

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



Licensing Sub- Committee Hearing

Agenda

Friday, 20th January, 2017
at 10.00 am

in the

**Committee Suite
King's Court
Chapel Street
King's Lynn
PE30 1EX**



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King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200
Fax: 01553 691663

Tuesday 10th January 2017

Dear Member

Licensing Committee

You are invited to attend a meeting of the above-mentioned Sub Committee which will be held on **Friday, 20th January, 2017 at 10.00 am** in the **Committee Suite, King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX** to discuss 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. **Declarations 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.
4. **To consider a variation application for the Lynn Arms, Syderstone**

- a) **Procedure which will be followed at the Hearing** (Pages 5 - 7)
- b) **Report of the Licensing Manager** (Pages 8 - 51)

To:

Licensing Committee: Councillors Miss L Bambridge, D Tyler and A White

Officers:

John Gilbraith, Licensing Manager
Cara Jordan, Legal

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: 20th January 2017

Application for Variation of a Premises Licence

- Lynn Arms, The Street, Syderstone, King's Lynn, PE31 8SD
- Applicant – Abstract Developments Limited

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. Abstract Developments Limited has made an application under Section 34 of the Act to vary the existing premises licence to extend the hours as shown on the table below. A copy of the current premises licence is attached at Appendix 1 and a copy of the variation application is attached at Appendix 2.

<u>Licensable Activity</u>	<u>Days</u>	<u>Times</u>	
		<u>Current</u>	<u>Proposed</u>
Regulated Entertainment* (Plays & Films)	Monday to Sunday	Not authorised	12pm – 11pm
(Recorded Music)	Monday to Saturday Sunday	8:30pm – 11pm	8am – 11pm 8am – 10:30pm
(Live Music)	Sunday to Monday Tuesday to Friday Saturday	8:30pm – 11pm	12pm – 10pm 8pm – 11pm 12pm – 11pm
(Performance of Dance)	Monday & Saturday Tuesday to Friday Sunday	8:30pm – 11pm	12pm – 11pm 8pm – 11pm 12pm – 10:30pm
Sale of Alcohol by Retail (for consumption both 'on' and 'off' the premises)	Monday to Saturday Sunday	10am – 11pm 12pm – 10:30pm	7am – 2am 7am – 2am
Late Night Refreshment	Monday to Sunday	Not authorised	11pm – 2am

*Regulated entertainment consisting of plays and performance of dance may be offered without a licence provided it is offered between 8am and 11pm before an audience of no more than 500. Recorded music and live music can be offered during the same hours without a licence with the additional caveat that the bar must be open for the consumption of alcohol on the premises.

Mandatory Conditions

3. The Act specifies a number of 'mandatory' conditions that must be attached to a premises licence when certain activities are authorised e.g. sale of alcohol, films or the requirement for door staff. The premises licence (Appendix 1) shows the current mandatory conditions and the proposed variation has identified the following additional mandatory condition:

- a) Under Section 20 of the Licensing Act 2003 the admission of children to the exhibition of any film shall be restricted in accordance the recommendation made by the British Board of Film Classification (BBFC) or if not classified by the BBFC admission is to be restricted in accordance with any recommendation made by the Borough Council of King's Lynn & West Norfolk.

Conditions Consistent with the Operating Schedule

4. Conditions consistent with the operating schedule are those conditions already on the licence or identified from the application. Should the application be approved, the following additional conditions will be attached to the premises licence:

- a) 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.
- b) Prominent signs shall be displayed at the premises reminding customers to be respectful to neighbours when leaving the pub.
- c) The premises shall operate a Challenge 25 age verification policy.

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.

5. There are no representations from any of the 'responsible authorities' to consider. Namely:

- Norfolk Constabulary;
- Norfolk Fire Service;
- Norfolk Trading Standards;
- Norfolk Safeguarding Children's Board;
- Public Health;
- Planning (BCKLWN);
- Community Safety & Neighbourhood Nuisance (BCKLWN);
- Environmental Health (BCKLWN);
- Licensing Authority (BCKLWN).

Representations from ‘Other Persons’

As well as the 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.

6. There are six representations from ‘other persons’ to consider. Copies of these representations are attached to this report at Appendix 3.

Notices

7. The applicant is responsible for advertising the application by way of a notice in a specified form at the premises for not less than 28 consecutive days and in a local newspaper on at least one occasion. The Public Notice appeared in the Dereham & Fakenham Times on Thursday the 8th December 2016 and should have been displayed on the premises up to and including the 23rd December 2016.

8. In accordance with the Licensing Act (Hearings) Regulations a notice of the application was also published on the Borough Council’s website for the duration of the consultation period.

Plans

9. A plan of the premises is attached at Appendix 4 and a location map is attached at Appendix 5.

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 26th November 2015 and the following extracts may be relevant to this application and assist the Licensing Sub-Committee:

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 other person, 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.
- 3.5 Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. The Borough Council, in addressing this matter, will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 3.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy throughout the borough.

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 could 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.

17.0 Conditions

- 17.1 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 other persons, 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 appropriate 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 March 2015 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:

Licensing Objectives and Aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

Licence Conditions – General Principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will”, is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;

- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public nuisance

2.14 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.

2.15 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 may 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.

- 2.16 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 persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 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.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 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, or that, if they wish to smoke, to do so at designated places on the

premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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 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.

Hearings

9.31 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.

9.32 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.

9.33 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.

- 9.34 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.
- 9.36 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.
- 9.37 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.
- 9.38 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. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.
- 9.39 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

- 9.41 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.
- 9.42 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.
- 9.43 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. While 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

Imposed Conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

Proportionality

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

Determination

12. Having regard to the representations received, the Licensing Sub-Committee are requested to consider the variation 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 under the terms and conditions applied;
- b) To grant the variation 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 their decision must be given as both the applicant and persons making representations have a right of appeal against that decision to the Magistrates' Court.

John Gilbraith

Licensing Manager
Environmental Health - Licensing
10th January 2017

Appendix:

1. Copy of Current Premises Licence
2. Copy of Application.
3. Letters of Objection from 'Other Persons'
4. Premises Plan
5. Location Map

Background Papers:

1. The Licensing Act 2003
2. Borough Council's Statement of Licensing Policy (26 November 2015)
3. Guidance issued under Section 182 of the Licensing Act 2003 (March 2015)

LICENSING ACT 2003 PREMISES LICENCE

LICENSING AUTHORITY

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



Environmental Health – Licensing
 Kings Court
 Chapel Street
 Kings Lynn
 Norfolk
 PE30 1EX
 Tel: 01553 616200
 Fax: 01553 691663
 Web: www.west-norfolk.gov.uk
 Email: ehlicensing@west-norfolk.gov.uk

Part 1 – Premises Details

Lynn Arms

The Lynn Arms
 The Street
 Syderstone
 King's Lynn
 Norfolk
 PE31 8SD

Telephone Number:

01485 578446

Where the Licence is time limited the dates:

Not applicable

Licensable Activities authorised by the licence:

the sale of alcohol by retail
 a performance of live music
 similar to live, recorded music & dance
 a performance of dance
 any playing of recorded music

The times the licence authorises the carrying out of licensable activities:

the sale of alcohol by retail

Description	From To
Monday to Saturday	10:00 - 23:00
Sunday	12:00 - 22:30

Non-Standard Timings

Christmas Day: 12:00-15:00, 19:00 - 22:30, Good Friday: 12:00 to 22:30. New Year's eve: 24 Hours

a performance of live music (Indoors)

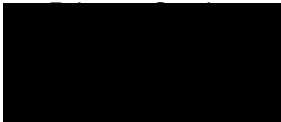
Description	From To
Monday to Saturday	20:30 - 23:00

similar to live, recorded music & dance (Indoors)

Description	From To
Monday to Saturday	20:30 - 23:00

a performance of dance (Indoors)	Description	From To
	Monday to Saturday	20:30 - 23:00
any playing of recorded music (Indoors)	Description	From To
	Monday to Saturday	20:30 - 23:00
The opening hours of the premises:		
Monday to Sunday	24 Hours	
Where the licence authorises supplies of alcohol whether these are on and /or off supplies:		
Alcohol is supplied for consumption both ON and OFF the Premises		

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:	
Abstract Developments Ltd 55 Princes Gardens, Peterborough, Cambridgeshire, PE1 4DP,	
Registered number of holder, for example company number, charity number (where applicable)	
6547503	
Name address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:	
Mr Jake Leftley-Gynn 	
Personal Licence number and issuing authority of Personal Licence held by Designated Premises Supervisor (where the premises authorises for the supply of alcohol):	
Personal licence Number: Licensing Authority:	Licence Number: 073807 Licensing Authority: Peterborough
Manager Environmental Health (Commercial)	
Original Issue date of Premises Licence: 18th October 2005	
Date of last change: 3rd November 2016	

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. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (d) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The 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 either a holographic mark, or an ultraviolet feature.
6. The responsible person must 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:
 - (a) beer or cider: ½ pint;

- (b) gin, rum, vodka or whisky: 25ml or 35ml; and
- (c) still wine in a glass: 125ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7.A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; 'permitted price' is the price found by applying the formula - $P = D + (D \times V)$ where; P is the permitted price; D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol. A 'relevant person' means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence. 'Value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

8.The above restrictions in relation to the supply of alcohol do not prohibit:

- a)during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- b)the sale or supply of alcohol for consumption on the premises or the taking of alcohol from the premises by any person residing there;
- c) the ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered;
- d) the sale of alcohol to a trader or club for the purposes of the trade or club;
- e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- f)the taking of alcohol from the premises by a person residing there;
- g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

9.The maximum number of people (including staff etc.) permitted to be in the area identified on the plans for regulated entertainment at any one time is: 50 (only applies when regulated entertainment is taking place).

10.The Borough Council of King's Lynn & West Norfolk's Terms, Conditions and Restrictions for Public Entertainment Licences dated March 1999.

11.Authorised regulated entertainment applies to indoors only.

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING

No hearing was required.

ANNEX 4 – AUTHORISED PLANS

As attached.

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Colin

* Family name

Leftley

* E-mail

thelynnarms@outlook.com

Main telephone number

Include country code.

Other telephone number

01485 578446

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

- Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

6547503

Business name

Abstract Developments Ltd

If your business is registered, use its registered name.

VAT number

- 184211034

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

7,000

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your 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.

Planning Permission granted this year by Kings Lynn and West Norfolk Planning Department for conversion of upstairs rooms to Bed and Breakfast accommodation. This will support the pub in sustaining itself within a rural village location alongside providing a valuable amenity for the village, wider community and tourists visiting the area. Building Regulations approval attained, (10/06/16) and we are in the process of starting refurbishment of the upstairs accommodation in addition to having the roof replaced.

The Lynn Arms has a small traditional bar on the ground floor with an additional dining/ function room where the pub kitchen is also located. The pub is an old building that has in the last two years been sympathetically renovated to enhance its character. The pub is located in the centre of Syderstone, surrounded by a mix of old and more modern housing. The pub has a courtyard area and grassed garden area.

The pub is traditional and characterful, and we aim to appeal to a wide range of people. We are family, children and dog friendly, welcome walkers and alongside regular drinkers aim to attract visitors to the area. We are supportive of other businesses for example on a Thursday Night the local Fish and Chip van parks outside the pub and we welcome people to eat their fish and chips in the pub. We have an Open Mic Music Night once a month, Live Music on Saturdays, and this year our first Beer and Music Festival which was a success and will be a regular yearly event.

We want to make the pub a welcoming place as part of the community, and diversify as much as we can to sustain the pub.

We have refurbished our kitchen and plan to start providing food again in the New Year; breakfast, lunch and dinner.

As a local pub we have enormous support from the local community, are a source of employment for local people and an essential meeting place for everyone.

Continued from previous page...

We are very strict on behaviour, and have high expectations of anyone using the pub to ensure that it remains a friendly and welcoming place for everyone.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Start

End

Will the performance of a play take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Provide further details here.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

We are considering the performance of occasional plays; more especially during the spring/summer months and these would likely be amplified.

State any seasonal variations for performing plays.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As above; during the spring/summer months.

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

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Start	<input type="text"/>	End	<input type="text"/>

Will the exhibition of films take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We are considering the performance of occasional films; more especially during the spring/summer months and these would likely be amplified.

State any seasonal variations for the exhibition of film.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As above; during the spring/summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS 28

Continued from previous page...

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

We are supportive of musicians who appreciate having a venue to play and perform and our weekly live music on a Saturday is popular. Live music takes place in the pub apart from during hotter weather when it is performed outside. We are strict about cut off times and ensure that windows are closed during the winter months and to date have not had any complaints from neighbours to the pub. Music is normally amplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As above; during the spring/summer months weather permitting outside.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Bank Holiday Mondays, Christmas Eve, New Years Eve.

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Will the playing of recorded music take place indoors or outdoors or both? Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Although BOTH selected outside music would only be for short periods on selected days and amplification would be low.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Outside music more likely during summer months when the courtyard area of the pub is being used. During the inclement season limited use of the courtyard area.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve and New Years Eve.

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

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End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the performance of dance take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Dancing to live or recorded music. Music likely to be amplified.

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Outside dancing likely in Spring/Summer months; occasionally occurring.

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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Continued from previous page...

SUNDAY

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End

Provide a description of the type of entertainment that will be provided.

We are considering hosting event evenings: we would get an expert in their field to come and give a talk in the pub.

Will this entertainment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for entertainment.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

More likely to be within spring/summer months.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

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End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Provision of refreshments to customers using the Bed and Breakfast facility.
Provision of breakfast to non staying customers from 8am onwards.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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Continued from previous page...

SUNDAY

Start

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Start

End

Will the sale of alcohol be for consumption?

- On the premises
- Off the premises
- Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve and New Years Eve

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

No nudity, semi nudity, or gambling machines on the premises. If a film for restricted age groups was shown this would be promoted as such, and staff would take steps to ensure that this was adhered to.

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

TUESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Public House.
Provision of Bed and Breakfast accommodation.
Provision of meals; breakfast, lunch and dinner.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Unable to attach all four parts but will attach the first page to this application and email the remaining three pages.

Section 16 of 17

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The ethos of the pub is to provide a warm, safe and welcoming place that will appeal to everyone. Having this goal requires us to be very mindful of ensuring that all four licensing objectives are all met, as just one element missing will have a catastrophic effect on that goal.

Staff and Management at The Lynn Arms operate a proactive and preventative approach in managing all four objectives, with good communication at all times, regular debriefs and meetings, training to ensure knowledge and skills are supported and a clear understanding of The Licensing Act 2003 is held in respect to the sale of alcohol and the responsibilities held.

b) The prevention of crime and disorder

Clear policies are in place to ensure that staff are equipped to manage the emergence of difficult situations, and know how to manage them to ensure risks are minimised.

Staff understand the different types of support that are available and when to escalate.

The Lynn Arms design and layout enables staff to have clear views of the pub, security provision is in place; security alarms, private areas locked, CCTV in place and good lighting inside and outside of the pub. A Premises Risk Assessment is in place and measures have been introduced to prevent, manage and address risk. Special events held at the pub involve additional Risk Assessments being completed. Staff are aware of the risks of overcrowding, drug and alcohol misuse and clear guidance is in place to ensure that problematic behaviours are addressed at the earliest opportunity.

c) Public safety

Public safety is a high priority. The pub has clear policies and procedures in place to minimise risks, deal with problematic behaviours, identify problematic behaviours before they escalate, share information as part of a team and also understand the role of others such as the police. The pub is strict about expectations of customers and operates zero tolerance in respect to behaviour, underage drinking, excessive drinking, alcohol and drug misuse, bullying, intimidation and

Continued from previous page...

harassment.

Staff understand the different types of support that are available and when to escalate.

A Risk Assessment has been completed to identify potential hazards within the pub and steps to take to minimise risks posed to staff and customers. First Aid boxes are located within the office, bar and kitchen area of the pub.

The pub actively manages capacity issues relating to the pub to reduce risks associated with overcrowding. Glass spillages and breakages are cleared away immediately and hazards signs used when needed.

Waste bins are in a secure locked area.

A Fire Risk Assessment is in place, with fire extinguishers and in the event of a fire information in place, and exit signs clearly identifying how to leave the building in an emergency. Emergency exit lighting is in place, along with smoke alarms (battery operated downstairs, integral system upstairs) Upstairs accommodation has all safety features in place as defined within building regulations approval. Fire equipment is regularly maintained and inspected, and the bar log burner is yearly inspected and certified as safe to use. An accident book is located in the pub office and staff are trained in fire safety along with having visual aids to determine the safe use of equipment. All electrical appliances are PAT tested on a yearly basis along with regular inspection to ensure that items are not damaged posing a potential risk. The electrical system is certified as safe. Staff operate a zero tolerance attitude towards drug and alcohol misuse and will refuse entry to persons appearing under the influence and would contact emergency services if support was required. Staff are responsible in discouraging drink driving and providing alternative means of transport such as information on taxi companies.

d) The prevention of public nuisance

We are respectful of our neighbours and take great steps to ensure that we do not have a negative impact on others. Signs clearly state customers are expected to leave the pub quietly and we readily intervene when further support and guidance is needed. Staff levels enable us to monitor customer behaviour and we have an on call management rota to ensure further support is quickly available if needed.

Staff understand the different types of support that are available and when to escalate.

The pub has a Noise Management Policy in place ensuring that windows are closed when music is performed, customers are encouraged to leave the pub quietly, windows are double glazed and doors remain shut during noisy periods.

Musicians cease playing at 10.30pm apart from New Years Eve. Staff actively manage high risk periods such as end of the evening to ensure customers quietly leave the building and pub area. The outside area of the pub is checked daily for rubbish to ensure that public areas are kept clean and tidy. Deliveries to the pub occur during social hours, and waste is not collected before 7.30am once a fortnight. External lighting is switched off at night.

e) The protection of children from harm

We are a child friendly pub and regularly assess the pub environment to ensure its safety for children. Staff are confident in managing difficult situations, and understand the importance of ensuring that children are safeguarded from harm. Staff will intervene if they identify children at risk of harm from others or with parents not providing adequate supervision. Staff will challenge underage drinking and adhere to the Challenge 25 policy to ensure that all steps are taken to minimise the risk of underage drinking.

Staff understand the different types of support that are available and when to escalate.

The pub has a Policy detailing measures to protect children from harm.

Children are not allowed in the pub unless accompanied by an adult, and at times when required, access to the pub will be restricted to children; for example age restricted films and entertainment of an adult nature.

The pub clearly documents all occasions when an age challenge is made.

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00

Continued from previous page...

Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/kings-lynn-and-west-norfolk/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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THE LYNN ARMS GUIDANCE POLICY ON PUBLIC NUISANCE; MANAGING NOISE, ODOUR, LITTER WASTE, STREET FOULING AND LIGHT POLLUTION

WHAT IS PUBLIC NUISANCE

Public nuisance is a broad concept, which concerns how the activity of one person (or business) affects the rights of another, for example; how noise from playing music interferes with another person's right to sleep. The degree to which activities are likely to cause public nuisance will depend on a number of factors, including:

- The time of day/night when the activities take place
- How frequently they take place
- How near they are to other people and premises that may be affected
- The design, structure and layout of the premises
- How well the activities are managed

This guidance policy reflects the Licensing Policy, and concentrates on four specific areas associated with licensed premises that need to be addressed in order to prevent public nuisance:

1. noise
2. odour
3. litter, waste and street fouling
4. light pollution

As well as routine activities, temporary or one-off events such as parties, festivals and bank holiday arrangements could require greater management control and a further assessment of any risks posed.

NOISE CONTROL

Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity, will be under your direct control. Indirect noise, such as that from vehicles and customers coming to and from the premises may not be under your direct control, but you can strongly influence it.

Typical noise sources include:

- Sound amplification systems and entertainment in general
- Ventilation and air-conditioning units
- Chiller-units and beer pumps
- Handling of barrels, kegs, cylinders and bottles outside
- Vehicles, including taxis, customer and delivery vehicles
- Customers, both inside and outside the premises
- Outdoor play areas and beer gardens

Noise Control - what you need to do

You need to take all reasonable steps to:

- Ensure noise is not audible at sensitive locations such as neighbouring houses.
- Ensure noise does not cause unreasonable disturbance to the wider public, such as passers-by and people using public facilities.

Greater control measures are needed for events that operate late at night after 11pm for example New Years Eve.

Within the premises you must:

- Keep windows, doors etc closed during live music performances – NB: for health and safety reasons it is very important to ensure the premises are properly ventilated and access to emergency exits is not restricted.
- Keep speakers inside the premises, and do not position them near to openings such as doors or windows. The exception to this would be during an occasional outside music event during the summer months.
- Do not deliberately play or direct music outside the premises as a means of attracting customers.

At the noise source we can:

- If needed play sound amplification systems through a sound limiting device.
- If needed use in-house speakers rather than artist speaker systems.
- Provide sound insulated enclosures to external plant and machinery.
- Provide sound insulation to ventilation ductwork and outlets.
- Use rubber matting and handling aids for the movement of barrels, cylinders, bottles etc.
- Restrict activities that will create noise such as moving tables and barrels to sociable hours and NOT late at night.

In addition we must:

Ensure all staff and artists understand our noise control requirements. Live Music performances must finish by 10.30pm.

Stop the playing of any type of music towards the end of an event and allow customers' hearing to adjust before they leave the premises which will mean they

are more likely to be quieter as they leave.

We must use outdoor areas at reasonable times and not remove waste and bottles late at night.

We must use signs requesting customers and staff to be quiet when leaving the premises. Noisy customers MUST be asked to leave the premises quietly. Staff to escalate any problematic situation by involving management and the emergency services if required.

We must designate a specific taxi firm for staff and customers to use and ensure that taxi drivers do not use the vehicle horn to attract attention.

We must arrange for deliveries to be made at reasonable times.

We must carry out regular monitoring checks to ensure noise is being adequately controlled.

We must take all noise complaints seriously and act upon them ASAP. At all times management need to be provided with the details of the complaint.

It is the responsibility of all staff at The Lynn Arms to manage noise levels and ensure that we do not have a negative impact on the community. Please seek advise from management if needed.

Please note: Employers have a duty under Health and Safety law to protect their employees from hearing damage caused by excessive noise. Bar staff and others working in areas where loud amplified music is played are particularly at risk. Staff to raise any concerns about sound levels with management ASAP.

ODOUR CONTROL (Offensive smells)

The main sources of odour from licensed premises are waste and bottle storage areas, drainage systems, and discharged air from kitchen extraction systems.

Most commercial kitchens will require a mechanical extraction system, and the type and size will depend on the size of the cooking facility, type of food prepared and type of cooking appliances used. The Lynn Arms has a mechanical extraction system in place.

WE MUST:

- Ensure noise from the fan housing does not cause a nuisance to others.
- Have in place an effective and regular programme of cleaning and maintenance.

Controlling odour from waste and bottle storage areas is entirely down to good management practice which involves:

- Using sealed waste bins big enough to hold all waste and which can be thoroughly cleaned.
- Ensuring waste is collected on a regular basis by a reputable/licensed waste carrier. At The Lynn Arms BACO WASTE collect fortnightly at a minimum.
- Screening waste storage areas from sight and making sure the area can be properly cleaned and has adequate drainage.

WE MUST ensure a regular cleaning programme for all storage areas and waste bins

Odour comes from blocked and inadequately vented drainage systems, so it is important to:

- Ensure food waste is not put into the drainage system.
- Provide a grease-trap to the drainage outlet for kitchens.
- Regularly clean grease-traps and drainage systems.
- Ensure the head of the drainage system is vented at a high level using a vent stack.

CONTROL OF LITTER, WASTE AND STREET FOULING

Licensed premises of all types can potentially cause public nuisance from litter and waste. There are a number of laws relating to proper waste collection and disposal, not least of which is the “duty of care” to ensure any waste is properly contained and controlled while in the operator’s possession, and that it is collected by a reputable waste carrier. The Licensing Act does not duplicate these laws, but we will need to apply good waste management practice in order to prevent public nuisance.

Fouling by people urinating, vomiting etc in the street could be a problem. With extended drinking hours, and possible increased alcohol consumption, the potential for such anti-social behaviour is much greater. Although the individuals concerned are ultimately responsible for these actions which in some cases can result in criminal action being taken, The Lynn Arms can take action to help prevent this happening and make our streets an attractive environment for all.

Uncontrolled litter, waste and street fouling is unsightly and can lead to a negative image of the area. It can cause offensive odour, may attract rats and insects and therefore be a public health risk, and it may cause people to slip, trip and injure themselves.

Typical examples of litter, waste and street fouling that may cause problems include take-away packaging and food dropped by customers, cigarette butts, wind-blown waste and litter from refuse storage areas, discarded and broken bottles, glasses and cans, promotional leaflets (flyers) and posters, and people who have consumed too much alcohol and urinate and vomit in the street.

WHAT WE NEED TO DO:

- Ensure effective waste disposal system is in place. (BACO once a fortnight minimum)
- Ensure there are enough storage facilities for waste to prevent any overspill from containers. Fully contained and lockable bins which can be thoroughly cleaned and kept away or screened from public areas are in place at The Lynn Arms.
- Reduce packaging to a minimum and recycle bottles, cans and other waste wherever possible. The Lynn Arms has a recycling policy in place.
- Set up a litter control plan to assess the scale of the litter problem and carry out litter patrols on a regular basis. Staff to closely monitor all areas of the pub to ensure litter is minimised. This is completed daily at a minimum at The Lynn Arms.
- Encourage customers to dispose of litter responsibly. Provide bins in the outside

area of the pub for customer use, provide doggy bags and a dog waste disposal bin.

- Arrange for the area around The Lynn Arms to be cleared of litter and fouling on a regular basis, and always at the close of business.
- Provide clean and accessible toilet facilities for customers to use.
- Challenge those who foul the area around the premises.

LIGHT POLLUTION CONTROL

Outdoor artificial lighting is used for a number of reasons, including work, recreation, security, safety, advertising, display, and to create a pleasant atmosphere where people gather socially. As many of the premises operating under the Licensing Act will use outdoor lighting late at night, it is important to ensure that it does not become a nuisance to others. Light 'spilling over' onto other property can cause annoyance, distraction and discomfort and may cause driving problems by glaring into drivers' eyes or competing with signs and other traffic signals.

WE MUST:

- Not over light an area – use lighting with an appropriate output for the required purpose. Take particular care when selecting tungsten or halogen lighting.
- Site the lighting carefully and aim the beam away from sensitive premises and transport systems. Take advantage of natural screening and barriers.
- Use high mounting positions and direct light downwards, rather than mounting it low and using horizontal light beams.
- Turn off lighting when not required.

Note: We have provided additional security lighting to poorly lit areas around The Lynn Arms in order to improve safety and deter crime.

PLEASE SIGN BELOW TO CONFIRM THAT YOU HAVE READ THIS GUIDANCE POLICY. PLEASE SPEAK TO MANAGEMENT IF YOU HAVE ANY QUERIES REGARDING THIS DOCUMENT.

NAME

SIGN

DATE

Lynn Arms, Syderstone – Other Persons

Flag	Name	Address
A	Syderstone Parish Council (Mr Brian Lloyd)	
B		
C		
D	Exempt	
E	Exempt	
F		

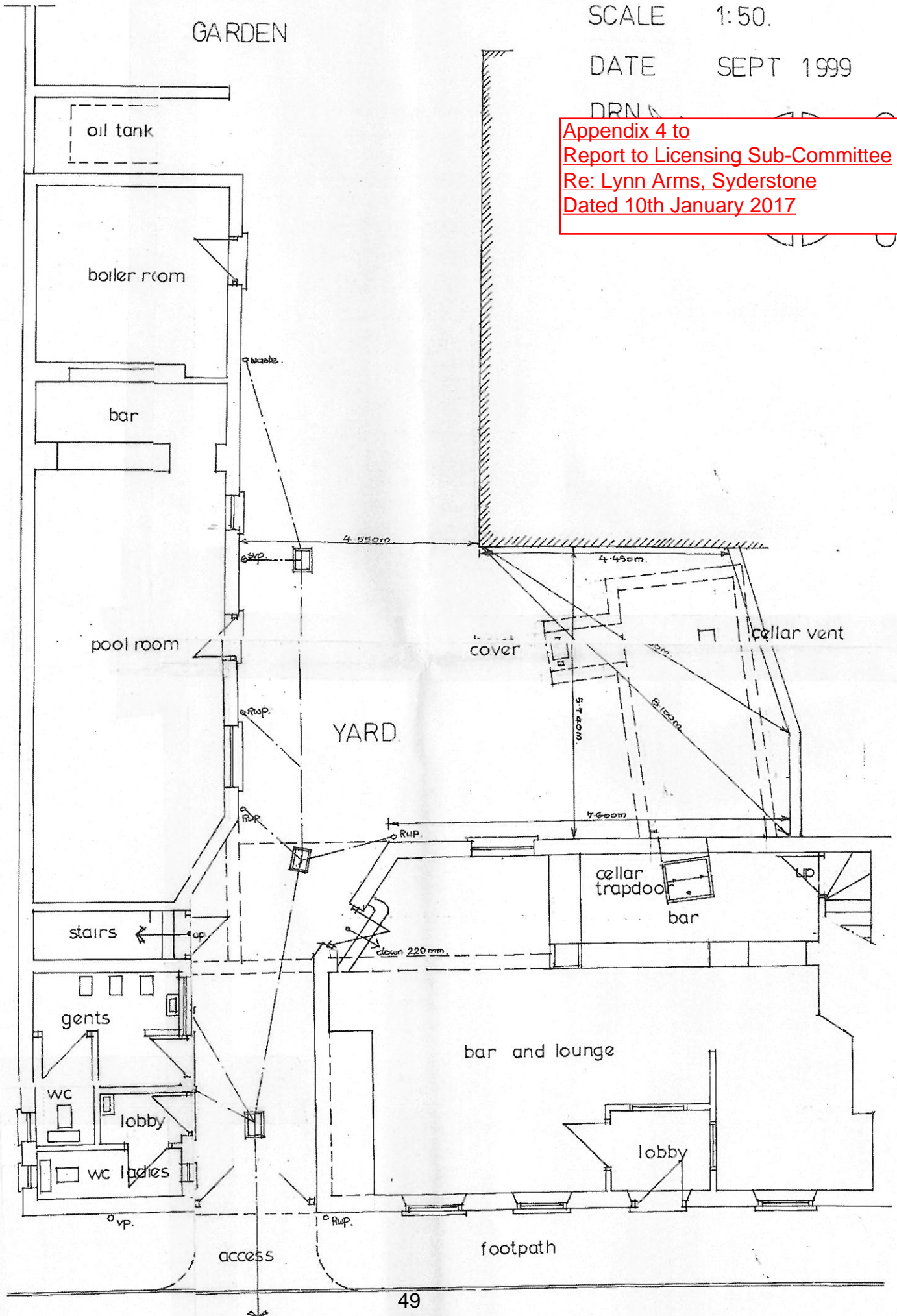
DRAWING NO 001

SCALE 1:50.

DATE SEPT 1999

DRN

Appendix 4 to
Report to Licensing Sub-Committee
Re: Lynn Arms, Syderstone
Dated 10th January 2017



Appendix 5 to
Report to Licensing Sub Committee
Re: Lynn Arms, Syderstone
Dated 10th January 2016

Lynn Arms, Syderstone – Location Map

