

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



LICENSING COMMITTEE - SUB-COMMITTEE HEARING

Agenda

Application:
King's Lynn Social Venue
15 Littleport Street
King's Lynn
PE30 1PP

Tuesday 6th May 2014
10am

VENUE:
Card Room
Town Hall
Saturday Market Place
King's Lynn
PE30 5DQ



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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
Direct Dial: (01553) 616275
Email: rachael.edwards@west-norfolk.gov.uk

24th April 2014

Dear Member

Licensing Sub-Committee Hearing – 6th May 2014

You are invited to attend a meeting of a Licensing Sub-Committee to commence at **10am on Tuesday 6th May 2014** in the **Card Room, Town Hall, Saturday Market Place, King's Lynn** 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 A VARIATION APPLICATION FOR A PREMISES LICENCE IN RESPECT OF KING'S LYNN SOCIAL VENUE, 15 LITTLEPORT STREET, KING'S LYNN, NORFOLK. PE30 1PP**

- (a) Procedure that will be followed at the hearing (pages 1 – 3)
- (b) Report of the Licensing Manager (pages 4 – 14)
- (c) Copy of Application – Appendix One (pages 15 - 26)
- (d) Copy of current Premises Licence (WNPL9511) – Appendix Two (pages 27 – 29)
- (e) Norfolk Constabulary Letter of Objection dated 10 April 2014 – Appendix Three (pages 30 - 32)
- (f) Community Safety & Neighbourhood Nuisance Letter of Objection dated 10 April 2014 – Appendix Four (pages 33 - 34)
- (g) Letter of Objection from “other persons” – Appendix Five - (pages 35 – 36)
- (h) Plan of Premises – Appendix Six (page 37)
- (i) Location Plan – Appendix Seven (page 38)

Copies to:

Panel Members: **Councillor C Crofts (Chairman)**
 Councillor A Lovett
 Councillor M Pitcher

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 press and 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 Sub-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 Sub-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 Sub-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 Sub-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/bodies 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 Variation of a Premises Licence

7. The **Legal Advisor** explains the procedure that will be followed at the meeting.
8. The **Licensing Manager** outlines the variation application to the Sub-Committee by presenting the report referring to any relevant extracts from the Borough Council's Statement of Licensing Policy and Statutory Guidance.
9. The **Chairman** will invite questions from all parties to clarify any aspects of the Licensing Manager'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 representative)
- (iv) Members of the Sub-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 Sub-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 have 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 representative)
- (iv) Members of the Sub-Committee.

15. The **Chairman** will invite questions to the witnesses from the

- (i) The Licensing Manager
- (ii) The applicant (or their representative)
- (iii) Other persons (or their representative)
- (iv) Members of the Sub-Committee

Other Persons Case(s)

16. Each of the other persons or their representatives wishing to address the Sub-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. Other Persons 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 Sub-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 persons (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 Sub-Committee on any outstanding matters.
22. The **Chairman** will then thank all those who have spoken and invite the Sub-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 Sub-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 meeting will be reconvened and **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 and the reasons for the decision (unless the Sub-Committee is unable to reach a determination at the conclusion of the hearing). Where appropriate, **the Chairman** will ask the Licensing Manager 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 Sub-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: 6th May 2014

Application for Variation of a Premises Licence

- King's Lynn Social Venue, 15 Littleport Street, King's Lynn, PE30 1PP
- Premises Licence Number WNPL009511

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. Mr Mohamed ILYAS has made an application under Section 34 of the Licensing Act 2003 to vary the premises licence for the King's Lynn Social Venue to extend the hours for the sale of alcohol and late night refreshment until 4am, add regulated entertainment and change the layout.

3. A copy of the application is attached at Appendix 1 and a copy of the current premises licence is attached at Appendix 2.

4. A summary of the proposed changes are as follows:

Licensable Activity	Current		Proposed	
Regulated Entertainment: Recorded Music (indoors only)	Monday to Sunday:	Not authorised	Monday to Sunday:	7pm – 10pm
Sale of Alcohol (for consumption on the premises only)	Monday to Sunday: New Year's Eve:	11am – 12:30am 11am – 2am	Monday to Sunday:	11am – 4am
Late Night Refreshment (Indoors only)	Monday to Sunday: New Year's Eve:	11pm – 12:30am 11pm – 2am	Monday to Sunday:	11pm – 4am

Mandatory Conditions

5. The variation application, if granted would not attract any additional mandatory conditions to those already attached to the current premises licence.

Conditions Consistent with the Operating Schedule

6. The variation application, if granted would not attract any additional conditions which are consistent with the operating schedule.

Representation from Responsible Authorities

Section 13(4) of the Act defines the 'Responsible Authorities' as the public bodies that must be sent copies of the application and are entitled to make representations.

7. The Norfolk Constabulary are objecting to the variation application under the prevention of crime and disorder licensing objective. A copy of their letter dated the 14th April 2014 is attached to this report at Appendix 3.

8. The Community Safety & Neighbourhood Nuisance Team are objecting to the variation application under the prevention of public nuisance licensing objective. A copy of their letter dated the 10th April 2014 is attached to this report at Appendix 4.

9. 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.

10. There is one objection from 'other persons' to consider and a copy of this is attached to this report as Appendix 5.

Notices

11. 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 'Your Local' newspaper on Friday the 21st March 2014 and should have been displayed on the premises until the 15th April 2014.

Plans

12. The variation application proposes a minor change to the layout and a copy of the proposed plan is attached to this report at Appendix 6. A location plan is attached at Appendix 7.

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

13. 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.

5.0 Licensing Hours

5.1 With regard to licensing hours, due consideration which will be given to the individual merits of an application. The Borough Council recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.

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

8.0 Crime Prevention

8.1 Licensed premises, especially those open late night/early morning can be a source of crime and disorder problems. The Borough Council expect operating schedules to satisfactorily address these issues, as appropriate from the design of the premises to the daily operation of the business.

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.

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

General principles

1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

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.

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder.

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly

covered and there is no subsequent dispute over the terms of the condition.

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.

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 area⁴. 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 regard 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

- 9.28 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.29 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.30 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.31 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.

- 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;
 - its 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.

Hours of trading

- 10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.12 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

Determination

15. 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 variation application under the terms applied;

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

16. The Licensing 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 - Licensing

24th April 2014

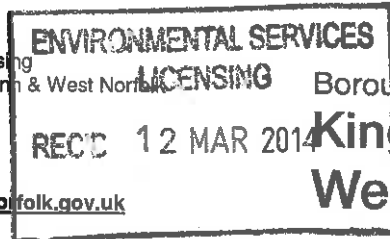
Appendixes:

1. Copy of Application.
2. Copy of Current Premises Licence (WNPL9511).
3. Norfolk Constabulary Letter of Objection dated 14 April 2014.
4. CS & NN letter of objection dated 10 April 2014.
5. Letter of Objection from 'other persons'.
6. Plan of Premises.
7. 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)

Environmental Health & Housing
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
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 to Vary 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** application to:

- **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**, 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**, 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
- **Development Services**, 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/we MOHAMED ZYAS

(insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises Licence number

NNPL009511

Part 1 – Premises Details

Name, postal address of premises or, if none, ordnance survey map reference, or description

15 Littleport Street
King's Lynn

Post town:

King's Lynn

Postcode:

PE30 1PP

Telephone number at premises (if any):

[Redacted telephone number]

Non-domestic rateable value of premises:

£

Part 2 – Applicant Details

Daytime contact telephone number:

[Redacted telephone number]

E-mail address (optional):

-

Current full postal address
(If different from premises address)

[Redacted postal address]

Part 3 – Variation

Do you want the proposed variation to have effect as soon as possible?

please ✓ yes

If not, when do you want the variation to take effect from?

...../...../.....

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

I INTEND TO INCREASE THE OPENING HRS TILL 4:00 AM (4:00 HRS) AND TO APPLY FOR GAMING MACHINES LICENSE AS WELL. THEREFORE ADDITION OF THE COUNTER BAR AREA

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

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) TV
- 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) ~~by request~~
- f) recorded music (if ticking yes, fill in box F) ~~by request~~
- 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 and M

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
Mon	11.00 AM	4.00 PM	Please give further details here (please read guidance note 3)	Both
	AM	AM		
Tue	11.00 AM	4.00 PM		
	AM	AM		
Wed	11.00 AM	4.00 PM		State any seasonal variations for performing plays (please read guidance note 4)
	AM	AM		
Thur	11.00 AM	4.00 PM		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)
	AM	AM		
Fri	11.00 AM	4.00 PM	N/A	
	AM	AM		
Sat	11.00 AM	4.00 PM	N/A	
	AM	AM		
Sun	11.00 AM	4.00 PM	N/A	
	AM	AM		

B

Films 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
Day	Start	Finish		Outdoors
Mon			Please give further details here (please read guidance note 3)	Both
Tue				
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)
Thur				
Fri				Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat				
Sun				N/A

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			N/A
Tue			
Wed			State any seasonal variation (please read guidance note 4)
Thur			N/A
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			

D

A boxing or wrestling entertainment 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	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variation (please read guidance note 4)		
Thur			N/A		
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			N/A		
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
				Both
Mon			Please give further details here (please read guidance note 3)	
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 (please read guidance note 5)	
Sat				
Sun				

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
				Both
Mon	7.00 PM	10.00 PM	Please give further details here (please read guidance note 3)	✓
Tue	7.00 PM	10.00 PM		
Wed	7.00 PM	10.00 PM	State any seasonal variation (please read guidance note 4)	
Thur	7.00 PM	10.00 PM		
Fri	7.00 PM	10.00 PM	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	7.00 PM	12.00 PM		
Sun	7.00 PM	10.00 PM		

I

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	<input checked="" type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11.00	4.00	Actually we open the cafe at 5pm onwards		
	AM	AM			
Tue	11.00	4.00	We do not open day time		
	AM	AM			
Wed	11.00	4.00	State any seasonal variation (please read guidance note 4)		
	AM	AM			
Thur	11.00	4.00	N/A		
	AM	AM			
Fri	11.00	4.00	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)		
	AM	AM			
Sat	11.00	4.00	N/A		
	AM	AM			
Sun	11.00	4.00	N/A		
	AM	AM			

Late Night Refreshment is only licensable between the hours of 11pm & 5am.

J

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	<input checked="" type="checkbox"/>
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variation (please read guidance note 4)		
Mon	11.00	4.00	As I said at the appeal we open only in the evening and for the last 4 months we are trading very quietly		
	AM	AM			
Tue	11.00	4.00	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)		
	AM	AM			
Wed	11.00	4.00	N/A		
	AM	AM			
Thur	11.00	4.00	N/A		
	AM	AM			
Fri	11.00	4.00	N/A		
	AM	AM			
Sat	11.00	4.00	N/A		
	AM	AM			
Sun	11.00	4.00	N/A		
	AM	AM			

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)			
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						

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	Indoor		
Day	Start	Finish		Outdoor		
Mon			Please give further details here (please read guidance note 3)			
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						

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 7)

We only open in the evening mostly we cater for friends and family we do not get any children, but they are well protected. We have CCTV in operation smoke alarms and emergency light system and proper fire escape, our business very quiet no noise or no high music only TV channels and very soft music.

L

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	1100	430	N/A
	AM	AM	
Tue	"	"	
	"	"	
Wed	"	"	
	"	"	
Thur	"	"	
	"	"	
Fri	"	"	
	"	"	
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)

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation

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

I WILL TAKE ALL THE NEAS
WGS TO KEEP THE PLACE QUIET
WITHOUT DISTURBING ANY NEIGH
BOURHOOD ETC.

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

WE GOT CCTV CAMERA IN
PLACE IT RECORDS & MONITOR
24HRS ETC.

c) **Public safety**

IT'S VERY FAMILY ENVIRONMENT
NO NOISE OR MUSIC OR DANCE
WE MONITOR ALL CUSTOMERS
PERSONALLY

d) **The prevention of public nuisance**

WE DO HAVE ZERO TOLERANCE
POLICY. WE TRAIN & MONITOR
THE CUSTOMERS. I PERSONALLY
WORK TOGETHER WITH AUTHORITIES
POLICE & LICENSING TEAM.

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

MOSTLY WE OPEN LATE
AROUND 6 PM WE DO NOT
GET ANY CHILDREN AT ALL
AND ALSO WE MONITOR ALL THE
CUSTOMERS IN ALL ASPECT.

Checklist

Please tick/yes


- 1 I have made or enclosed payment of the fee. Cheques should be made payable to 'BCKLWN':
- 1 I have enclosed two sets of plans of the premises (only applies if the variation changes the layout):
- 1 I have sent you the original application and copies including the plan to the 'responsible authorities' (details on front page):
- 1 I will send / I enclose my Certificate of Service:
- 1 I understand that I must now advertise the application both in a newspaper and on the premises:
- 1 I will send / I enclose the Certificate of Display:
- 1 I will send a copy of the advert once it has appeared in the newspaper
- 1 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 of crime and detection of fraud. Further information relating to your rights under the Data Protection Act can be sent to you on request.

Part 5 – Signatures (please read guidance note 10)

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: 5.3.14
Capacity: PROPRIETOR

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:

Licensing Act 2003
Premises Licence

WNPL009511

LOCAL AUTHORITY

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



Borough Council of King's Lynn &
 West Norfolk
 Licensing Department
 King's Court
 Chapel Street
 King's Lynn
 Norfolk
 PE30 1EX
 Tel: 01553 616200
 Fax: 01553 691663

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Kings Lynn Social Venue

15 Littleport Street, Kings Lynn, Norfolk, PE30 1PP.

Telephone 01553 767202

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	12:30am
	New Years Eve	11:00pm	2:00am
J. Supply of alcohol for consumption ON the premises only	Monday to Sunday	11:00am	12:30am
	New Years Eve	11:00am	2:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday	10:00am	1:00am
New Years Eve	10:00am	2:30am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only



NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mohamed Ilyas

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mahmut HARPUT

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. 06/00422PERS

Issued by Norwich

DATE ORIGINALLY ISSUED:

DATE OF LAST CHANGE:

13/12/2013

13/12/2013



ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

1. Under Section 19(2) of the Licensing Act 2003, 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.
2. Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. 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.
4. 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).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. 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.
7. 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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

8. A digital CCTV system shall be maintained at the premises which is capable of recording images for a continuous period of at least 28 days. Images must be capable of being downloaded in digital format upon reasonable request from representatives of the Police or the Licensing Authority. All staff on duty at the premises must be trained in the use of the system and be able to comply with any such request. The system will be maintained in good working order at all times. A CCTV monitor will be positioned so that a member of staff will be capable of seeing images from the cameras.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

N/A - No hearing held

ANNEX 4 - AUTHORISED PLANS

Attached





C O N S T 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: 14 April 2014

Ref: TG/Lic:

Norfolk Constabulary Licensing Team
4th Floor, Vantage House
Fishers Lane
Norwich
Norfolk
NR2 1ET
Tel: 01603 276093
Fax: 01603 276025
Email: grovera@norfolk.pnn.police.uk
www.norfolk.police.uk
Non-Emergency Tel: 101

Dear Licensing Team,

Application under the Licensing Act 2003

Premises: Kings Lynn Social Venue, 15 Littleport Street, Kings Lynn. PE30 1PP

Name of applicant: Mohamed ILYAS

Type of application: Variation of 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:

This application refers to a request from the Licence Holder to extend the licensable hours for Late Night Refreshment and the Sale of Alcohol at the venue to 04.00 hours on each day. Currently licensing hours for licensable activities finish at 00.30 hours with the premise being closed to members of the public at 01.00 hours. This would amount to a significant extension of the hours to which the Police would be opposed. This venue is predominantly seen to be within a residential area immediately adjacent to the town centre.

The reason for the opposition is due to the fact that Kings Lynn Social venue is situated at the bottom of Norfolk Street a couple of hundred metres away from the main part of Norfolk Street which has numerous late night clubs, bars and takeaway shops. The clubs and bars are normally closed at the weekends by 03.00 hours and the takeaways by 04.00 hours. Littleport Street is a main route out of the town centre and the fear of the Police is that if this application were granted it would soon become widely known that there is a late night drinking venue available within 5 minutes' walk of the hub of the night time economy and that it would attract numerous persons already suffering from the effects of intoxication and wishing to extend their drinking time. This would increase the risk of noise disturbance and alcohol fuelled crime and disorder occurring and that would have a detrimental effect on the local and wider community.

Having spoken to the applicant he is keen to point out that this application has been submitted in

an attempt to cater for his present late night customer client base which mainly consists of persons who are from the Turkish community who wish to take advantage of events screened from Turkey late at night (taking into account the time difference) as is occasionally permitted now. Also to play cards and drink as is their tradition. He is keen to point out that since this venue has been subject to the current licence permissions there has been no trouble at the venue. This fact is not in dispute. There is the fear that trouble will come looking for him and not the other way round. He accepts this possibility and is aware of issues concerning drunken persons. He admits that even now there is often the need to clear up nearby doorways, etc. after persons leaving the town centre at the weekends use these areas as toilet facilities.

The Police would accept some compromise to the application in the following terms:

- An amendment of the extension to all the licensing hours requested to no later than 02.00 hours on each day with the exception of the sale of alcohol which will not be permitted any later than 01.00 hours on any day.
- An amendment to the hours that the premises is open to the public showing that the premises will be closed no later than 02.30 hours on each day.
- That there will be a Condition of “No Entry or Re-entry” to the premises after 01.00 hours on any day.
- To account for the amendments above notices will be clearly displayed at the entrance to the premises (both inside and outside) informing customers of the condition of entry / re-entry as described and the fact that there will be no sales of alcohol after 1am on any day.

If these amendments are accepted the Police would suggest that the venue would not be attractive to unwarranted custom and intrusion as feared.

Consideration as to the possible requirement for door staff to be present at the weekends, Christmas Eve, New Year’s Eve and Bank Holidays to deter any crime and disorder that may be associated with the extension of licensing hours has not been put forward at this time, only because of the small size of the venue and its previous good history. It may however be a matter the Licensing Committee may consider if they were minded to grant the licence as applied for.

If the applicant(s) feels they are unable to agree with the amendments, please consider this as an objection to the application.

N.B. *The Police are mindful that there has already been an objection to this application submitted by the Environmental Health Noise Nuisance Team objecting to this application. The Police would not be in a position to argue with their concerns regarding this application and would accept that their representation carries greater weight in this case.*

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 amendments 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:

Mohamed ILYAS



Name of Premises:

**Kings Lynn Social Venue,
15 Littleport Street,
Kings Lynn.
PE30 1PP**

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 14/04/14 **Ref: TG/Lic**

In connection with the application for the premises shown above I(we) agree to the amendments & condition(s) given at 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.....

Your ref:
Our ref: AJF
Please ask for: Alison Demonty
Direct dial: (01553) 616448
Direct fax: (01553) 773026
E-mail: alison.demonty@west-norfolk.gov.uk

Appendix 4 to
Report to Licensing Sub-Committee
Re: King's Lynn Social Venue
Dated 24th April 2014

Head of Environmental Health and Housing
Andy Piper

Mr Mohamed Ilyas

Environmental Health and Housing

10th April 2014

Dear Mr Ilyas

**Application to Vary a Premises Licence: Kings Lynn Social Venue
Address of Premises: 15 Littleport Street, Kings Lynn PE30 1PP**

I have viewed your application made under the Licensing Act 2003 to vary the Licence in respect of the above premises.

Having considered the application and discussed with you by telephone, I would like to confirm that I have concerns over the application made for recorded music and extension of hours for late night refreshment and supply of alcohol.

The prevention of public nuisance

Due to the very close proximity of residential properties located above and around the Kings Lynn Social Venue, there is the potential for public nuisance from general use of the premises and from any recorded music that may be played within the premises, other than that which is incidental to the current use i.e. background music.

There is potential for a nuisance to arise in the form of people talking and shouting within and immediately outside the premises from patrons entering, leaving and smoking outside the premises, all of which can be difficult to control when residential properties are in very close proximity. I feel that the hours permitted within the current licence for Supply of alcohol and Late night refreshment is sufficient for the location and nature of the venue and I have concern that any extension of such may give rise to complaint. Noise late in the evening/early morning can cause more disturbance than noise during the day as it can affect people's sleeping patterns.

I would also point out that this premises has previously been subject to a Noise Abatement notice served under the Environmental Protection Act 1990 in relation to amplified music and it is my opinion that this venue is not currently suitable for any type of recorded music and/or regulated entertainment other than music that is incidental to the current use, i.e. background music. You have advised me verbally that only background music/TV noise is intended therefore the proposed hours for the playing of



recorded music (section F) is not required as part of your Licence application and I would ask that you provide the Licensing Team with clarification of your intentions.

It should be noted that regardless of any permissions within the Premises Licence (including the use of incidental music), the Local Authority, on receipt of a complaint regarding noise of any type arising from the premises, are duty bound to investigate under the Environmental Protection Act 1990.

Based on the reasons given in respect of this application, please accept this letter as a formal **objection**.

Should you have any queries or wish to discuss the matter further, please do not hesitate to contact me and I will be happy to clarify any points raised or offer advice for future applications.

It may be possible that improvements can be made to the structure of the building which would assist in preventing the transmission of noise but professional advice must be sought on this matter should you wish to consider this in future.

Yours sincerely

Alison Demonty
Community Safety & Neighbourhood Nuisance Officer
Community Safety & Neighbourhood Nuisance

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

3 APRIL 2014

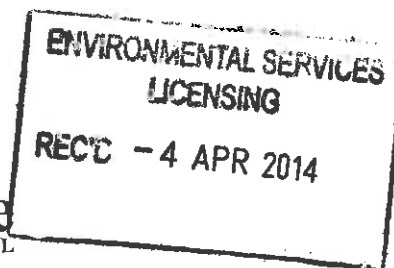
3 ARCHDALE ST
KING'S LYNN
JOHNFILOWIAT@FSMAIL.
NET

ALCOHOL LICENSE FOR
'KING'S LYNN SOCIAL VENUE'
I OBJECT TO A 4AM
EXTENSION FOR THE FOLLOWING
REASONS:-

- 1/ NEXT TO A CARE HOME.
- 2/ OPPOSITE RESIDENTIAL
PROPERTIES.
- 3/ NEAR KETTLEWELL LANE
PARK.



Registered Charity no. 1042125

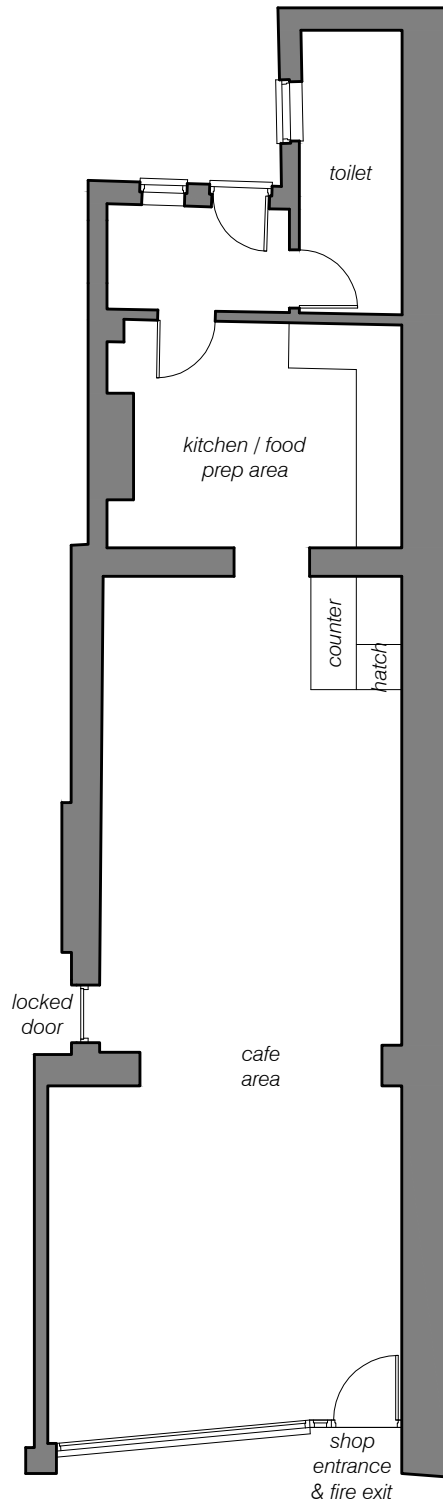


PEOPLE STOOD OUTSIDE THE
SAID VENUE IN THE EARLY
HOURS TALKING & MAKING
NOISE WHILST SMOKING &
UNDER THE INFLUENCE IS
NOT GOING TO HELP THE
RESIDENTS OF THE CARE
HOME NEXT DOOR IS IT?

WE HAVE ENOUGH
PROBLEMS WITH ANTI-SOCIAL
DRINKING, DRUG DEALING AND
PROSTITUTION IN KETTLEWELL
CANE PARK AS IT IS,
THIS WILL NOT HELP THE
AREA.

WHO IS THIS 'VENUE'
AIMED AT? CERTAINLY
NOT LOCALS LIKE ME.

YOURS SINCERELY
JOHN FILOWIAT



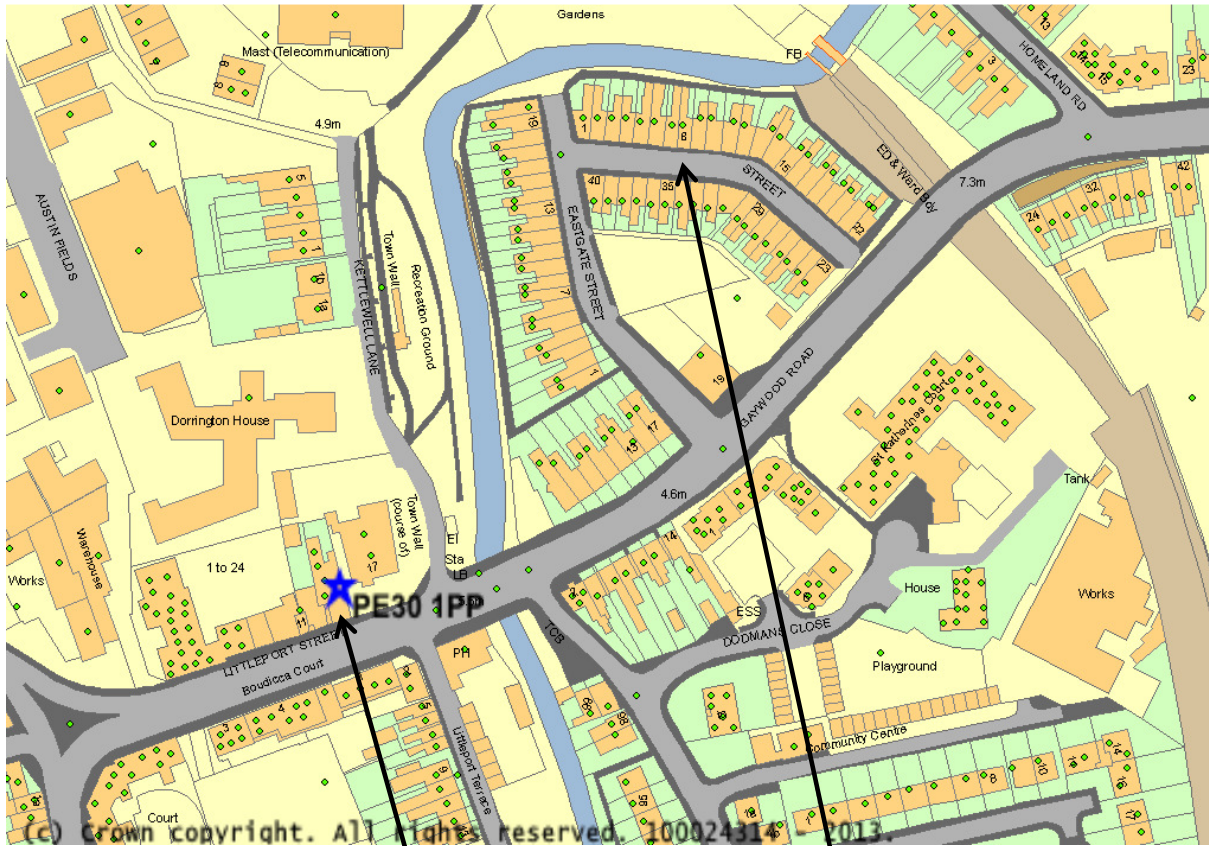
Ground Floor Plan

Scale 1:100

Revision A 15/04/2014

King's Lynn Social Venue
15 Littleport Street
King's Lynn
Norfolk
PE30 1PP

Location Plan – King's Lynn Social Venue



Scale:
Approx 25m

King's Lynn Social Venue

Archdale Street