BE CARRIED OUT BEFORE EVENT, ANY PLAYS, FILMS,  
 MUSIC IN THIS AREA WILL BE OF SUITABLE NATURE FOR ALL VISITORS  
 TO HUNSTANTON.

**L**

<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)
Day	Start	Finish	
Mon	00:00	23:59	NO SEASONAL VARIATION
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	
Sat	00:00	23:59	
Sun	00:00	23:59	
			N/A.

**M** 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)

APPROPRIATE RISK ASSESSMENTS WILL BE WRITTEN PRIOR TO EACH EVENT, CONTROL MEASURES WILL BE IN PLACE TO ENSURE WHERE PRACTICABLE THE SAFETY OF ALL VISITORS / USERS.

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

AS ABOVE

c) **Public safety**

AS ABOVE

d) **The prevention of public nuisance**

AS ABOVE.

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

ANY PLAYS, FILMS & MUSIC WILL BE REVIEWED PRIOR TO PERMISSION BEING GRANTED FOR THESE SHOWS TO TAKE PLACE, ANY UNSUITABLE MATERIAL WILL BE PREVENTED.

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

<u>Checklist</u>	Please tick/ yes
1 I have made or enclosed payment of the fee. Cheques should be made payable to 'BCKLWN':	<input type="checkbox"/>
1 I have enclosed two sets of plans of the premises:	<input type="checkbox"/>
1 I have sent you the original application and copies including the plan to the 'responsible authorities' (details on front page):	<input type="checkbox"/>
1 I have enclosed the consent form completed by the individual I wish to be premises supervisor (if applicable):	<input type="checkbox"/>
1 I will send / I enclose my Certificate of Service:	<input type="checkbox"/>
1 I understand that I must now advertise the application both in a newspaper and on the premises:	<input type="checkbox"/>
1 I will send / I enclose the Certificate of Display:	<input type="checkbox"/>
1 I will send a copy of the advert once it has appeared in the newspaper	<input type="checkbox"/>
1 I understand that if I do not comply with the above requirements my application may be rejected:	<input type="checkbox"/>

**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:  ..... Date: 21/11/13 .....

Capacity: Executive Director of Council Services .....

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>
DAVID MORTON	RESORT SERVICES, OASIS SPORTS & LEISURE CENTRE, CENTRAL PROMENADE, HUNSTANTON RF36 5BD.
If you prefer us to correspond with you by e-mail your email address (optional):	
david.morton@west-norfolk.gov.uk	

### 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 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.



CON ST A B U L A R Y

*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: 30 December 2013

Ref: TG/Lic:



Norfolk Constabulary Licensing Team  
4<sup>th</sup> Floor, Vantage House  
Fishers Lane  
Norwich  
Norfolk  
NR2 1ET  
Tel: 01603 276093  
Fax: 01603 276025  
Email: [grovera@norfolk.pnn.police.uk](mailto:grovera@norfolk.pnn.police.uk)  
[www.norfolk.police.uk](http://www.norfolk.police.uk)  
Non-Emergency Tel: 101

Dear Licensing Team,

**Application under the Licensing Act 2003**

**Premises: The Spinney, St Edmunds Terrace, Hunstanton. PE36 5EH**

**Name of applicant: Chris BAMFIELD, Executive Director of Community Services**

**Type of application: New Premises Licence**

The Police wish to make a representation regarding this application on the grounds that the Public Safety Licensing Objective could be undermined.

The reason(s) for this representation are:

This application is made by Mr Chris BAMFIELD on behalf of the Borough Council for Kings Lynn & West Norfolk who is responsible for council owned land at The Spinney, St Edmunds Terrace, Hunstanton and seeks permission for a Premises Licence to allow Regulated Entertainment to take place on this public open space.

The area of The Spinney is a triangular area of land in the centre of Hunstanton's main tourist area comprising of a grassed area with numerous mature trees thereon. It is surrounded by roadways and pedestrian footpaths which are at their busiest during the main tourist season between Easter and October each year and attracts thousands of people on a regular basis. The area is immediately adjacent to the busy shopping High Street area. This area is almost at the conclusion of a redevelopment programme which has been put in place by the Council with a view to facilitate a public performance space that would provide for various entertainments to take place for the benefit of the visiting public. A plan of the area has been provided as part of the application which shows that a circular performance area has been created with an enhanced pedestrianised area from what it was before. Vehicular access over this pedestrianised area still has to be maintained to adjacent business for deliveries and parking. The plan shows that the performance area is designed to project performances towards the enlarged pedestrian area at the top of The Spinney where traffic emerges from the High Street rather than towards the grassed area and wider pedestrian area.

The Police would encourage the appropriate use of public open spaces for the benefit of the community entertainment but it has to be within a safe environment. The Police have serious concerns over the safety of this public open space, in spite of its redevelopment, and would object to this application as indicated at the head of this representation. The Police do not consider that enough thought has been given to the safety aspects of providing entertainment to all age groups which could be attracted to this area and could attract hundreds of persons during a performance. The experience of the Police, as being the main emergency service that has to attend and deal with the investigation of accidents, is that the risk of an accidental coming together between vehicles and pedestrians is too great at this time and that remedial action concerning the redevelopment of this area is paramount before a Premises Licence can safely be granted.

The Police Licensing Officer met with David Morton at the site on 11<sup>th</sup> December 2013. He is the named contact within the application and who also represents the Borough Council in this regard. The Licensing Officer discussed the application and his concerns regarding the safety of the site for entertainment purposes. Mr Morton was asked to provide copies of any risk assessment documents that may be in existence that would account for the health and safety concerns of persons during entertainment performances. None have been forthcoming for examination so far.

Due to the concerns of the Police Licensing Officer a further visit was made by him to the site on 18<sup>th</sup> December 2013 in company with Pc Steve Ashman who is recognised as an authority within the Police Service with regard to Event Planning, which includes the safety of persons within a defined area. Pc Ashman has submitted a report (copy attached) of which reproduces his main concerns as follows:

*"I would like to pass on my observations for consideration in any licence application process. From looking at the proposal for the type of activity to be licensed I would suggest that this application poses a low risk in relation to Crime and Disorder or Anti-Social Behaviour issues.*

***However, from an event management and public safety perspective I would have some concerns as detailed below.***

- A.** *It is currently proposed that any band / act would project their performance from the bandstand east ward toward the High Street where the assembled audience would be gathered on the pedestrian paved area at the High Street end.*

*There would be no clear demarcation of separation between performance / audience area and normal pedestrian footfall or flow along the public highway.*

*Utilising this section as performance / audience area would also result in persons attending events being immediately adjacent to live traffic flow along the highway as well as present a distraction to motorists approaching from the High Street end.*

*I would suggest this would cause an increased risk of conflict between vehicular traffic, pedestrian traffic and audiences gathered there.*

*In my opinion this section of the proposed licensed area should remain a thoroughfare and is not suitable as a performance / audience area.*

- B.** *At this time vehicular access is possible from either end of the pedestrian area allowing vehicles to use it as a 'cut through'.*

*I would suggest consideration be given to permanent or removable bollards (or similar) at the High Street end.*

- C.** *I would ask the applicant consider that any performance would be more appropriately directed westward into the paved and grassed area. Any audience could gather in the pedestrian area or on the adjacent grassed area as they wished.*

*I would further ask the applicant to consider continuation of the low slung wall around the grassed side of the proposed area (to include pedestrian access points).*

*This would clearly establish the boundary of the performance and audience area from the adjacent highway for those in attendance (particularly children). This would allow general pedestrian foot flow along the pavements without being in conflict with any assembled audience, and lessen any distraction to motorists.*

*The above consideration(s) would require a rethink on the part of the applicant as well as appropriate risk assessments for the area to be utilised. However, combined with a method of controlled vehicle access for deliveries to the area concerned I feel this would create a much more relaxed experience and secure environment for persons attending events."*

During the course of the visit to the site by the Police on 18<sup>th</sup> December they had the opportunity to discuss the development and proposal that it becomes a licensed area with numerous passers-by, all of whom were local to Hunstanton. The general consensus by those persons was it would be good for Hunstanton to have another area which could be used for the entertainment of the community. When the concerns of the Police regarding the safety of the area were highlighted they were immediately able to sympathise with those concerns. One businessman, Kevin Fleming, Director of Legge's which is situated on the corner of the High Street and the Spinney, approached us and was able to give his first-hand account of how vehicles were already using the redeveloped pedestrianised area as an access route through to service businesses adjacent to the area in question. The safety of pedestrians has already been put at risk in his view. He has since submitted a letter to the Licensing Authority expressing his safety concerns. A copy has been sent to the Police and is attached to this representation. It is obvious from that letter that he supports the use of the area for entertainment purposes but it does have to be safe.

It should also be pointed out, that without any changes to the current redevelopment plan, it could be that if there were to be a large gathering of persons observing any performance from within the performance area and those persons were to gather and obstruct the highway as highlighted at 'A' above, the Borough Council could be complicit in "Causing an Unnecessary Obstruction of the Highway" which is a criminal offence.

The Borough Council should not need to be reminded about the problems that are associated with any injury caused to any person attending a public event on property owned or controlled by them, as happened to a youngster at a recent Kings Lynn Mart event held on the Tuesday Market Place when safety measures in place are called into question. (From a personal point of view as a former Police Officer having dealt with numerous serious injury or fatal accidents, the worst job ever having to be undertaken is to inform someone that a child or immediate family member has been injured or killed in an accident which could possibly have been prevented.)

It may be possible for the concerns of the Police to be addressed if remedial action were to take place before any permission contained within a Premises Licence for the area in question were to be enabled. The Police would suggest that the following Conditions be placed on the Premises Licence if it is granted:

1. A concrete wall will be constructed around the entire circular performance area and adjacent to the steps that give access to it. The wall will be maintained in good repair at all times.

*(The reason for this Condition is to ensure that there is clear demarcation between the performance area and the pedestrian highway and to encourage any performance to be directed towards the grassed area of The Spinney.)*

2. A boundary wall will be constructed along the south eastern boundary of 'The Spinney' connecting the concrete wall of the Performance Area with the wall at the western boundary of 'The Spinney'. The wall shall be of sufficient height to deter accidental pedestrian movement from 'The Spinney' onto the adjacent footpath and vehicular

highway. All walls forming part of the boundary to the licensed area will be maintained in good condition at all times.

*(The reason for this Condition is ensure sufficient attention to the safety of the boundary between the grassed area and the adjacent highway and to prevent accidents between pedestrians and traffic using the highway.)*

3. For a period of half an hour prior to and half an hour after any performance of regulated entertainment within the licensed area of 'The Spinney', barriers will be erected at both ends of the of the northern paved area to prevent any vehicular movement along that paved area that forms part of the licensed area.

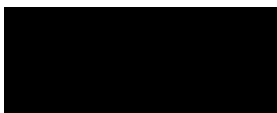
*(The reason for this Condition is to provide a safe environment free from any vehicular traffic for those who may be setting themselves up to partake in, or the viewing of, any performance within the licensed area.)*

**If the applicant(s) feels they are unable to agree with the proposed Conditions at 1 to 3 above, please consider this as an objection to the application.**

In accordance with the current Section 182 Guidance to the Licensing Act 2003 there is the opportunity for a hearing to be dispensed with if the applicant, the Police and the Licensing Authority agree to the proposed Conditions highlighted by the Police in the above text and for them to be included as Conditions in the licence if it is granted.

If you (the applicant) feel you are able to sign an agreement to the amendment(s) please complete the form attached to this representation and send it to the Licensing Authority. If a hearing is still to go ahead the Police will attend to put their case to the Licensing Committee for consideration.

Yours faithfully,



Tony Grover.  
Licensing Officer.

Copy to:

**Chris BAMFIELD**  
**Borough Council of King's Lynn & West Norfolk**  
**King's Court,**  
**Chapel Street,**  
**King's Lynn.**  
**PE30 1EX.**

**Name of Premises:**

**The Spinney, St Edmunds Terrace, Hunstanton. PE36 5EH**

To the Applicant(s):

**Please sign the form below and return one copy to the Police Licensing Officer and the Licensing Authority at the addresses shown on the front of the accompanying letter.**

I(we) acknowledge receipt of the Police representations, dated 30/12/13 **Ref: TG/Lic**

In connection with the application for the premises shown above I(we) agree to the condition(s) given at 1 to 3 in the letter of representation from the Police.

**I(we) understand that if the licence is issued, I(we) will not engage in any Licensable Activity on the premises until I(we) have fully complied with all those conditions that require further work to be completed (e.g. Crime Prevention measures) and confirmed compliance with the Police Licensing Officer. I(we) understand that to do otherwise may put the licence at risk.**

Signed.....

Name.....

Date.....

Hunstantons Premier  
Ladies and Mens Fashions and Footwear  
Established 1939

1-3-5-7 High Street, Hunstanton, Norfolk. PE36 5AB  
Tel: 01485 532856 Fax: 01485 532823  
332878

18.12.13

TO Licensing Team  
Berklyn.  
Kings Court  
Chapel Street  
Kings Lynn.

Dear Sir/Madam

I would like to share my concerns for the Licensing application for the spinney area of St Edmunds Terrace, Hunstanton.

I have serious concerns over public safety.

The new area layout is a pedestrian area including an events area, which has been designed for public events and entertainment. My concerns are that vehicle

access is being allowed outside of our premises adjacent to the performance area. There is currently a 4 metre gap between our premises and the performance area.

Large vehicles, and cars are being allowed to drive through this area.

We have experienced cars and lorries manoeuvring through, they have been coming from both directions, cars have cut across the new area from exiting the High Street and also driving across from Westgate.

Robin Legge Ltd  
Company Registration No: 689856  
VAT No: 105 8180 88  
Directors: K R Fleming, D W Legge

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18.12.13

(Cont)

this area was designed to create a pedestrian friendly zone, vehicle access should not be allowed.

A part of our business operates from a outside terraced area, when our customers step off our terrace, they will be confronted by an oncoming vehicle, I have grave concerns regarding this, they are no longer protected by the pavement, to step onto.

I must stress I do not oppose the license application, I believe it will be good for the town, providing public safety is addressed.

The area needs to be more protected from vehicles tracking through it.

I have sent a copy of this letter to Tony Grover of the Norfolk Constabulary Licensing team.

Yours Sincerely

  
Robin Legge Ltd  
Company Registration No: 689856  
VAT No: 105 8180 88  
Directors: K R Fleming, D W Legge



**NORFOLK CONSTABULARY**

**From:** Pc 883 Steve Ashman,  
Events Planning Unit rm 1.3.6 OCC.

**Ref:** Premises Licence  
Application ref PID  
7018  
The Spinney,  
Hunstanton

**Tel Ext:** 01953 423866

**To:** Tony Grover,  
Licensing Regulation Team

**Date:** 18/12/13.

---

Dear Tony,

With reference to premises licence application PID 7018 regarding 'The Spinney', St Edmunds's Terrace, Hunstanton and our visit to the site on the 18<sup>TH</sup> December 2013, I would like to pass on my observations for consideration in any licence application process.

From looking at the proposal for the type of activity to be licensed I would suggest that this application poses a low risk in relation to Crime and Disorder or Anti Social Behaviour issues.

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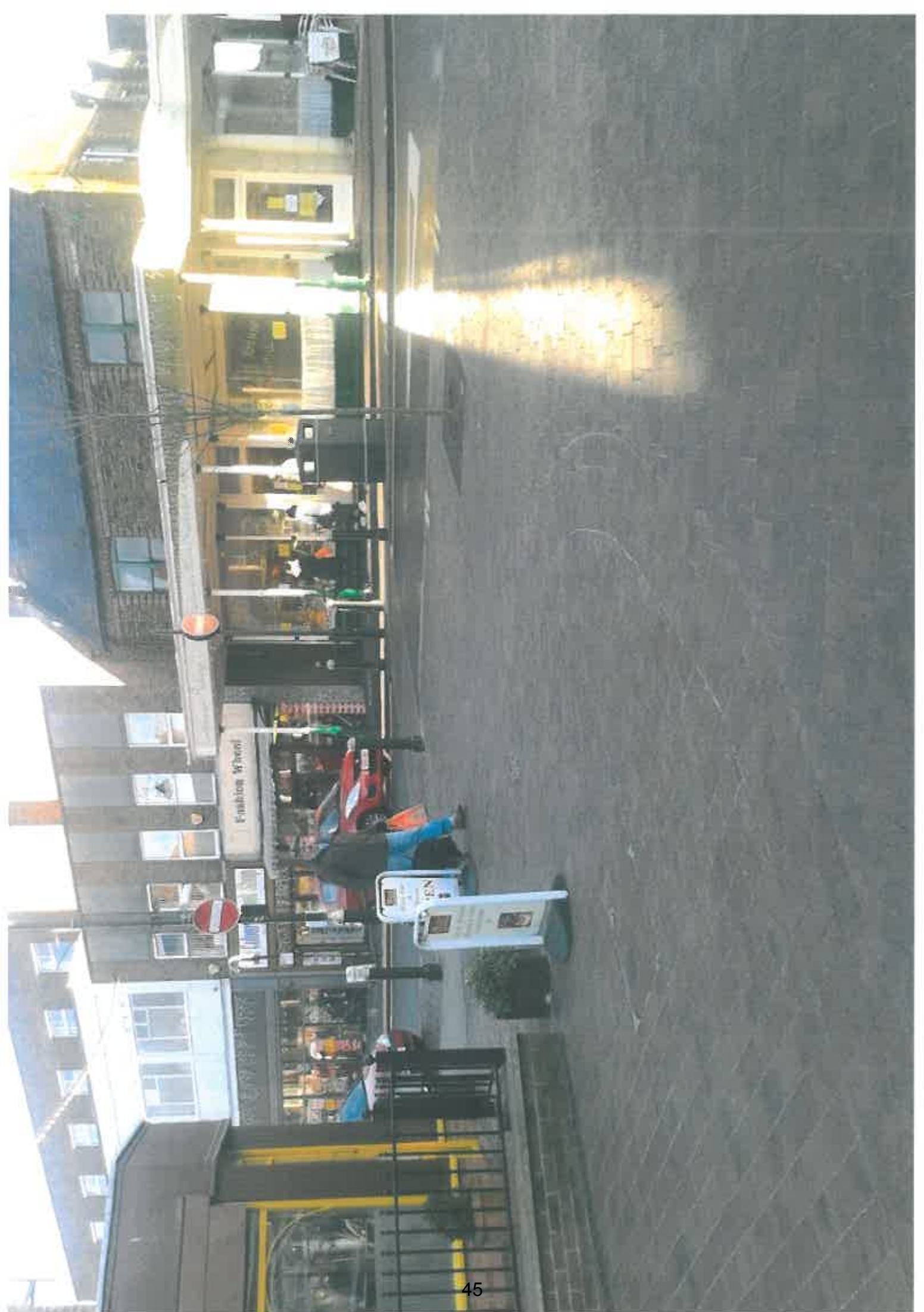






















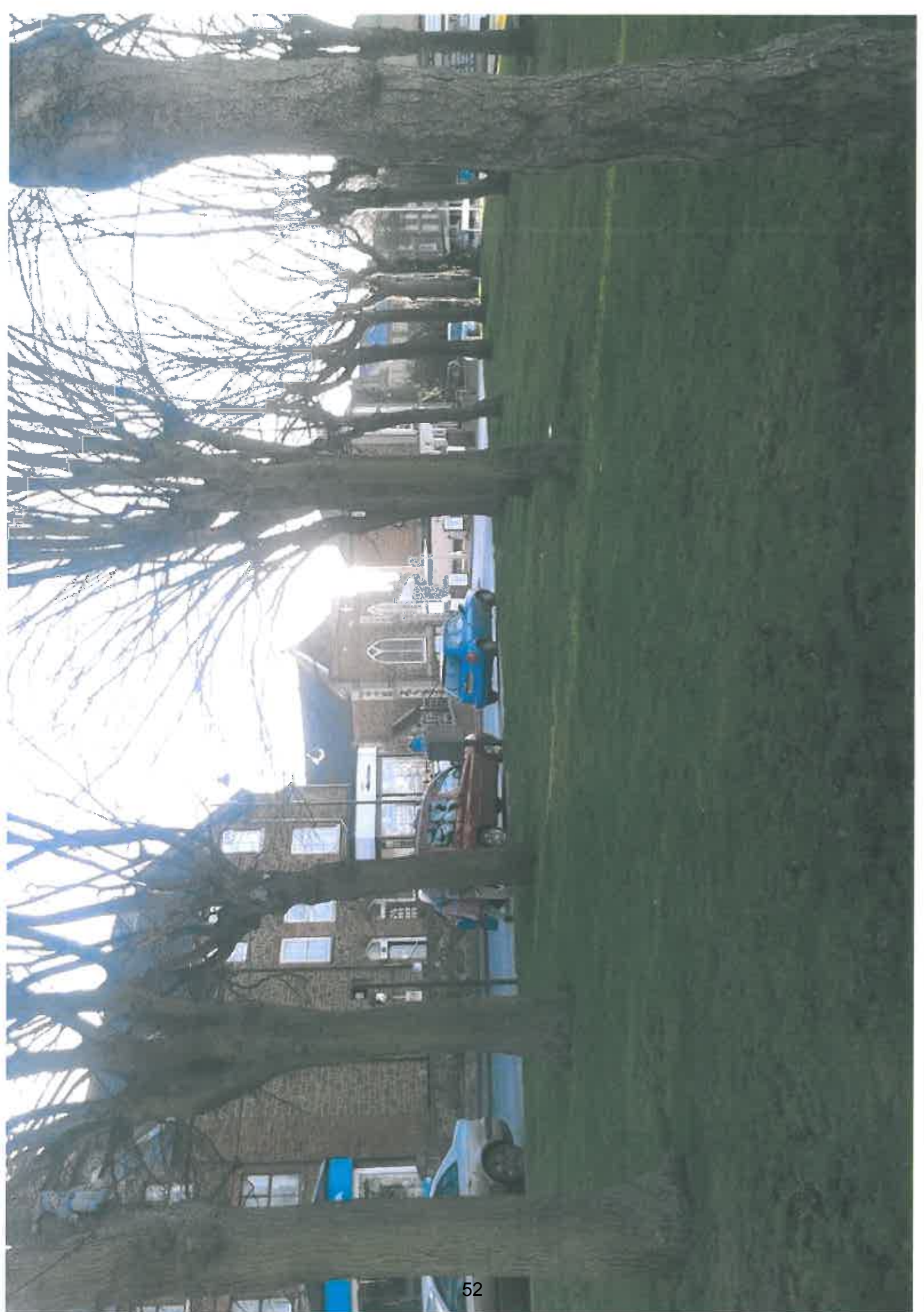




































**P** Loading  
only  
20 mins  
No return  
within 1 hour

# LEGGE'S

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Established 1939

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532856  
532878

18.12.13

to Licensing team  
Beklyn  
Kings Court  
Chapel Street  
Kings Lynn.



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532878

(Cont)

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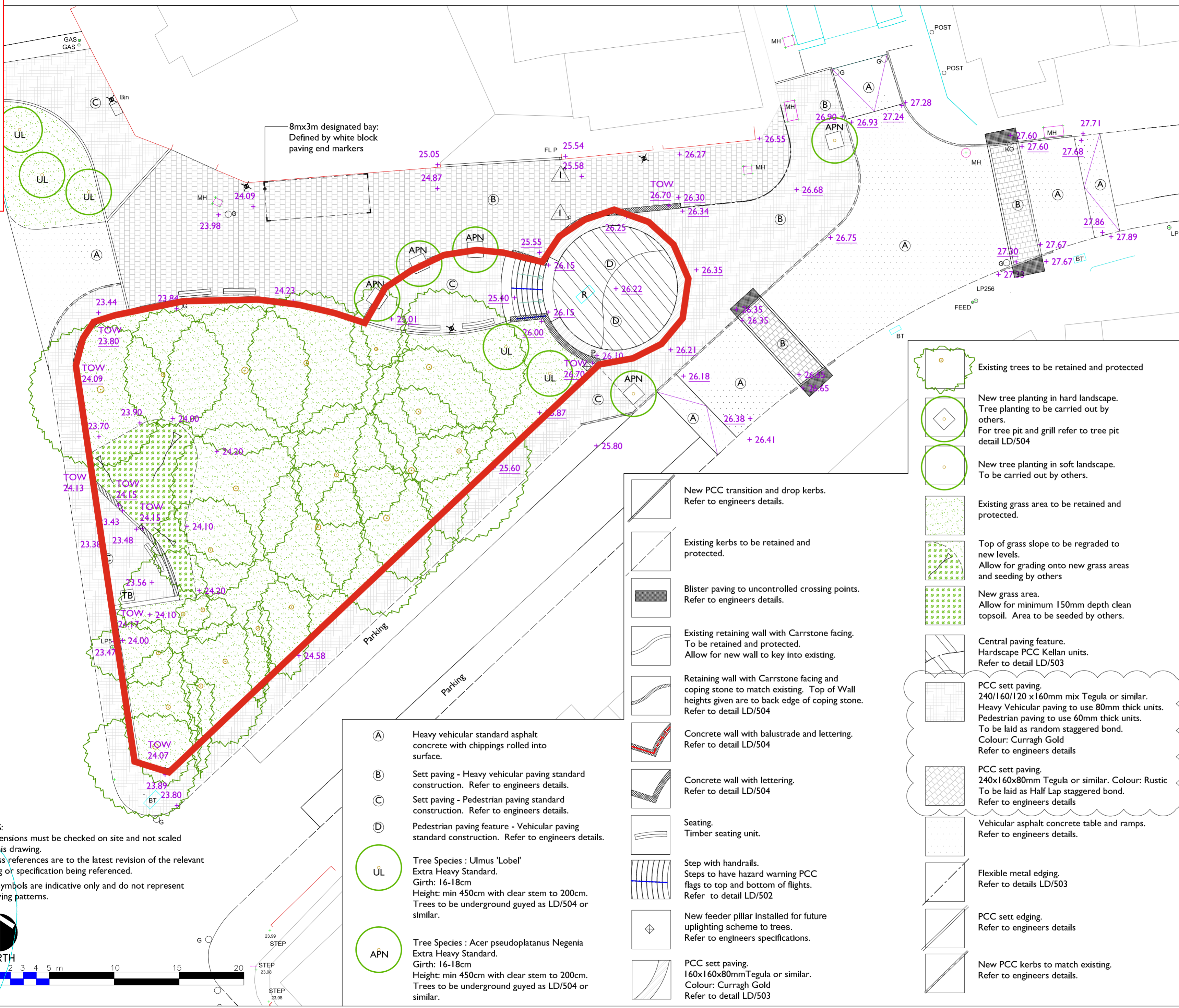
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Yours Sincerely



Robin Legge Ltd  
Company Registration No: 689856  
VAT No: 105818088  
Directors: K R Fleming, D W Legge





- + 26.30 Proposed spot height
- + 26.30 Existing spot height
- ⊙ Existing gully/kerb outlet. Engineers to provide specification as necessary adjustments.
- ✦ Proposed lighting columns (luminaire B)
- TB Existing telephone box. To be retained and protected.
- ⊙ New power outlet. Refer to engineers details.
- ◊ Recessed cover to BT Manhole. Refer to engineers details.
- △ Stainless steel bollards to 'pinch point'.

Rev	Date	Revisions	Drawn	Checked
L	26/09/13	Paving set note updated	MJB	KL
K	20/09/13	Graphic added for radial paving. Tree species added	MJB	KL
J	04/09/13	Areas clouded amended	AH	KL
I	14/08/13	Path removed. Lower end layout updated. Riser removed from performance steps	MJB	KL

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**wynne-williams associates ltd**  
 LANDSCAPE ARCHITECTS  
 1 Pleshey Lodge Offices, Pump Lane, Pleshey, Chelmsford, CM3 1HF  
 Tel 01245 237000  
 E mail landscape@wynne-williams.co.uk

Client **Borough of Kings Lynn and West Norfolk**

Job Title **Hunstanton Town Centre Enhancement Scheme**

Drawing Title **St Edmunds Terrace Spinney Landscape Layout**

Issue	Info	Planning	Tender	Construction	As Built
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Scale 1:200@A2

Date 14/02/13 Drawn MJB

Date Checked

Drawing number **1251/LL/101** Rev **L**

NOTES:  
 All dimensions must be checked on site and not scaled from this drawing.  
 All cross references are to the latest revision of the relevant drawing or specification being referenced.  
 Hatch symbols are indicative only and do not represent true laying patterns.



- (A) Heavy vehicular standard asphalt concrete with chippings rolled into surface.
- (B) Sett paving - Heavy vehicular paving standard construction. Refer to engineers details.
- (C) Sett paving - Pedestrian paving standard construction. Refer to engineers details.
- (D) Pedestrian paving feature - Vehicular paving standard construction. Refer to engineers details.
- UL Tree Species : Ulmus 'Lobel' Extra Heavy Standard. Girth: 16-18cm Height: min 450cm with clear stem to 200cm. Trees to be underground guyed as LD/504 or similar.
- APN Tree Species : Acer pseudoplatanus Negenia Extra Heavy Standard. Girth: 16-18cm Height: min 450cm with clear stem to 200cm. Trees to be underground guyed as LD/504 or similar.

- New PCC transition and drop kerbs. Refer to engineers details.
- Existing kerbs to be retained and protected.
- Blister paving to uncontrolled crossing points. Refer to engineers details.
- Existing retaining wall with Carrstone facing. To be retained and protected. Allow for new wall to key into existing.
- Retaining wall with Carrstone facing and coping stone to match existing. Top of Wall heights given are to back edge of coping stone. Refer to detail LD/504
- Concrete wall with balustrade and lettering. Refer to detail LD/504
- Concrete wall with lettering. Refer to detail LD/504
- Seating. Timber seating unit.
- Step with handrails. Steps to have hazard warning PCC flags to top and bottom of flights. Refer to detail LD/502
- New feeder pillar installed for future uplighting scheme to trees. Refer to engineers specifications.
- PCC sett paving. 160x160x80mm Tegula or similar. Colour: Curragh Gold Refer to detail LD/503

- Existing trees to be retained and protected
- New tree planting in hard landscape. Tree planting to be carried out by others. For tree pit and grill refer to tree pit detail LD/504
- New tree planting in soft landscape. To be carried out by others.
- Existing grass area to be retained and protected.
- Top of grass slope to be regraded to new levels. Allow for grading onto new grass areas and seeding by others
- New grass area. Allow for minimum 150mm depth clean topsoil. Area to be seeded by others.
- Central paving feature. Hardscape PCC Kellan units. Refer to detail LD/503
- PCC sett paving. 240/160/120 x 160mm mix Tegula or similar. Heavy Vehicular paving to use 80mm thick units. Pedestrian paving to use 60mm thick units. To be laid as random staggered bond. Colour: Curragh Gold Refer to engineers details
- PCC sett paving. 240x160x80mm Tegula or similar. Colour: Rustic To be laid as Half Lap staggered bond. Refer to engineers details
- Vehicular asphalt concrete table and ramps. Refer to engineers details.
- Flexible metal edging. Refer to details LD/503
- PCC sett edging. Refer to engineers details
- New PCC kerbs to match existing. Refer to engineers details.

**Location Plan – The Spinney, St Edmund’s Terrace, Hunstanton**



**The Spinney**

**Legge's**

Note:

The plan is for indicative purposes only as any enhancements made under the Hunstanton Town Centre Enhancement Scheme are not shown.